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Uttlesford District Council

Chief Executive: Peter Holt

Audit and Standards Committee

Date: Thursday, 28th September, 2023

Time: 7.00 pm

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

Chair: Councillor E Oliver

Members: Councillors H Asker, S Barker, G Driscoll, C Fiddy, M Foley (Vice-Chair), N Gregory, T Loveday, S Luck, D McBirnie and R Silcock

Substitutes: Councillors A Dean, B Donald, C Martin and R Pavitt

Independent Persons (Standards functions): G Butcher, D Pearl and C Wellingbrook-Doswell

Public Speaking

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AGENDA

PART 1

Open to Public and Press

- 1 Apologies for absence and declarations of interest**
To receive any apologies and declarations of interest.
- 2 Minutes of the previous meeting** 4 - 31
To consider the minutes of the previous meeting.
- 3 Code of Conduct Complaints Summary** 32 - 37
To receive the summary report regarding Code of Conduct complaints.
- 4 Previous and Current Code of Conduct Comparison** 38 - 66
To receive the previous and current Code of Conduct Comparison.
- 5 Internal Audit: Standards Complaints Processes** 67 - 79
To consider the Internal Audit on Standards Complaints processes.
- 6 Polling Districts and Places Review 2023/4** 80 - 99
To consider the Polling Districts and Places Review 2023/24.
- 7 Interim Review: Community Governance of Parishes** 100 - 107
To consider the Interim Review of Community Governance of Parishes.
- 8 Local Government Ombudsman Report 2022/23** 108 - 118
To consider the Local Government Ombudsman Report 2022/23.

MEETINGS AND THE PUBLIC

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Agenda Item 2 Public Document Pack

AUDIT AND STANDARDS COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 27 JUNE 2023 at 7.00 pm

Present: Councillor E Oliver (Chair)
Councillors H Asker, S Barker, G Driscoll, C Fiddy, M Foley, N Gregory and S Luck

Independent
Persons: G Butcher-Doulton and C Wellingbrook-Doswell

Officers in
attendance: N Coombe (Interim Legal Services Manager and Deputy Monitoring Officer), P Holt (Chief Executive), A Knight (Assistant Director - Business and Change Management) and C Shanley-Grozavu (Democratic Services Officer)

AS1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors McBirnie and Silcock, and David Pearl (Independent Person).

There were no declarations of interest.

AS2 **MINUTES OF THE PREVIOUS MEETING**

The following minutes were approved:

- 21st September 2022 (Standards Committee)
- 15th March 2023 (Governance, Audit and Performance Committee)
- 13th April 2023 (Standards Panel)

Councillor Gregory raised concerns that the minutes of the Standards Panel did not include the discussions around the failure of governance at Uttlesford District Council (UDC).

In response to member questions, the Chief Executive confirmed that a follow-up report on the Code of Conduct and the adoption of the new Model Code, would be brought to the September Committee meeting.

In addition, a report on the Internal Audit into Code of Conduct complaints would also be taken to the next meeting. This review had been undertaken by the Council's Internal Audit team and looked at the processes with dealing with a Code of Conduct complaint, rather than the operations. The Audit had already concluded, and the new learning was being implemented.

AS3

PROTOCOL FOR SELECTION OF PANEL MEMBERSHIP

The Chief Executive presented the report on the draft protocol for selecting Panel membership. He explained that the protocol drew from the law and wider models of good practice and sought to formalise a process which had previously been conducted by Officers using loose customs. The protocol aimed to mirror broader representation of the Council, through allowing the Leader of the Council and Opposition to nominate their members but to also give them the gift to reallocate their places to other political groups.

Members thanked the Chief Executive for his work developing the protocol.

Councillor Gregory said that he had faith that both Leaders of the Council and Opposition would conduct their duties properly.

RESOLVED: to recommend to full Council that it adopts the protocol for appointing members to panels.

AS4

INTERNAL AUDIT ANNUAL REPORT 2022-23

The Chair introduced the report which summarised the work that Internal Audit had undertaken during the financial year 2022/23. He explained that the overall opinion was Limited Assurance with a number of significant control weaknesses.

The Deputy Monitoring Officer highlighted a number of errors within the Annual Report and confirmed that these would be amended and republished with the meeting minutes.

It was brought to the Committee's attention that there were also a number of missing audits from the report which the Deputy Monitoring Officer was investigating. This ultimately created a mismatch as to what was being carried forward in the Audit Plan for the following year.

Members discussed the report findings and raised concerns about the lack of resources and the impact it had on the Internal Audit function, particularly the number of deferrals. Officers clarified that there currently was not an Internal Audit Manager in post, however they were in the process of recruiting. In the meantime, an Interim Manager would not be recruited due to the costs and time required to bring them up to speed.

It was noted that Auditors were hard to recruit, due to a national shortage, and solutions were being explored to address the Council's resource issue both in the long and short-term. This included discussions with other neighbouring districts about a shared service and training up officers internally.

In response to member questions on the role of Audit in the Council's investments, officers clarified that the stability of the Council's borrowing and spending was monitored by Accounts, rather than the Audit Function and reported to both Cabinet and Scrutiny Committee. The Investment Board were also responsible for considering the overall Investment Strategy.

The report was noted.

The Independent Persons left at 19:39

AS5 **ANNUAL GOVERNANCE STATEMENT 2022-23**

The Chair introduced the report on the Annual Governance Statement 2022-23 and explained that there was an obligation for the Local Code and Draft Annual Governance Statement to be published with the Statement of Accounts for auditing by the External Auditor.

The Deputy Monitoring Officer highlighted errors made within the report and confirmed that these would be amended after the meeting and republished with the minutes.

Councillor Driscoll requested an update be circulated with members on Uttlesford Norse Services. Officers confirmed that a report was going to Cabinet that week with such information.

RESOLVED: to approve the Local Code of Corporate Governance 2023 and the Draft Annual Governance Statement 2022/23 for publication with the Statement of Accounts.

AS6 **INTERNAL AUDIT ANNUAL PLAN 2023-24**

The Chair introduced the report on the proposed Internal Audit Plan for 2023/24.

Councillor Fiddy asked when the audits for three deferred areas (Governance, Climate Change and Local Plan) would be conducted. She requested that the wider Climate Change audit be prioritised over the scheduled Air Quality Grant audit, given the latter was already reporting to the Department of Environment, Food and Rural Affairs. Officers confirmed that all three audits would be added into the 2023-24 Annual Plan.

Councillor Dean raised concerns on the merger of the now former Standards Committee with the Governance, Audit and Performance Committee. The Chief Executive clarified that it was in the gift of Full Council to agree the merger, and this had been done at May's Annual Council.

RESOLVED: to approve the Internal Audit Plan 2023/24, subject to the findings of the three missing reports.

Meeting ended 19:54

Internal Audit Annual Report 2022-23

1. Introduction

1.1. Purpose of this report

- 1.1.1. This report summarises the work that Internal Audit has undertaken during the financial year 2022/23 and provides details on the high risk and priority issues which could impact on the effectiveness of the internal control environment, risk management and governance arrangements across the Council.

1.2. The Role of Internal Audit

- 1.2.1. The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. The purpose of UDC's Internal Audit section is to provide independent, objective assurance and consulting services to the Council (via the GAP Committee, Chief Executive, Section 151 Officer, External Audit and senior managers), relating to these arrangements, which are designed to add value and improve the Council's operations. The Council's response to Internal Audit activity should lead to the strengthening of the control environment.
- 1.2.2. Each year, we seek to adapt and enhance our audit approach in order to take in to account the Council's risk profile and changes in the system of internal control. This ensures that our work remains focused on the areas of high risk and seeks to avoid duplication of effort, where there are other sources of assurance in operation, for example, External Audit.
- 1.2.3. Internal Audit remains free from all conditions that threaten the ability of the Council's Internal Auditors to carry out their responsibilities in an unbiased manner, including matter of audit selection, scope, procedures, frequency, timing and report content. If the Audit Manager determines that independence or objectivity may be impaired in fact or appearance, the details of impairment will be disclosed to appropriate parties. This has not arisen for 2022/23. The Council's Internal Auditors also maintain an unbiased mental attitude that allows them to perform engagements objectively. Internal Auditors have had no direct operational responsibility or authority over any of the activities audited.
- 1.2.4. Our Internal Audit Charter will be presented to Senior Management and GAP Committee in June 2023 and will continue to be updated and appended to the annual Internal Audit Plan each year.

1.3. Overview of the Internal Audit Approach

- 1.3.1. The Public Sector Internal Audit Standards (PSIAS) require that the Audit Manager provides an annual audit opinion and a report that can be used by the organisation to inform its governance statement in respect of the overall adequacy and effectiveness of the organisation's framework of governance, risk management and internal control.
- 1.3.2. This is achieved through a risk-based plan of work, agreed with management and approved by the GAP Committee, which should provide a reasonable level of

assurance, subject to the inherent limitations set out in Appendix A. The opinion does not imply that Internal Audit has reviewed all risks relating to the organisation.

1.3.3. Internal audit work was performed in accordance with the Council's Internal Audit methodology which is in conformance with the PSIAS.

1.3.4. The audit plan for 2022/23 was approved by GAP Committee in February 2022. The Internal Audit Team was made up of the following resources during 2022/23:

- 0.5 FTE Audit Manager (seconded 18 hours a week from Chelmsford City Council to deliver Internal Audit services to UDC).
- 1.6 FTE Auditor

2. Internal Audit Opinion

2.1. Internal Audit is satisfied that sufficient internal audit work has been undertaken to allow an opinion to be given as to the adequacy and effectiveness of governance, risk management and control. In giving this opinion, it should be noted that assurance can never be absolute. The most that the internal audit service can provide to the organisation is reasonable assurance there are no major weaknesses in the Council's risk management, control and governance processes.

2.2. In assessing the level of assurance to be given, the following has been considered:

- All audits undertaken in the year
- Any follow up action taken in respects of audits from previous periods
- The effects of any significant changes in the Council's systems or objectives
- Any limitations which may have been placed on the scope of internal audit
- The extent to which resource constraints may impact on the Audit Manager's ability to meet the full needs of the organisation.
- The results of work performed by other assurance providers, such as External Audit.

OVERALL OPINION

Limited Assurance – a number of significant control weaknesses, have been identified in individual assignments during 2022/23, which may put the achievement of key service objectives at risk and result in error, fraud, loss or reputational damage. Please see our Summary of Findings in Section 4.

Internal Audit reached this conclusion because the medium and high risk rated weaknesses identified in individual assignments are considered to be significant in aggregate to the system of internal control, but discrete parts of the system of internal control remain unaffected. The critical rated weakness identified is also not considered to be pervasive to the system of internal control.

This opinion has been derived from consideration of the detail below.

An explanation of the types of opinion that may be given can be found in Appendix A.

3. Other Sources of Assurance

3.1. Risk Management Framework

- 3.1.1. The Council utilises risk management as part of a package of performance management related measures to enable it to deliver its corporate priorities. By identifying and assessing risks and making informed decisions on the extent to which these risks need to be mitigated, the Council can ensure it is effectively tackling threats and maximising opportunities.
- 3.1.2. The Council's Corporate Risk Register should comprise the most significant risks for the Council in delivering its corporate objectives and services as set out in the Corporate Plan and Corporate Plan Delivery Plan and/or the risks that have the potential to disrupt or stop altogether the council's work. The Council's identified risks are managed within the corporate performance management system, Pentana. The Council's risk information and corporate/service plans are considered as part of Internal Audit work, in order to ensure that the Internal Audit programme is focussed on the Council's highest risks/key priorities.
- 3.1.3. Internal Audit will undertake an independent assessment of the Council's approach to Corporate Risk Management in 2023/24, to identify any organisational improvement opportunities to ensure that the Council's risk management approach is proportionate and robust.

3.2. Internal Audit View on the Risk of Fraud

- 3.2.1. The Council's approach to Counter Fraud was refreshed in 2021/22 to ensure it is in line with best practice, CIPFA's guidance on Managing the Risk of Fraud and Fighting Fraud and Corruption Locally.
- 3.2.2. The 2022 Counter Fraud Strategy encompasses key principles such as acknowledging the responsibility for countering fraud and corruption, identification of fraud and corruption risks, provision of resources to implement the strategy and the action to be taken in response to fraud and corruption.
- 3.2.3. Supplementing the Strategy is an action plan which sets out how Counter Fraud Strategy will be delivered over the next year to March 2024, and by whom. A key part of this governance and delivery will be the Council's Counter Fraud Working Group who will 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.

4. Summary of Findings

4.1. Key themes identified in 2022/23

The Internal Audit Opinion considers the number of limited assurance reports/high priority findings and their overall impact on the control environment. A summary of the key issues arising from these reports is presented below:

Report Title	Assurance Rating	Critical	High	Medium	Low	Key Issues Arising
Uttlesford Norse (UNSL) Governance Arrangements						<p>In the original report, one critical, three high and four medium priority issues were identified. An Implementation Status Report was presented to GAP in August 2022, highlighted that of the 26 recommendations, 2 had been implemented (which related to high priority Communication recommendations), 21 were work in progress, 2 are outstanding, and 1 is no longer applicable, meaning that all 9 areas of risk originally identified, including the critical finding relating to Health and Safety, and the three high priority findings relating to Safeguarding, Roles and Responsibilities, and Communication had only been partially addressed at the point of the review and it was not possible for Internal Audit to provide independent assurance that the control environment had significantly improved and it therefore remained indicative of a 'no assurance' opinion.</p> <p>Given the significant work that has taken place since the original review it has been agreed that a new audit on this area will be undertaken in 2023.</p>
Safeguarding	Limited	0	3	2	0	<p>In the previous report, three high and two medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that one high priority and one medium priority recommendation have been implemented.</p> <p>While the remaining two high priority recommendation relating to Risk Management and social media and Photography/Filming, and one medium priority, have been partially implemented, the outstanding requirements are considered to be minor. The findings from the original audit were indicative of a 'limited' assurance opinion. While a full audit would need to be undertaken to revise the assurance rating, the high rate of implementation of recommendations and positive</p>

Report Title	Assurance Rating	Critical	High	Medium	Low	Key Issues Arising
						action taken by management in response to the original report, suggests that the control environment (in relation to the specific areas covered by the follow up), has improved and is now indicative of 'moderate' assurance.
Planning Investigations	Limited	0	3	2	0	<p>In the previous report, three high and two medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that all high priority and one medium priority recommendation have been implemented. The remaining outstanding action is awaiting the roll out of wider Bribery Act corporate training.</p> <p>The findings from the original audit were indicative of a 'limited' assurance opinion. While a full audit would need to be undertaken to revise the assurance rating, the high rate of implementation of recommendations and positive action taken by management in response to the original report, suggests that the control environment (in relation to the specific areas covered by the follow up), has improved and is now indicative of 'moderate' assurance.</p>
CCTV and RIPA	Limited*	0	4	6	0	Four high priority findings were identified relating to the Council's governance and management arrangements for CCTV, which may result in the Council failing to meet its legal and ethical obligations in respect of Data Protection legislation and CCTV Code of Practice. A further six medium issues were identified. Follow up Audit is planned for 2023/24.

4.2. Grants Sign Off

4.2.1. During 2022/23, Internal Audit were required to carry out a sign off exercise and review to ensure that the conditions attached to the following Government grants were complied with. No issues were noted.

- **Biodiversity net gain Grant - Defra**

4.3. Management’s Response to Implementing Audit Recommendations

4.3.1. A key measure of success and a strong internal control environment is timely implementation of recommendations. All planned audit work undertaken which is subject to limited assurance will have a formal follow up to ensure that all agreed actions have been implemented.

4.4. Due to timing of implementation dates the following previous year (2022/23) reviews will be followed up in 2023/24:

Original Audit Title	Original Assurance Rating
UNSL Governance Arrangements	Management Letter (1 critical, 3 high priority findings) (see above)
CCTV/RIPA	Limited

4.5. Summary of remaining reviews

Report	Key Issues
Leasehold Service Charges	In the previous report, two medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that both recommendations have been implemented.
Conflicts of Interest	In the previous report, one high and five medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that two medium recommendations have

Report	Key Issues
	been implemented. However, the high priority has not been implemented and the remaining medium priority recommendations are outstanding.
Information Governance	In the previous report, one high and five medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that one medium recommendation has been implemented. The high priority relating to Risk Management and remaining four medium priority recommendations have been partially implemented. A follow up Audit concluded a Moderate assurance level due to the number of medium priorities still be implemented. The revised target date for completion for all outstanding recommendations is 31 st March 2023
Domestic Waste & Recycling	In the previous report, one high and seven medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that the high priority in respect of Data Protection and six medium recommendations were partially implemented. One medium recommendation has not yet been implemented. The follow up concluded Moderate assurance level as the majority of recommendations have only been partially implemented. The revised target date for completion for all outstanding recommendations is 31 st March 2023.
Business Continuity & Emergency Planning	In the previous report, four medium priority issues were identified. Based on the evidence presented, our follow up review highlighted that three have been implemented. The remaining outstanding medium priority recommendation has been partially implemented, awaiting Comms team input.
Section 106	In the previous report, two high level and one medium issue was identified. Based on the evidence presented, the follow up review highlighted that the two high level recommendation have been implemented, the remaining one medium priority is only partially implemented. The follow up concluded that the assurance level be reduced to Moderate. The revised target date for completion for all outstanding recommendations is June 2023.
Economic Development	In the previous report, one low priority issue was identified. Based on the evidence presented, our follow up review highlighted that the recommendations have all been implemented.
Housing Allocations	In the previous report, six medium priority issues were identified. Based on the evidence at the follow up all recommendations have been implemented.

Report	Key Issues
Grants Governance	In the previous report, 2 high and 4 medium priorities were identified. The follow up concluded that the control environment has improved and recommendation have been implemented, therefore no further action is required.

5. Reconciliation between Original Plan received by GAP (February 2022 to June 2023)

Original Plan received by GAP	Current Status
Uttlesford Norse	Complete – follow up required in 2023/24
Officer and Member Conflicts of Interest	Completed
Governance and Decision Making	Deferred to 2023/24 due to resourcing
Capital Expenditure	Draft report stage
Safeguarding	Completed
Leasehold Service Charges	Completed
Planning Investigations	Completed
CCTV/RIPA	Completed – follow up required in 2023/24
Income Generating Waste	Completed
KFS 2022/23 (Cash Management)	Completed
Risk Management	Deferred to 2023/24 due to resourcing
Procurement and Contract Management	Draft report stage
Climate Change	Completed
Cyber Security	Deferred to 2023/24 due to wider Council work in this area.
Local Plan	Deferred to 2023/24 due to wider Council work in this area.

Original Plan received by GAP	Current Status
PFI	Deferred to 2022/23 due to resourcing limitations
Uttlesford 2027 Programme Management	Deferred to 2023/24 due to resourcing
Saffron Walden Museum	Deferred to 2023/24 due to resourcing
Business Continuity and Emergency Planning	Completed
Economic Development	Completed
Budgetary Control	Deferred to 2023/24 due to resourcing
Licensing	Completed
Grants Received	Completed
Corporate Health & Safety Governance	Completed
Housing Rents	Deferred to 2023/24 due to resourcing
HR Payroll	Completed
Housing Allocation	Completed
Planning Applications	Completed
Temporary Accommodation	Deferred to 2023/24 due to resourcing
Homelessness Strategy	Completed

6. Review of the Effectiveness of Internal Audit

6.1. Our performance against Key Performance Indicators (KPIs) used to demonstrate the effectiveness of the internal audit function during 2022/23 is shown in the table below.

KPI	Target	Result 2021/22	Comments
Audit Plan delivered to Draft Report Stage by 31st March:	90%	n/a	No Audit Manager in place from October 2022.
Audit Plan delivered to final report stage by 30 th April:	100%	50%	
Completion of follow ups for applicable audit reports by 30 th April.	100%	90%	
Customer Satisfaction results: overall average score good/excellent good or good) each survey returned	100%	100%	
Audit areas where the indicative level of assurance has improved from no assurance/ limited assurance at the follow-up stage	n/a for 2022/23 follow ups.		

6.2. Quality assurance and improvement programme

PSIAS require that Internal Audit develops and maintains a quality assurance and improvement programme that covers all aspects of the internal audit activity. Periodic reviews of the quality of internal audit work completed internally and the Audit Manger reviews all draft and final reports. Planning and delivery of the Service (including this Annual Report) has been done in conformance with the requirements of the PSIAS.

7. Update on Progress of Internal Audit Strategy 2022-23

The Internal Audit Strategy 2021-22 was approved by GAP in June 2021. Progress is documented below.

Original Strategy Goal	2021/22 Progress
Develop a planning process which identifies the Council’s most significant internal and external risks and deliver an Annual Internal Audit Plan focussing on these key risks, and which meets stakeholder needs.	The 2021/22 Internal Audit Plan was developed using a prioritisation of the audit universe using a risk-based methodology, including input from the Council’s Corporate Plan, Corporate Risk Register, as well as discussions with Council staff, senior management, plus consideration of local and national issues and risks. The plan was discussed and agreed by Senior Managers, CMT and GAP Committee. A contingency was also included in the plan to cover requests from management for ad hoc, advisory type work

Original Strategy Goal	2021/22 Progress
	<p>on risk identification and subsequent control design (as well as urgent, unplanned reviews arising during the year).</p>
<p>To contribute to the Council's delivery of its governance and assurance framework</p>	<p>Internal Audit also use the Corporate Risk Register, and other risks identified through the risk management framework, to inform the annual risk-based Internal Audit plan and to inform audit planning for individual audit assignments. Internal Audit will bring any serious, emerging issues to the attention of Management and GAP Committee.</p> <p>Internal Audit will undertake an independent assessment of the Council's approach to Corporate Risk Management in 2023/24, to identify any organisational improvement opportunities to ensure that the Council's risk management approach is proportionate and robust.</p> <p>The Council's approach to Counter Fraud was refreshed in 2021/22 to ensure it is in line with best practice, CIPFA's guidance on Managing the Risk of Fraud and Fighting Fraud and Corruption Locally. The 2022 Counter Fraud Strategy encompasses key principles such as acknowledging the responsibility for countering fraud and corruption, identification of fraud and corruption risks, provision of resources to implement the strategy and the action to be taken in response to fraud and corruption. The group has been put on hold until a new Audit Manager is recruited.</p>
<p>To be a trusted advisor to Senior Managers and GAP Committee</p>	<p>As demonstrated through the Internal Audit Annual Report and organisation feedback.</p>
<p>To monitor the critical skills and resource blend required to ensure Internal Audit deliver their mission and objectives.</p>	<p>In-house team training needs are monitored. The new Audit Manager is to be recruited 37 hours a week to deliver Internal Audit services to Uttlesford District Council.</p>

Original Strategy Goal	2021/22 Progress

Annual Opinion Categories

The table below sets out the four types of annual opinion that Internal Audit use, along with the types of findings that may determine the annual opinion given. The Audit Manager will apply their judgement when determining the appropriate annual opinion, so the guide given below is indicative rather definitive.

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Type of Annual Opinion	When to use this type of annual opinion
Substantial	<ul style="list-style-type: none"> • Generally, only low risk rated weaknesses found in individual assignments; and • None of the individual assignment report have an overall report classification of either high or critical risk
Moderate	<ul style="list-style-type: none"> • Medium risk rated weaknesses identified in individual assignments that are <i>not significant in aggregate</i> to the system of internal control; and/or • High risk rated weaknesses identified in individual assignments that are <i>isolated</i> to specific systems or processes; and • None of the individual assignment reports have an overall classification of critical risk
Limited	<ul style="list-style-type: none"> • Medium risk rated weaknesses identified in individual assignments that are <i>significant in aggregate but discrete</i> parts of the system of internal control remain unaffected; and/or • High risk rated weaknesses identified in individual assignments that are <i>significant in aggregate but discrete</i> parts of the system of internal control remain unaffected; and/or • Critical risk rated weaknesses identified in individual assignment that are <i>not pervasive</i> to the system of internal control; and • A <i>minority</i> of the individual assignment reports may have an overall report classification of either high or critical risk.
No	<ul style="list-style-type: none"> • High risk rated weaknesses identified in individual assignments that <i>in aggregate are pervasive</i> to the system of internal control; and/or • Critical risk rated weaknesses identified in individual assignments that are <i>pervasive</i> to the system of internal control; and/or • <i>More than a minority</i> of the individual assignment reports have an overall report classification of either high or critical risk.

Key to Assurance Levels in Individual Reports

No Assurance	There are fundamental weaknesses in the control environment which jeopardise the achievement of key service objectives and could lead to significant risk of error, fraud, loss or reputational damage being suffered.
Limited	There are a number of significant control weaknesses which could put the achievement of key service objectives at risk and result in error, fraud, loss or reputational damage. There are High recommendations indicating significant failings. Any Critical recommendations would need to be mitigated by significant strengths elsewhere.
Moderate	An adequate control framework is in place but there are weaknesses which may put some service objectives at risk. There are Medium priority recommendations indicating weaknesses, but these do not undermine the system's overall integrity. Any Critical recommendation will prevent this assessment, and any High recommendations would need to be mitigated by significant strengths elsewhere.
Substantial	There is a sound control environment with risks to key service objectives being reasonably managed. Any deficiencies identified are not cause for major concern. Recommendations will normally only be advice and best practice.

Key to Risk Ratings for Individual Findings in Reports

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Critical	Financial: Severe financial loss; Operational: Cessation of core activities; People: Life threatening or multiple serious injuries to staff or service users or prolonged workplace stress. Severe impact on morale & service performance. Mass strike actions etc; Reputational: Critical impact on the reputation of the Council which could threaten its future viability. Intense political and media scrutiny i.e. front-page headlines, TV; Legal and Regulatory: Possible criminal, or high-profile civil action against the Council, members or officers. Statutory intervention triggered impacting the whole Council. Critical breach in laws and regulations that could result in material fines or consequences; Projects: Failure of major Projects and/or politically unacceptable increase on project budget/cost. Elected Members required to intervene.
High	Financial: Major financial loss. Service budgets exceeded; Operational: Major disruption of core activities. Some services compromised. CMT action required to overcome medium-term difficulties; People: Serious injuries or stressful experience (for staff member or service user) requiring medical attention/ many workdays lost. Major impact on morale and performance of staff; Reputational: Major impact on the reputation of the Council. Unfavourable media coverage. Noticeable impact on public opinion; Legal and Regulatory: Major breach in laws and regulations resulting in significant fines and consequences. Scrutiny required by external agencies; Projects: Key targets missed. Major increase on project budget/cost. Major reduction to project scope or quality.
Medium	Financial: Moderate financial loss. Handled within the team; Operational: Significant short-term disruption of non-core activities. Standing Orders occasionally not complied with, or services do not fully meet needs. Service Manager action will be required; People: Injuries (to staff member or service user) or stress levels requiring some medical treatment, potentially some workdays lost. Some impact on morale and performance of staff; Reputational: Moderate impact on the reputation or brand of the organisation. Limited unfavourable media coverage; Legal and Regulatory: Moderate breach in laws and regulations resulting in fines and consequences. Scrutiny required by internal committees or internal audit to prevent escalation; Projects: Delays may impact project scope or quality (or overall project must be re-scheduled). Small increase on project budget/cost. Handled within the project team.
Low	Financial: Minor financial loss; Operational: Minor errors in systems/operations or processes requiring Service Manager or Team Leader action. Little or no impact on service users; People: Minor injuries or stress with no workdays lost or minimal medical treatment. No impact on staff morale; Reputational: Minor impact on the reputation of the organisation; Legal and Regulatory: Minor breach in laws and regulations with limited consequences; Projects: Minor delay without impact on overall schedule. Minimal effect on project budget/cost or quality.

Limitations and Responsibilities

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems. Internal Audit shall endeavour to plan its work so that there is a reasonable expectation of detecting significant control weaknesses and, if detected, Internal Audit shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, Internal Audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected. Accordingly, the examinations of Internal Audit should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist, unless Internal Audit is requested to carry out a special investigation for such activities in a particular area.

Limitations inherent to the internal auditor's work

Internal Audit work has been performed subject to the limitations outlined below:

- **Opinion**

The opinion is based solely on the work undertaken as part of the agreed internal audit plan. There might be weaknesses in the system of internal control that Internal Audit are not aware of because they did not form part of our programme of work, were excluded from the scope of individual internal audit assignments or were not brought to our attention. As a consequence, management and GAP should be aware that the opinion may have differed if the programme of work or scope for individual reviews was extended or other relevant matters were brought to Internal Audit's attention.

- **Internal control**

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgment in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

- **Future periods**

Historic evaluation of effectiveness may not be relevant to future periods due to the risk that:

- The design of controls may become inadequate because of changes in operating environment, law, regulation or other; or
- The degree of compliance with policies and procedures may deteriorate

Internal Audit 2023 Plan and Audit Charter – Audit and Standards – 27/06/23

1. Purpose of Report

CMT are requested to note the content of this report and approve the Internal Audit Plan 2023, taking account of the budget and resourcing required for delivery, as well as note and approve the Internal Audit Charter.

2. Background

The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. The purpose of UDC's Internal Audit section is to provide independent, objective assurance and consulting services to the Council (via the GAP Committee, Chief Executive, S151 Officer, External Audit and senior managers), relating to these arrangements, which are designed to add value and improve the Council's operations.

The Audit Manager is also responsible for the delivery of an annual audit opinion that can be used by the Council to inform its governance statement. The annual opinion will also conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

In order to achieve this, Internal Audit have developed the attached internal audit plan for 2023 which is based on a prioritisation of the audit universe using a risk-based methodology, including input from the Council's Corporate Plan, Corporate Risk Register, AGS Action Plan as well as discussions with Council staff, senior management, plus consideration of local and national issues and risks.

There has been a slight change in our approach to previous years. Where previously a full twelve months has been planned upfront, this creates some limitations, for example, with different risks tending to emerge through the year, quite often causing originally planned work, especially in the last 6 months, to change. Therefore, for 2023, we have instead produced a 6-month plan for work from April to September, with suggested areas for October to March that we can be flexible over delivering nearer the time, but equally be in a good place to respond to any higher risks that might emerge in the meantime.

Following CMT consideration and approval, the plan will be put forward for approval by GAP on 27th June 2023.

3. Internal Audit Budget and Resources

The plan has been drawn up to address the key risks for the Council, taking into account available resources.

The Audit Manager will be responsible for delivery of this plan and will ensure that the Internal Audit service has access to an appropriate range of knowledge, skills, qualifications and experience required to deliver it. The plan will be kept under review to ensure it remains responsive to the changing priorities and risks of the Council. In addition to planned work, Internal Audit can also provide ad hoc advice and guidance to management on risk and control issues within individual systems as requested.

4. Follow-up audits

Follow-up procedures provide management with updated information about whether key risks have been properly mitigated through remedial actions.

All planned audit work undertaken is subject to a formal follow up ensure that all agreed actions have been implemented. To maximise Audit resources full follow up audits will now be completed based on the overall assurance rating, with all limited assurance reports having a formal follow up and the remainder being reviewed by the Audit Manager to ensure compliance. This will allow the budget for follow ups to be reduced which will be accounted for in the annual plan.

5. Assurance Levels/Basis of Opinion

CMT and GAP will receive details of critical/high priority issues raised in audit reviews, as part of the bi-annual reporting process. This encompasses the annual report and opinion in June, and Interim Report in November, although any significant emerging risks will be reported as they arise where applicable.

Internal Audit may also undertake work which does not contribute explicitly to the overall audit opinion and/or deliver an assurance statement. These may include certification of grant claims or consulting activities where Internal Audit provide independent and objective advice and guidance to management on risk and control issues within individual systems to improve those systems and processes where necessary.

Where such work is undertaken, this will be set out as part of Internal Audit's annual report. In order to protect Internal Audit's independence and minimise the impact on the delivery of the overall plan, the Audit Manager will give due consideration to the appropriateness of undertaking such work.

6. Key Financial Systems (KFS)

The annual audit plan includes resource allocated to Key Financial Systems (KFS) work. This includes risk-based monitoring of key controls within finance systems to assess whether they are operating effectively.

7. Risk Management and Counter Fraud

In accordance with the annual audit plan, auditors will plan and evaluate their work so as to have a reasonable expectation of detecting fraud and identifying any significant weaknesses in internal controls and emerging risks.

Internal Audit will work closely with the Council's Risk Manager to discuss and exchange risk information and any emerging issues

8. Internal Audit Charter

The purpose, authority, and responsibility of the Internal Audit activity must be formally defined in an Internal Audit charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the Standards.

The Internal Audit Charter establishes Internal Audit's position within UDC, including the Audit Manager's reporting lines, authorisation to access to records, staff and physical properties relevant to the performance of engagements, and also defines the scope of Internal Audit activities. It is also a reference point for measuring the effectiveness of Internal Audit.

Alongside other statutory requirements set out in the Charter, Internal Audit is required to meet the mandatory requirements of the International Professional Practices Framework (IPPF) i.e.:

- The Mission of Internal Audit
- The Definition of Internal Audit
- The Core Principles
- The Code of Ethics
- The Standards – which provide a framework for performing and promoting a broad range of value-added internal auditing services, establish the basis for the evaluation of internal audit performance and foster improved organisational processes and operations.

The Internal Audit Charter is attached for CMT to note and approve.

Internal Audit Draft Annual Plan 2023 (April to September)

It should be noted that the audit titles and high-level scopes included below are only indicative at this stage. At the start of each audit, an initial discussion will be held to agree the specific objective and scope of the review.

Area	Audit Title	Link to Corporate Plan	Link to Corporate Risk	Indicative Scope
CROSS-CUTTING				
XC23_1	Cyber Security		21-CR-06 Information Technology	Review of the controls in place to mitigate risks surrounding IT security, including PSN and PCI requirements.
XC23-2	Standards Complaints	Putting Resident First	20-CR-07 Governance	Review of the Council's compliant procedures, including complaints made against Councillors.
XC23-3	Corporate Risk Management		20-CR-07 Governance	Review of the Council's Risk Management Strategy and Corporate Risk Register together with Service level risks.
COMMERCIAL & DIGITAL CHANGE MANAGEMENT (CM)				
CM23_2	Corporate Property & Asset Management		20-CR-07 Governance	Review of the governance arrangements for Council's Corporate Property and Asset Management process, including maintenance of property records
HOUSING, HEALTH & COMMUNITIES				
HHC23_1	Temporary Accommodation	Active Place Maker	21-CR-01 Financial Control	Review of the Council's arrangements for Temporary Accommodation, including procurement and monitoring of providers.
HHC23_2	Housing Rents		21-CR-01 Financial Control	To review the management of Council tenant's housing rents, including management of arrears
CORPORATE SERVICES				
CS23_1	Saffron Walden Museum	Progressive custodian of our rural environment	21-CR-01 Financial Control	Review of operational and financial arrangements at Saffron Walden Museum.

Proposed Audit Areas (October to March 2024)

Area	Audit Title	Link to Corporate Plan	Link to Corporate Risk
Finance	Financial Management Code	Putting Residents First	21-CR-01 Financial Control
Finance	Budgetary Control	Putting Residents First	21-CR-01 Financial Control
Finance	Key Financial Systems (KFS)		21-CR-01 Financial Control
Finance	Consultancy/interim & agency contracts		21-CR-01 Financial Control
Housing, Health & Communities	Uttlesford Norse Governance Arrangements	Active Place Maker	
Housing, Health & Communities	Housing Standards – Voids/Empty Homes	Active Place Maker	21-CR-03 Health & Safety
Housing, Health & Communities	Right to Buy	Active Place Maker	21-CR-01 Financial Control
Housing, Health & Communities	Equality Impact Assessments	Putting Residents First	
Housing, Health & Communities	Uttlesford Futures	Champion for our district/Putting Residents First	
Housing, Health & Communities	Air Quality Grant	Progressive custodian of our rural environment	
Housing, Health & Communities	Environmental Health including Enforcement and Permits	Active Place Maker	
Commercial and Digital Change	Leisure PFI	Active Place Maker	
Governance & Legal	Governance and Decision Making		

Governance & Legal

Members Allowances and Expenses

21-CR-01 Financial Control

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Internal Audit Charter

Introduction

The purpose, authority, and responsibility of the Internal Audit activity must be formally defined in an Internal Audit charter, consistent with the Institute of Internal Audit's (IIA) Definition of Internal Auditing, the Code of Ethics, and the Standards.

The Internal Audit Charter establishes Internal Audit's position within Uttlesford District Council, including the Audit Manager's reporting lines, authorisation to access to records, staff and physical properties relevant to the performance of engagements, and also defines the scope of Internal Audit activities. It is also a reference point for measuring the effectiveness of Internal Audit.

Definitions

For the purposes of this Charter, the following definitions apply:

The Board:	The governance group charged with independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting. At Uttlesford District Council this shall mean the Governance, Audit and Performance (GAP) Committee.
Consulting Activities:	Internal Audit advice and guidance to management on risk and control issues within individual systems to improve those systems and processes where necessary.
Senior Management:	Those responsible for the leadership and direction of the Council. At Uttlesford District Council this shall mean the Chief Executive and the Corporate Management Team (CMT).
Standards:	Public Sector Internal Audit Standards (PSIAS), as well as mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework (IPPF), including the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the International Standards for the Professional Practice of Internal Auditing and the Definition of Internal Auditing.

Purpose and Mission

The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. The purpose of Uttlesford District Council's Internal Audit section is to provide independent, objective assurance and consulting services to the Council (via the GAP Committee, Chief Executive, Section 151 Officer, External Audit and senior managers), relating to these arrangements, which are designed to add value and improve the Council's operations.

The mission of Internal Audit is to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight. Internal Audit helps Uttlesford District Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management and control processes. The Council's response to Internal Audit activity should also lead to the strengthening of the control environment and, therefore, contribute to the achievement of the organisation's objectives.

Standards and Statutory Requirements

The Council has a statutory duty to maintain an adequate and effective Internal Audit function in accordance with proper Internal Audit practices (Regulation 6 (Part 2) of the Accounts and Audit Regulations 2015).

Section 151 of the Local Government Act 1972 also states that "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs".

The CIPFA Statement of the Role of Chief Financial Officer in Local Government also states that the Chief Financial Officer must:

- Ensure an effective Internal Audit function is resourced and maintained
- Ensure that the authority has put in place effective arrangements for Internal Audit of the control environment and systems of internal control as required by professional standards and in line with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.

As well as Public Sector Internal Audit Standards (PSIAS), the Internal Audit section will govern itself by adherence to mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework (IPPF), including the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the International Standards for the Professional Practice of Internal Auditing and the Definition of Internal Auditing. This mandatory guidance constitutes principles of the fundamental requirements for the professional practice of Internal Auditing and for evaluating the effectiveness of Internal Audit's performance.

The IIA's Practice Advisories, Practice Guides, and Position Papers will also be adhered to as applicable. In addition, Internal Audit will adhere to Uttlesford District Council's relevant policies and procedures as well as Internal Audit's own methodology/standard operating procedures manual.

The Audit Manager will report periodically to senior management and the GAP Committee regarding Internal Audit's conformance to the above.

Authority

While the Audit Manager reports functionally to the GAP Committee, they report organisationally to the Assistant Director of Governance and Legal Services (Monitoring Officer).

The Audit Manager also has direct access to the Chief Executive who carries the responsibility for the proper management of their Council and for ensuring that the principles of good governance are reflected in sound management arrangements and to the Director of Finance who has responsibility for maintaining an adequate and effective system of Internal Audit within Uttlesford District Council, as the authority's Chief Finance Officer (S151 Officer).

Where it is considered necessary to the proper discharge of Internal Audit function, the Audit Manager has direct access to elected Members of the Council and in particular those who serve on committees charged with governance (i.e. the GAP Committee).

The Audit Manager will have unrestricted access to, and communicate and interact directly with the GAP Committee, including in private meetings without management present.

To establish, maintain and assure that Uttlesford District Council's Internal Audit section has sufficient authority to fulfil its duties, the GAP Committee will:

- Receive Internal Audit's charter
- Receive the risk-based audit plan
- Receive Internal Audit's budget and resource plan
- Receive communications from the Audit Manager on Internal Audit's performance relative to its plan and other matters, such as significant findings and/or emerging risks.
- Approve decisions regarding the appointment and removal of the Audit Manager
- Make appropriate enquiries of management and the Audit Manager to determine whether there is inappropriate scope or resource limitations.

The GAP Committee authorises Internal Audit to:

- Have full, free and unrestricted access to all functions, records, property and personnel pertinent to carrying out any engagement, subject to accountability for confidentiality and safeguarding of records and information.
- Allocate resources, set frequencies, select subjects, determine scopes of work, apply techniques required to accomplish audit objectives and issue reports.
- Obtain assistance from the necessary personnel of Uttlesford District Council as well as other specialised services from within or outside of the Council in order to complete the engagement.

Independence and objectivity

The Audit Manager will ensure that Internal Audit remains free from all conditions that threaten the ability of Internal Auditors to carry out their responsibilities in an unbiased manner, including matter of audit selection, scope, procedures, frequency, timing and report content. If the Audit Manager determines that independence or objectivity may be impaired in fact or appearance, the details of impairment will be disclosed to appropriate parties.

Internal Auditors will maintain an unbiased mental attitude that allows them to perform engagements objectively. Internal Auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair their judgment, including:

- Assessing specific operations for which they had responsibility within the previous year (with the exception of follow ups)
- Performing any operational duties for Uttlesford District Council or its affiliates.
- Initiating or approving transactions external to Internal Audit

- Directing the activities of any Uttlesford District Council employee not employed by Internal Audit, except to the extent that such employees have been appropriately assigned to auditing teams or to otherwise assist Internal Auditors.

Where the Audit Manager has, or is expected to have, roles and/or responsibilities that fall outside of Internal Audit, safeguards will be established to limit impairments to independence or objectivity.

Internal Auditors, including the Audit Manager, will:

- Disclose any impairment of independence or objectivity in fact or appearance, to appropriate parties.
- Exhibit professional objectivity in gathering, evaluating and communicating information about the activity or process being examined.
- Make balanced assessments of all available and relevant facts and circumstances.
- Take necessary precautions to avoid being unduly influenced by their own interests or by others in forming judgements.

The Audit Manager will confirm to the GAP Committee, at least annually, the organisational independence of Internal Audit.

The Audit Manager will disclose to the GAP Committee any interference and related implications in determining the scope of Internal Auditing, performing work and/or communicating results.

Scope of Internal Audit Activities

The scope of Internal Audit activities encompasses, but is not limited to, objective examinations of evidence for the purpose of providing independent assessments to the GAP Committee, management and outside parties (e.g. External Audit) on the adequacy and effectiveness of governance, risk management, and control process for Uttlesford District Council. The Audit Manager is also responsible for the delivery of an annual audit opinion and report that can be used by the Council to inform its governance statement. The annual opinion will conclude on this overall adequacy and effectiveness of the organisation's framework of governance, risk management and control, based upon:

- A summary of internal audit work carried out
- Follow up on the implementation of recommendations
- Any significant governance issues as reported within the Council's Annual Governance Statement
- The annual review of the effectiveness of Internal Audit (see QAIP)

A range of Internal Audit services are provided to form the annual opinion. The approach is determined by the Audit Manager and will depend on the level of assurance required, the significance of the objectives under review to the organisation's success, the risks inherent in the achievement of objectives and the level of confidence required that controls are well designed and operating as intended. Internal Audit assessments include evaluating whether:

- Risks relating to the achievement of Uttlesford District Council's strategic objectives are appropriately identified and managed
- The actions of Uttlesford District Council's employees, senior management and contractors are in compliance with the Council's policies, procedures and applicable laws, regulations and governance standards
- The results of operations or programme are consistent with established goals and objectives
- Operations or programmes are being carried out effectively and efficiently
- Established processes and systems enable compliance with the policies, procedures, laws and regulations that could significantly impact Uttlesford District Council
- Information and the means used to identify, measure, analyse, classify and report such information are reliable and have integrity
- Resources and assets are acquired economically, used efficiently and protected adequately.

In accordance with the annual audit plan, auditors will plan and evaluate their work so as to have a reasonable expectation of detecting fraud and identifying any significant weaknesses in internal controls.

Internal Audit may perform consulting activities (that is, provide independent advice and guidance to management on governance, risk management and control issues) as appropriate for the organisation. It may also evaluate specific operations at the request of the GAP Committee or management, as appropriate.

The Audit Manager will report periodically to senior management and the GAP Committee regarding:

- Internal Audit's purpose, authority and responsibility
- Internal Audit's plan and performance relative to its plan
- Internal Audit's conformance with the IIA's Code of Ethics and Standards and action plans to address any significant conformance issues
- Significant risk exposure and control issues including fraud risks, governance issues, and other matters requiring the attention of, or requested by the GAP Committee.
- Results of audit engagements or other activities
- Resource requirements

- Any response to risk by management that may be unacceptable to Uttlesford District Council.

The Audit Manager also co-ordinates activities where possible and considers relying upon the work of other internal and external assurance and consulting service providers as needed. Internal Audit may perform advisory and related client service activities, the nature and scope of which will be agreed with the client, provided Internal Audit does not assume management responsibility.

Opportunities for improving the efficiency of governance, risk management and control processes may be identified during engagements. These opportunities will be communicated to the appropriate level of management.

Responsibility

The Audit Manager has the responsibility to:

- Submit at least annually, to senior management and GAP Committee a risk based Internal Audit plan for review.
- Communicate to senior management and the GAP Committee the impact of resource limitations on the Internal Audit plan.
- Review and adjust the Internal Audit plan, as necessary, in response to changes to Uttlesford District Council's operations, risks, programmes, systems and controls.
- Communicate to Senior Management and the GAP Committee any significant interim changes to the Internal Audit plan
- Ensure each engagement of the Internal Audit plan is executed, including the establishment of objectives and scope, the assignment of appropriate and adequately supervised resources, the documentation of work programmes and testing results, and the communication of engagement results with applicable conclusions and recommendations to appropriate parties.
- Follow up on engagement findings and corrective action, and report periodically to senior management and the GAP Committee any corrective actions not effectively implemented.
- Deliver an annual audit opinion and report that can be used by the Council to inform its governance statement. The annual opinion will conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.
- Ensure the principles of integrity, objectivity, confidentiality and competency are applied and upheld.
- Ensure Internal Audit collectively possesses or obtain the knowledge, skills and other competencies needed to meet the requirements of the Internal Audit charter.
- Ensure trends and emerging issues that could impact Uttlesford District Council are considered and communicated to senior management and the GAP Committee as appropriate.
- Establish and ensure adherence to Uttlesford District Council's relevant policies and procedures, unless such policies and procedures conflict with the Internal Audit Charter. Any such conflicts will be resolved or otherwise communicated to senior management and the GAP Committee
- Ensure conformance of Internal Audit with the Standards.

Internal Audit Plan and Resources

Internal Audit services are provided by internal council employees. The Assistant Director of Governance and Legal Services will provide the Audit Manager with the resources necessary to fulfil the Council's requirements and expectations as to the robustness and scope of the Internal Audit opinion.

At least annually, the Audit Manager will submit to senior management and the GAP Committee an Internal Audit plan for review, including risk assessment criteria. The Internal Audit plan will include timing as well as budget and resource requirements for the next financial year. The Audit Manager will communicate the impact of resource limitations and significant interim changes to senior management and the GAP Committee. Senior Management and the GAP Committee will be advised where, for whatever reason, Internal Audit is unable to provide assurance on any significant risks within the timescale envisaged by the risk assessment process.

The Internal Audit plan will be developed based on a prioritisation of the potential audit activities across the Council using a risk-based methodology, including input of senior management and the GAP Committee. Prior to submission to the GAP Committee, the plan will be discussed with appropriate senior management. Significant matters that jeopardise the delivery of the plan or require changes to the plan will be identified, addressed and reported to senior management and the GAP Committee. The risk-based plan must take in to account the requirement to produce an annual Internal Audit opinion and the assurance framework.

The Audit Manager will be responsible for delivery of the plan and will ensure that the Internal Audit service has access to an appropriate range of knowledge, skills, qualifications and experience required to deliver the audit plan. The plan will be kept under review to ensure it remains responsive to the changing priorities and risks of the Council.

If the Audit Manager, the GAP Committee or Senior Management considers that the scope or coverage of Internal Audit is limited in any way, or the ability of Internal Audit to deliver a service consistent with the Standards is prejudiced, they will advise the Assistant Director of Governance and Legal Services accordingly.

The Audit Manager must seek approval from the GAP Committee for any significant additional consulting activities not already included in the audit plan, prior to accepting the engagement.

Reporting and monitoring

For each audit assignment, terms of reference are developed and agreed with the client setting out the scope of the audit. At the completion of the audit, a written report is produced which provides an audit opinion/assurance statement on the control environment in place. The Internal Audit report will include management's response and corrective action to be taken regarding the specific findings and recommendations. Management's response will also include a timetable for anticipated completion of action to be taken and an explanation for any corrective action that will not be implemented.

Internal Audit may also undertake work which does not contribute explicitly to the overall audit opinion. These may include certification of grant claims or consulting activities where Internal Audit provide independent and objective advice and guidance to management on risk and control issues within individual systems to improve those systems and processes where necessary. Where such work is undertaken, this will be set out as part of Internal Audit's annual report. In order to protect Internal Audit's independence and minimise the impact on the delivery of the overall plan, the Audit Manager will give due consideration to the appropriateness of undertaking such work.

Internal Audit will also be responsible for appropriate follow-up on engagement findings and recommendations. All significant findings will remain open until cleared.

A summary of Internal Audit findings, as well as follow ups will be communicated to senior management and the GAP Committee via interim and annual audit reports. Any significant emerging risks which arise in year will be reported as they occur.

Quality Assurance and Improvement Programme (QAIP)

The Chartered Institute of Internal Auditors (IIA) sets out mandatory Core Principles, which taken as a whole, articulate internal audit effectiveness. For an internal audit function to be considered effective and achieve its mission, all Principles must be present and operating effectively:

1. Demonstrates integrity
2. Demonstrates competence and due professional care
3. Is objective and free from undue influence
4. Aligns with the strategies, objectives and risks of the organisation
5. Is appropriately positioned and adequately resourced
6. Demonstrates quality and continuous improvement
7. Communicates effectively
8. Provides risk-based assurance
9. Is insightful, proactive and future-focused
10. Promotes organisational improvement

Internal Audit will maintain a QAIP that covers all aspects of the Internal Audit activity. The program will include an evaluation of Internal Audit's conformance with the above Principles, the Standards and an evaluation of whether Internal Auditors apply the IIA's Code of Ethics. The program will also assess the efficiency and effectiveness of Internal Audit and identify opportunities for improvement.

In addition, the Audit Manager will communicate to senior management and the GAP Committee on Internal Audit's (QAIP), including results of ongoing internal self-assessments and external assessments conducted at least every five years by a qualified, independent assessor from outside of Uttlesford District Council.

Any instances of non-conformance with the Standards will be included in the annual Internal Audit report. If there is significant non-conformance, this will be included in the Council's Annual Governance Statement.

Signatures:

Audit Manager:

Chief Executive:

Chair of Audit and Standards Committee:

Agenda Item 3

Committee: Audit and Standards

Date: Thursday, 28
September 2023

Title: Code of Conduct Complaints Summary

Report Author Richard Auty
Director of Corporate Services
Monitoring Officer
rauty@uttlesford.gov.uk

Summary

1. This report summarises Code of Conduct complaints considered during the tenure of the current Monitoring Officer.

Recommendations

2. None

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

Communication/Consultation	The Monitoring Officer reports periodically to the committee on Code of Conduct complaints
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	Some complaints do involve legal matters, appropriate professional advice is sought
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	None
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Summary of complaints

6. The table at Appendix A summarises complaints against district and parish councillors since the beginning of the 2023 calendar year. The current Monitoring Officer was appointed in February 2023 and the table also includes two complaints pre-dating that time, but which have been resolved during 2023.
7. Since January 2023, there have been nine complaints received. For comparison, in the same period (January to September) in 2022 there were eight complaints while in 2021 there were 20 complaints.
8. In the whole of the 2022 calendar year there were 10 complaints received and in the 2021 calendar year there were 23 complaints.
9. Of the nine complaints received so far in 2023, three were against district councillors and six were against parish councillors. The most common types of allegation were failing to treat the complainant with respect (four) and failure to appropriately declare an interest (two in 2023, plus the two cases from 2022 that were resolved in 2023).

Training for councillors on the Code of Conduct and Standards process

10. Following a request from a parish council chair, the district council agreed to offer training to every town and parish councillor and every clerk in the district. Some councils opted to send a single representative, either clerk or councillor, who could then take the learning back to their council.
11. This training, which took place in May and June, set out the requirements placed upon councillors through the Code of Conduct (new model code or other versions). Of particular importance was the registering of interests either through the Declaration of Interest form or at meetings.
12. The training was attended by 55 representatives from 26 of the district's town and parish councils.
13. Concurrently, training was offered to district councillors as part of the post-election induction programme.
14. At the second welcome evening in May, the Deputy Monitoring Officer gave a brief outline of members' responsibilities under the Code of Conduct, how to complete the Register of Interests, arrangements for dealing with complaints under the Code and also the Member Officer Protocol. This was attended by 28 out of 39 councillors.
15. External training was then provided by the same company which did the parish council training. Two sessions were run – one specifically for the Audit and Standards Committee members and substitutes and a second for all

councillors. Between these two training sessions, 16 district councillors attended.

Date received	Date resolved	District or Parish	Complainant	Allegation	Progress
26/07/22	26/07/23	Parish	Members of the public	Failure to disclose pecuniary interest, failure to treat others with respect, bullying, bringing authority into disrepute.	RESOLVED Informal resolution. Following investigation, subject member accepted they had breached the Code of Conduct with regard to failing to disclose a pecuniary interest on Register of Interests and with regard to failing to disclose a personal and prejudicial interest with regard to a planning application. Subject member apologised to the Monitoring Officer and undertook training.
15/08/23	13/4/23	District	Councillor	Failed to complete Register of Interests correctly; failed to declare interest at meeting correctly	RESOLVED Standards Hearing Panel found breach of Code of Conduct in three out of four matters. Reprimand issued, matter reported to Full Council for lessons learned. Subject member no longer a councillor.
08/02/23	17/05/23	District	Member of the public	Failed to treat with respect on social media.	RESOLVED Informal resolution. Councillor issued apology.
27/02/23	09/05/23	District	Officer	Disrespect, attempt to compromise impartiality, bullying, bringing authority into disrepute, using position to disadvantage officers.	NO FURTHER ACTION Put out for investigation; subject member lost seat at election.
17/04/23	09/05/23	District	Member of the Public	Failed to treat member of public with respect. Abusive behaviour.	NO FURTHER ACTION Independent Person consulted and agreement reached with Monitoring Officer that matter should be investigated; subject member lost seat at election.

				Bringing authority into disrepute.	
28/04/23	09/05/23	Parish	Officer	Breach of confidentiality relating to employment of another member of staff.	NO FURTHER ACTION Subject member stood down at election.
26/05/23		Parish	Member of the public	Failure to declare an interest; failure to act impartially or objectively; sought to advantage own interests.	ONGOING Attempt to negotiate informal resolution unsuccessful. Further assessment concluded potential breach serious enough to commission external investigation. Currently out for investigation.
19/06/23	09/08/23	Parish	Councillor	Failure to treat with respect, bullying. Related to social media posts.	DISMISSED Initially accepted for investigation; further information caused re-assessment and decision to dismiss complaint on basis that it was arguable the subject member was not acting in capacity of councillor, and even if was, posts could be considered freedom of expression in political debate.
10/08/23	17/08/23	Parish	Councillor	Failure to act with honesty and integrity.	DISMISSED Complaint was assessed to be minor/trivial and did not amount to a breach of the Code of Conduct.
01/09/23		Parish	Councillors	Failure to act with honesty, integrity and openness (one councillor). Failure to declare an interest (second councillor).	ONGOING Out for assessment with Independent Person.

Agenda Item 4

Committee: Audit and Standards Committee

Date:

Title: Comparison Between Current and Previous Codes of Conduct

Thursday, 28 September 2023

Report Author: Richard Auty
Director Corporate Services
Monitoring Officer
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Summary

1. The purpose of this report is to provide a comparison between the current and previous Codes of Conduct as requested at the previous Audit and Standards Committee meeting held on 27 June 2023.

Recommendations

2. The report is for information only.

Financial Implications

3. None.

Background Papers

4. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:
 - None – all associated documentation is in the public domain and has been referenced in the main body of the report.

Impact

- 5.

Communication/Consultation	None
Community Safety	None
Equalities	None.
Health and Safety	None
Human Rights/Legal	The Local Authority has a duty to maintain an up to date Code of Conduct and

Implications	procedure for managing code of conduct complaints for the Council and Parish / Town Councils in its District.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

6. [On 11 October 2022](#), Full Council adopted the Local Government Association's New Model Code of Conduct and associated guidance on the recommendation of the Standards Committee.
7. The primary driver behind adoption of the New Model Code, as [drafted by the LGA](#), was to bring greater clarity to the standards contained within the Code and to ensure wider compliance. For instance, the Code is now written in the first-person, to engender personal responsibility, and additional guidance has been included under each given standard to demonstrate practical examples of what would or would not constitute a breach of the Code.
8. The standards contained in both the previous and current Model Codes are materially the same, although differences in language and terminology can be seen in the comparative table attached at Appendix A.
9. The associated guidance coupled with the Code has also been re-worded. Again, materially, much of the guidance remains the same, as is the case in regards to disclosable pecuniary interests which are governed by [statute](#), but changes have been made to the definitions surrounding non-pecuniary interests, which are now known as 'Other registrable interests' and 'Non-registrable interests'.
10. The principal practical change relating to 'Other registrable interests' and 'Non-registrable interests' is that members can no longer declare a non-pecuniary interest in relation to an item and participate in the debate and vote without special dispensation from the Monitoring Officer, although they can make representations at the meeting if the public are allowed to speak. The adopted guidance states:

“Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), or a relative or close associate (Non-Registrable Interest), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.”

11. In short, the new Model Code asks Members to only make declarations when there is a clear conflict of interest, and to remove the opaque definition of a 'personal but non-prejudicial' interest. Under the new Code, if Members are moved to disclose a conflict of interest they must follow the process set-out in paragraph 10 of this report. Whilst the previous Code prevented members participating in items where they had a pecuniary or personal prejudicial interest, there was scope for participation whereby the interest was personal but not prejudicial. This recourse is no longer available to members in light of the updated Model Code.
12. The current Code of Conduct at Appendix B gives guidance as to what could be considered a pecuniary interest, a registrable interest and a non-registrable interest.
13. The old Code of Conduct is included for information at Appendix C.
14. It should be noted that the process by which Standards complaints are handled was not altered by the adoption of the new Code.
15. In addition, Members must be conscious that subsequent to the Council voting to adopt the new Code, considerable effort has gone in to encouraging the district's 53 Town and Parish Councils to also adopt the Model Code. There is logic in local authorities across the district operating under the same Code. To date, fourteen local councils have adopted the new Code.

Risk Analysis

16.

Risk	Likelihood	Impact	Mitigating actions
1 Little risk / the report is for information only.	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.

Appendix A – Comparison of previous and current Codes of Conduct

Current Code	Previous Code	Comments
<p>Respect As a councillor: 1.1 I treat other councillors and members of the public with respect. 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.</p>	<p>4. You must treat others with respect</p>	<p>Expanded: The new Code clarifies the obligation of the elected member.</p>
<p>Bullying, harassment and discrimination As a councillor: 2.1 I do not bully any person. 2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.</p>	<p>6. You must not: a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully; b. Bully any person; c. Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;</p>	<p>Similar provision: Previous code 6 c. is now in the current Code 8.</p>
<p>Impartiality of officers of the council As a councillor: I do not compromise, or attempt to compromise, the impartiality of anyone</p>	<p>6. You must not: d. Do anything which compromises or is likely to compromise the impartiality of</p>	<p>Similar provision</p>

<p>who works for, or on behalf of, the local authority.</p>	<p>those who work for, or on behalf of, your authority;</p>	
<p>Confidentiality and access to information As a councillor: 4.1 I do not disclose information: a. given to me in confidence by anyone b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless i. I have received the consent of a person authorised to give it; ii. I am required by law to do so; iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or iv. the disclosure is: 1. reasonable and in the public interest; and 2. made in good faith and in compliance with the reasonable requirements of the local authority; and 3. I have consulted the Monitoring Officer prior to its release. 4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.</p>	<p>6. You must not: e. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where: i. You have the consent of a person authorised to give it; ii. You are required by law to do so; iii. The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or iv. The disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the reasonable requirements of the authority; f. Prevent another person from gaining access to information to which that person is entitled by law</p>	<p>Similar provision: additional responsibility on the member not to improperly use information for personal gain.</p>

Appendix A – Comparison of previous and current Codes of Conduct

<p>4.3 I do not prevent anyone from getting information that they are entitled to by law</p>		
<p>Disrepute As a councillor: I do not bring my role or local authority into disrepute</p>	<p>You must not: g. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute;</p>	<p>Similar provision</p>
<p>Use of position As a councillor: I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.</p>	<p>6. You must not: h. Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.</p>	<p>Similar provision</p>
<p>Use of local authority resources and facilities As a councillor: 7.1 I do not misuse council resources. 7.2 I will, when using the resources of the local authority or authorising their use by others: a. act in accordance with the local authority's requirements; and b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.</p>	<p>7. You must, when using or authorising the use by others of the resources of your authority: a. Act in accordance with your authority's reasonable requirements; b. Ensure that such resources are not used improperly for political purposes (including party political purposes); and c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.</p>	<p>Similar provision</p>

<p>Complying with the Code of Conduct As a Councillor: 8.1 I undertake Code of Conduct training provided by my local authority. 8.2 I cooperate with any Code of Conduct investigation and/or determination. 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings. 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</p>		<p>New provision: if subject member fails to comply with the Code, a further breach may occur.</p>
<p>9. Interests As a councillor: I register and disclose my interests.</p>		<p>New provision: non-disclosure of pecuniary interests was an existing criminal offence, now non-disclosure is also a breach of the Code. This is pertinent in respect of other registrable interests.</p>
<p>10. Gifts and hospitality As a councillor: 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</p>	<p>19. You are required to notify the Council’s Monitoring Officer of any personal interests that are not registrable as disclosable pecuniary interests as follows: The name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50.</p>	<p>Similar provision: Declarations of gift and hospitality have been incorporated into the new Code as a stand-alone point; previously, it was included as a bullet-point under the Personal Interests’ section.</p>

Appendix A – Comparison of previous and current Codes of Conduct

<p>10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</p> <p>10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.</p>		
	<p>5. You must observe any protocols or codes of practice adopted by your authority.</p>	<p>This is not replicated in the current Code.</p>

PART 5 - CODES AND PROTOCOLS

THE COUNCILLORS' CODE OF CONDUCT

Introduction

All councils are required to have a local Councillor Code of Conduct.

The Local Government Association (LGA) developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. Uttlesford District Council adopted this as its Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who a) is a member of any committee or sub-committee of the authority, or; b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. For further guidance on how the Code operates please see [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication

- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. The obligations of the Code of Conduct are in bold and guidance is included in italics to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and

2. made in good faith and in compliance with the reasonable requirements of the local authority; and

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express

concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support*
- stationery*
- equipment such as phones, and computers*
- transport*
- access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be

used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority . You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests). “Disclosable Pecuniary Interest” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below. “Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the

councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which affects –

a. your own financial interest or well-being;

b. a financial interest or well-being of a relative or close associate; or

c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10.[Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it].

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were

	<p>spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one</p>

	class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none">a) any unpaid directorshipsb) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authorityc) any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management
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THE COUNCILLORS' CODE OF CONDUCT

Part 1

Introduction and Interpretation

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

Selflessness: Holders of public office should act solely in terms of the public interest.

Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or friends.

Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty: Holders of public office should be truthful.

Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

What does the Code cover?

2. The Code covers three main areas:

It sets out some general obligations regarding the behaviour of elected and co-opted members.

It explains how members should behave if they have a personal interest in an item of Council business.

It sets out rules requiring registration of interests for public inspection.

When does the Code apply?

3. You must comply with this Code whenever you are carrying out your Council duties for which you were elected or appointed. The Code also applies when you act, claim to act or give the impression you are acting as a representative of the Council. It does not apply to your conduct in your private life. However, conduct that falls short of the high standards

expected of those in public life can damage the reputation of the Council and its members, even if it is not within the scope of the Code. The Code applies to elected councillors and it also applies to co-opted members.

General obligations regarding behaviour

4. You must treat others with respect.
5. You must observe any protocols or codes of practice adopted by your authority.
6. You must not:
 - a. Do anything which may cause the Council to breach the Equality Act 2010 or otherwise act unlawfully;
 - b. Bully any person;
 - c. Intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
 - d. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority;
 - e. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. You have the consent of a person authorised to give it;
 - ii. You are required by law to do so;
 - iii. The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. The disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the reasonable requirements of the authority;
 - f. Prevent another person from gaining access to information to which that person is entitled by law;
 - g. Conduct yourself in a manner which could be reasonably regarded as bringing the Council or your office into disrepute;
 - h. Use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
7. You must, when using or authorising the use by others of the resources of your authority:
 - a. Act in accordance with your authority's reasonable requirements;
 - b. Ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - c. Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members' Interests in Council Business

Disclosable pecuniary interests.

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

Personal Interests

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

Personal and Prejudicial interests.

10. To decide whether a personal interest is prejudicial, members should apply the following test: "Would a member of the public with knowledge of the relevant facts reasonably regard my interest as so significant that it is likely to prejudice my judgement of the public interest?" If the answer is "yes", then you should treat your interest as "personal and prejudicial".

Disclosure of Members' Interests

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

I Meetings of committees, sub-committees, working groups and panels.

I Meetings of the Cabinet and of committees and sub-committees of the Cabinet.

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

Decisions made by Cabinet members

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

Disclosure of Sensitive Interests

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

Participation in meetings if you have an interest

Appendix C – Previous Code of Conduct

14. If you have a disclosable pecuniary interest in any Council business then, unless you have a dispensation from the Council's Monitoring Officer, you must:
- I Withdraw from the room or chamber where the meeting considering the business is being held.
 - I Not participate or participate further in any discussion of the matter at the meeting.
 - I Not participate in any vote or further vote taken on the matter at the meeting.
15. If you have a personal and prejudicial interest in any Council business then, unless you have a dispensation from the Council's Monitoring Officer:
- I You may attend a meeting for the purpose of making representations only.
 - I You must not participate or participate further in any discussion of the matter at the meeting.
 - I You must not participate in any vote or further vote taken on the matter at the meeting.
16. If you have a personal interest that is neither a disclosable pecuniary interest nor a prejudicial interest, you may participate in discussion of the matter and may vote.
17. If a Council function may be discharged by a member acting alone and you have a disclosable pecuniary interest in such a matter, you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself) unless you have obtained a dispensation from the Monitoring Officer permitting you to do so.

Registration of Members' Interests

Disclosable Pecuniary Interests

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

Personal Interests

19. You are required to notify the Council's Monitoring Officer of any personal interests that are not registrable as disclosable pecuniary interests as follows:

- I The name of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

- I The name of any body:
 - o exercising functions of a public nature; or
 - o directed towards charitable purposes; or
 - o one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

- I The name of any person or body from whom you have received a gift or hospitality with an estimated value of at least £50.

Sensitive interests

- 20. Where you have an interest that is registrable and the nature of the interest is such that you and the Council’s Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority’s register then copies of the register available for inspection and any published version of the register shall not include details of the interest but may state that you have an interest details of which are withheld under s.32(2) Localism Act 2011 and/or this paragraph.

APPENDIX A: DISCLOSABLE PECUNIARY INTERESTS

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

I it is of a kind described in A2 below;

I it is an interest held by you or by another “relevant person” as set out in A3 below; and

I in the case an interest held by another “relevant person”, you are aware that the other person has the interest.

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

A3 As explained, you will have a disclosable pecuniary interest

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council- a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the Council’s area.
Licences	Any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.
Corporate tenancies	Any tenancy where to your knowledge - a) the landlord is the Council; and b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where - a) that body (to your knowledge) has a place of business or land in the Council’s area; and b) either - (i) the total nominal value of the securities exceeds £25000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix C – Previous Code of Conduct

if you or another “relevant person” has an interest described in A2. The following are “relevant persons”:

I You, as an elected or co-opted member of the Council.

I Any of the following:

- o Your spouse or civil partner,
- o A person with whom you are living as husband and wife,
- o A person with whom you are living as if you are civil partners.

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

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

“body in which the relevant person has a beneficial interest”	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
“director”	includes a member of the committee of management of a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union
“land”	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
“member”	includes a co-opted member;
“relevant period”	means the period of 12 months ending with the day on which a member gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Localism Act;
“securities”	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

APPENDIX B: PERSONAL INTEREST

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

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

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

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

- I Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council.

Appendix C – Previous Code of Conduct

- I Any body of which you or a related person are a member or in a position of general control or management which does one or more of the following:
 - o exercises functions of a public nature;
 - o is directed towards charitable purposes; or
 - o seeks, as one of its principal purposes to influence public opinion or policy (including any political party or trade union)

- I The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.

- B4. “Related Persons”. The following are “related persons” in determining whether you have a personal interest:
 - I A member of your family or any person with whom you have a close business or personal association.

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

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

Committee: Audit and Standards

Date: Thursday, 28
September 2023

Title: Internal Audit: Standards Complaints

Report Author Richard Auty
Director of Corporate Services
Monitoring Officer
Rauty@uttlesford.gov.uk

Summary

1. This report presents a recent internal audit review of the process for dealing with standards complaints.
2. It was commissioned by the Chief Executive following concerns about the process or timescale in dealing with certain Code of Conduct complaints.

Recommendations

3. None

Financial Implications

4. None

Background Papers

5. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

None

Impact

- 6.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	The Code of Conduct processes and recommendations have been considered

	by solicitors during this audit
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

7. Following the conclusion of a long-running Code of Conduct complaint against the former Leader of the Council, several short-term actions were undertaken to improve the way the Council handles such matters and improve the protection afforded to councillors as they undertake their duties.
8. These included a full review by an experienced solicitor of Registers of Interest, and the provision of the proper form of words to declare an interest at meetings. A new process was put in place for the selection of Panel members, for Standards and other hearings.
9. In addition to these immediate actions, the Chief Executive commissioned an internal audit review into standards processes in order to identify any systemic weaknesses and provide an independent opinion of where improvement could be made.
10. A second Code of Conduct complaint against a parish councillor was an additional catalyst for this review as, although relatively complex, it took a year to resolve the matter.
11. Both these cases were among those used as examples during the audit, which was conducted by the then-Internal Audit Manager (who has since left the Council).
12. The final report is attached at Appendix A. It has been shared with the Independent Persons in advance of publication. The recommendations have been accepted and actioned by the Monitoring Officer, and previous and current Deputy Monitoring Officers.
13. The development of the triage process when a complaint is first received is the key improvement that has been put in place, which is helping resolve complaints more quickly.
14. The incoming permanent Monitoring Officer may want to take a further view of the Council's Code of Conduct processes in due course.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
Code of Conduct complaints are not dealt with in a timely and proportionate manner	2 – some complaints can be complex and do reply on engagement by all parties	2 – such complaints can be stressful for complainants, the subject member(s) and even officers involved	Improved processes as recommended in the audit report will help bring complaints to a conclusion more quickly

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.

Internal Audit Final Report 2023/24

Title Standards Complaints – Reference XC23-2

1. Executive Summary

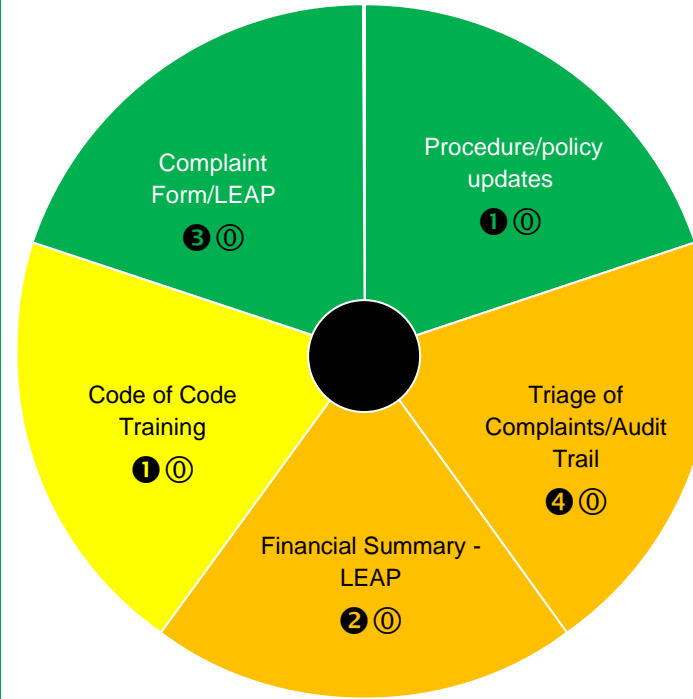
<p>Directorate: Legal Services Audit Owner: Chief Executive Peter Holt Distribution List: Peter Holt Richard Auty Norman Coombe</p>	<p><u>Overall Opinion</u></p> <p>LIMITED ASSURANCE ●</p>	<p><u>Number of issues relating to Control Design</u></p> <p>① Critical ① High ① Medium ① Low</p>	<p><u>Number of issues relating to Controls Operating in Practice</u></p> <p>① Critical ① High ① Medium ① Low</p>
<p>Scope of the Review/ Limitations:</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 70</p>	<p>The scope of this review:</p> <ul style="list-style-type: none"> To review how well complaints are triaged before being progressed as appropriate and proportionate e.g., considering prima facie evidence presented by the complainant at an early stage to indicate that a breach has potentially occurred. To review the established criteria for requesting a full independent investigation. To review how well the principles of natural justice are applied at all stages. To review how long complaints take and how much they cost, proportionate to their seriousness, and in light of any disproportionate unintended consequences arising from the process itself. To review the current Considering a Compliant under the Code of Conduct Procedure. Use at least three current/recent complaints as recommended by the Chief Executive (alongside any others that the Internal Audit team selects for itself) as test cases to review the process from receipt to conclusion. <p>Limitations</p> <ul style="list-style-type: none"> Panel selection procedures for appeal hearings. Appeals against Panel decisions. Comparison with other Local Authorities for number of Code of Conduct complaints received. 		

Overview

Limited Assurance – based on a number of control weaknesses, several of which are high and may put the achievement of key service objectives at risk and result in error in judgement, financial or reputational damage. Internal Audit reached this conclusion because the medium and high risk rated weaknesses identified in this audit were considered to be significant in aggregate to the system of internal control and governance process.

Areas of good practice identified.

Improvements were noted on the LEAP system since the current Locum Deputy Monitoring Officer has been in place particularly with regards to maintaining an effective audit and timescale to triage the complaint.



Each of the objectives for this review are shown as segments of the wheel. The key to the colours on the wheel are as follows:

- No / Low priority issues identified
- Medium priority issues identified
- High priority issues identified
- Critical priority issues identified

Auditor:

Fieldwork commenced: 24/04/2023
 Fieldwork completed: 25/05/2023
 Draft report issued: 31/05/2023

Management comments:

Final report issued:

Signed: Debbie Deeks, Audit Services Manager

Risk Register Updates:

It is recommended that management consider including the unregistered risks identified below in the service's risk register.

Issues raised and officers responsible for implementation

Name	Critical	High	Medium	Low	Total	Agreed	Latest Implementation Date
		6	1	4	11		

Risks Reviewed (as per agreed Terms of Reference)		
Risk Ref	Risk	Risk managed
CR_07	If the council does not have a clear and robust governance framework, then this could lead to ineffective and potentially unlawful decision-making, resulting in financial and reputational loss, maladministration and potential legal challenge.	●

2. Detailed Findings, Recommendations and Action Plan

Ref	Priority
1	<p>Background</p> <p>Uttlesford District Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 17 articles which set out the basic rules governing the Council's business and the Member Protocol forms part of the Constitution.</p> <p>Local councils, including Uttlesford District Council and parish councils within its area, must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The Code is expected to promote principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.</p> <p>The purpose of this Code of Conduct is to assist a Councillor, in modelling the behaviour that is expected and to provide a personal check and balances, and to set out the type of conduct that could lead to action being taken against a councillor. It is also to protect the councillor, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct. All Councillors must sign and agree to the Councils Code of Conduct once elected.</p> <p>There is a statutory required under the Local Government and Housing Act, 1989 for UDC to designate one of its officers as Monitoring Officer who will investigate Code of Conduct complaints on behalf of the Council. Due to the resignation of the Monitoring Officer in February 2023 the Monitoring Officer role was allocated internally and a Locum Deputy Monitoring Officer appointed which has caused some disruption in the processing of Code of Conduct complaints. In addition, the change of Council following the elections in May 2023 has meant that standards complaints panel hearings have been delayed. The Council are currently in the process of recruiting a Head of Legal Service/Monitoring Officer who will take over the role on a full-time basis and then appoint a Deputy Monitoring Officer accordingly.</p>

Ref	Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Response provided by Richard Auty and agreed actions
1	<p>Receipt of Complaint</p> <p>Under the Code of Conduct Complaint Procedure 2017, complaints must be received in writing, and this can include an email version. Within 5 working days of receipt of the complaint in formal form, the Monitoring Officer shall acknowledge the complaint and provide a copy of the Code of Conduct to the complainant and request evidence if this has not already been provided. The Monitoring Officer will then consult with the Independent Member of the Standards Committee (IP) to review the complaint and agree whether there is a case to answer based on the prima facie evidence.</p> <p>Cases can be dealt with in three ways;</p> <ul style="list-style-type: none"> • No further action • Informal resolution • Formal investigation <p>It if is decided that there has been a breach of the code of conduct, the subject of the complaint should be sent a copy of the complaint and be given an opportunity to respond.</p> <p>The LEAP system is used to record all complaints and provide an Audit trail of emails and documentation required to triage the case. The Audit reviewed 20 cases in the last year 2022/23 (4 cases in depth) from the LEAP system and found that in a number of cases the Audit trail consisted of a large number of emails correspondence. In many cases the formal compliant form was not sent out directly together with the Code of Conduct procedure to the complainant and there is no date on the complaint form therefore it was impossible identify exactly when complaints we received and if UDC complied with the 5 working days complaint response. In addition, LEAP appears to be updated on an adhoc basis which gives a false impression of the dates recorded on the system compared to the date the complaint was received.</p>		<p>It is recommended that:</p> <ul style="list-style-type: none"> • The complaint form should be updated to include the date that it was completed/submitted. • All existing cases on LEAP should be reviewed to ensure that they are completed and then closed. • The LEAP system should be updated on a regular basis and individual files created to separately identify the information and correspondence stored in each file e.g. complaint form, evidence, decision notice. 	<p>●</p> <p>●</p> <p>●</p>	<p>Recommendations agreed</p> <p>Responsible Officer: Richard Auty</p> <p>Target Date: July 2023</p> <p>Complaint form has been updated</p> <p>Review of all open cases on LEAP has been concluded</p> <p>Sub folders are now being used within LEAP</p>







Ref	Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Response provided by Richard Auty and agreed actions
2	<p>Triage Process</p> <p>The Audit reviewed 4 complaints cases on the LEAP system in depth and found that there is little evidence of an effective triage process which showed how cases are reviewed and tested against a threshold following the principles of natural justice. In addition, in many cases the subject of the complaint was not offered an opportunity to respond to the complaint or provide conflicting evidence to refute the complaint. In some cases, it was not clear whether the subject had received a copy of the complaint and was not being kept informed during the case review as to how it was progressing or what the next step were in the process.</p> <p>Although prima facie evidence may have been considered in these cases the Audit trail is poor and does not show how the evidence was assessed and how a conclusion was reached. All four cases reviewed by Audit identified as a breach of the Code of Conduct and were referred for independent investigation, however there is no evidence of an established criteria for commissioning an independent investigation or whether there was any consideration given to proportionately, value for money taking into consideration the likely outcome/sanction if the breach was upheld e.g. a breach in declaring a personal interest on the DOI form, but evidence suggests that the Councillor abstained from and committee decision making.</p> <p>In all cases an Independent Person (IP) was consulted, and decision agreed but there was no record of how the conclusion was reached or measured against the seriousness of the case, likely outcome if found to be in breach of the code and the unintended consequences arising from the process itself.</p> <p>In addition, although there was some correspondence from the MO to the complainant, offering advice and potential solutions to how the complaint could be concluded without prejudice, there is limited evidence of whether appropriate steps were taken to mediate the process rather than</p>		<p>It is recommended that:</p> <ul style="list-style-type: none"> • A full triage process/procedure should be put in place which records the evidence reviewed and the threshold it was measured against, likely outcome if the breach were to be established based on the seriousness of the case and appropriate action/sanction by UDC. This should be a document/check list with all the information included following the initial assessment and should be uploaded to the LEAP system. • All subjects under investigation should sent a copy of the complaint form at the triage stage and be offered the opportunity to respond accordingly. The response can then be considered by the MO and IP prior to making a formal decision on how to proceed with the complaint. Once the case has been reviewed by the MO and IP evidence can be provided to the subject of the complaint if requested (unless in the event of a Police investigation where providing evidence may influence the case). 		<p>Responsible Officer: Richard Auty</p> <p>The existing procedure includes a series of factors used to assess any complaint. A triage form will be created to provide a record of how these assessments were made. Target Date: September 2023</p> <p>The MO and previous and current DMOs have carefully considered this recommendation and while there are legitimate concerns that this could elongate even further what can already be a lengthy process, it has been concluded that there are occasions where it could be appropriate to do so. Therefore the merit of providing the complaint at this earliest stage will be considered on a case-by-</p>

Ref	Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Response provided by Richard Auty and agreed actions
Page 75	<p>commission a full independent investigation.</p> <p>All 20 complaints cases were still showing on LEAP as in progress, therefore Audit were unable to establish timescales for individual cases, however the average length of time for cases to be concluded appeared to be around 3-4months with the longest currently active being 14 months. During consultation with the Deputy Monitoring Officer it became clear that most of the outstanding cases had actually been concluded, however decision notices were not evidenced and the cases had not been closed on the LEAP system.</p>		<ul style="list-style-type: none"> • Consideration should be given to looking into other ways of effectively processing complaints that draw an appropriate balance between the seriousness of the case and the broader interests of UDC and applying broader lessons to general practice. • A decision notification letter should be sent to the subject of the complaint and a copy retained on file on the LEAP, even if there is no further action. This will ensure a full Audit trail and reference if further complaints are brought to UDC in the future. 	<ul style="list-style-type: none"> • • 	<p>case basis and where the MO considers there is benefit in doing so, it will be provided.</p> <p>The new triage procedure should assist with this. It will be trialled for six months and then reviewed. Target Date: September 2023</p> <p>This is now done as a matter of course. Target Date: September 2023</p>

Ref	Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Response provided by Richard Auty and agreed actions
3	<p>Financial Summary – Leap LEAP has a facility to include the committed hours and costs of staff, together with invoices for external consultants used for investigations. In 2022/23 UDC expenditure for external investigators for Code of Conduct complaints was £25k.</p>		<p>It is recommended that:</p> <ul style="list-style-type: none"> The LEAP system should be used to record staff costs and external expenditure of Code of Conduct complaints, which would ensure that expenditure is effectively monitored and will provide reconciliation between LEAP and Integra for invoicing and expenditure. Consideration should be given into conducting an appraisal into value for money for external investigators verses in house staff taking into consideration cost, resourcing, and independence. 	<ul style="list-style-type: none"> ● ● 	<p>This has been implemented Target Date: July 2023</p> <p>Each case is assessed on its own facts and sometimes an external investigator is the only option, even if it comes at a cost. Consideration will be given to asking senior managers to take on this role Target Date: September 2023</p>
4	<p>Procedures/Policy Updates The Code of Conduct Procedure was updated in 2017 so is now outdated.</p>		<p>It is recommended that:</p> <ul style="list-style-type: none"> The Code of Conduct Procedure should be reviewed and updated if required on an annual basis. 	<ul style="list-style-type: none"> ● 	<p>Agreed Target Date: September 2023</p>
5	<p>Code of Conduct training for Councillors When Councillors are elected, they are given training on</p>		<p>It is recommended that:</p>		

Ref	Matters Arising	Potential Risk Implications	Recommendations	Priority	Management Response provided by Richard Auty and agreed actions
	<p>the requirements and standards expected of them when representing the Council as part of the Induction training.</p>		<ul style="list-style-type: none"> Code of Conduct training will be made mandatory for all Councillors whether newly elected or refresher training for existing Councillors. This would include a brief on Declaration of Interests. 	<p>●</p>	<p>There are very few types of training which are legally mandated. Code of Conduct training is not among them. The importance of the training has been impressed on group leaders and attendance will be monitored. We will assess this in six months' time and if necessary, consider other options. Target Date: July 2023</p>

3. Basis of our opinion and assurance statement

Key to Risk Ratings for Individual Findings in Reports	
Critical 	<p>Financial: Severe financial loss; Operational: Cessation of core activities</p> <p>People: Life threatening or multiple serious injuries to staff or service users or prolonged work place stress. Severe impact on morale & service performance. Mass strike actions etc</p> <p>Reputational: Critical impact on the reputation of the Council which could threaten its future viability. Intense political and media scrutiny i.e. front-page headlines, TV.</p> <p>Legal and Regulatory: Possible criminal, or high-profile civil action against the Council, members or officers. Statutory intervention triggered impacting the whole Council. Critical breach in laws and regulations that could result in material fines or consequences</p> <p>Projects: Failure of major Projects and/or politically unacceptable increase on project budget/cost. Elected Members required to intervene.</p>
High 	<p>Financial: Major financial loss. Service budgets exceeded; Operational: Major disruption of core activities. Some services compromised. Management Team action required to overcome medium-term difficulties.</p> <p>People: Serious injuries or stressful experience (for staff member or service user) requiring medical attention/ many workdays lost. Major impact on morale and performance of staff.</p> <p>Reputational: Major impact on the reputation of the Council. Unfavourable media coverage. Noticeable impact on public opinion.</p> <p>Legal and Regulatory: Major breach in laws and regulations resulting in significant fines and consequences. Scrutiny required by external agencies</p> <p>Projects: Key targets missed. Major increase on project budget/cost. Major reduction to project scope or quality.</p>
Medium 	<p>Financial: Moderate financial loss. Handled within the team; Operational: Significant short-term disruption of non-core activities. Standing Orders occasionally not complied with, or services do not fully meet needs. Service Manager action will be required.</p> <p>People: Injuries (to staff member or service user) or stress levels requiring some medical treatment, potentially some work days lost. Some impact on morale and performance or staff.</p> <p>Reputational: Moderate impact on the reputation or brand of the organisation. Limited unfavourable media coverage</p> <p>Legal and Regulatory: Moderate breach in laws and regulations resulting in fines and consequences. Scrutiny required by internal committees or internal audit to prevent escalation.</p> <p>Projects: Delays may impact project scope or quality (or overall project must be re-scheduled). Small increase on project budget/cost. Handled within the project team.</p>
Low 	<p>Financial: Minor financial loss; Operational: Minor errors in systems/operations or processes requiring Service Manager or Team Leader action. Little or no impact on service users.</p> <p>People: Minor injuries or stress with no workdays lost or minimal medical treatment. No impact on staff morale.</p> <p>Reputational: Minor impact on the reputation of the organisation.</p> <p>Legal and Regulatory: Minor breach in laws and regulations with limited consequences.</p> <p>Projects: Minor delay without impact on overall schedule. Minimal effect on project budget/cost or quality.</p>
Key to Assurance Levels	
No 	<p>There are fundamental weaknesses in the control environment which jeopardise the achievement of key service objectives and could lead to significant risk of error, fraud, loss or reputational damage being suffered.</p>
Limited 	<p>There are a number of significant control weaknesses which could put the achievement of key service objectives at risk and result in error, fraud, loss or reputational damage. There are High recommendations indicating significant failings. Any Critical recommendations would need to be mitigated by significant strengths elsewhere.</p>

Moderate ●	An adequate control framework is in place but there are weaknesses which may put some service objectives at risk. There are Medium priority recommendations indicating weaknesses, but these do not undermine the system's overall integrity. Any Critical recommendation will prevent this assessment, and any High recommendations would need to be mitigated by significant strengths elsewhere.
Substantial ●	There is a sound control environment with risks to key service objectives being reasonably managed. Any deficiencies identified are not cause for major concern. Recommendations will normally only be advice and best practice.

4. Limitations and Responsibilities

Responsibilities of management and internal auditors

It is management's responsibility to develop and maintain sound systems of risk management, internal control and governance and for the prevention and detection of irregularities and fraud. Internal audit work should not be seen as a substitute for management's responsibilities for the design and operation of these systems. Internal Audit shall endeavour to plan its work so that there is a reasonable expectation of detecting significant control weaknesses and, if detected, Internal Audit shall carry out additional work directed towards identification of consequent fraud or other irregularities. However, Internal Audit procedures alone, even when carried out with due professional care, do not guarantee that fraud will be detected. Accordingly, the examinations of Internal Audit should not be relied upon solely to disclose fraud, defalcations or other irregularities which may exist, unless Internal Audit is requested to carry out a special investigation for such activities in a particular area.

Limitations inherent to the internal auditor's work

Internal Audit work has been performed subject to the limitations outlined below:

Opinion

The opinion is based solely on the work undertaken as part of the agreed internal audit plan. There might be weaknesses in the system of internal control that Internal Audit are not aware of because they did not form part of our programme of work, were excluded from the scope of individual internal audit assignments or were not brought to our attention. As a consequence, management and the GAP Committee should be aware that the opinion may have differed if the programme of work or scope for individual reviews was extended or other relevant matters were brought to Internal Audit's attention.

- **Internal control**

Internal control systems, no matter how well designed and operated, are affected by inherent limitations. These include the possibility of poor judgment in decision-making, human error, control processes being deliberately circumvented by employees and others, management overriding controls and the occurrence of unforeseeable circumstances.

- **Future periods**

Historic evaluation of effectiveness may not be relevant to future periods due to the risk that:

- The design of controls may become inadequate because of changes in operating environment, law, regulation or other; or
- The degree of compliance with policies and procedures may deteriorate

Agenda Item 6

Committee: Audit and Standards Committee
Title: Polling District and Polling Places Review –
Uttlesford District and Saffron Walden
Parliamentary Constituency

Date: Thursday, 28
September 2023

Author: Phil Hardy, Electoral Services Manager,
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Summary

1. The Electoral Registration and Administrations Act 2013, places a statutory responsibility on Councils via the (Acting) Returning Officer (ARO), to carry out a UK Parliamentary polling district and polling places review every 5 years. At the same time, the Returning Officer will review his polling scheme across the whole of the Uttlesford district. The next compulsory review must be started and completed between 1 October 2023 and 31 January 2025 (16-month legal timeframe).
2. The current scheme as approved by the then Governance and Audit Committee on 13 January 2020 with delegated authority on behalf of the Council approved changes to the scheme of polling districts and places in the Uttlesford District.
3. The first opportunity to undertake the review is from the 1 October 2023, with the aim of completing this in time for the publishing a revised scheme in December 2023 ahead of the Police, Fire and Crime Commissioner elections in May 2024.
4. Bearing in mind that the Council has over the last 5 years undertaken mini reviews of polling places/stations to resolve practical issues such as due to the unavailability of polling stations for various reasons ahead of scheduled elections, any review exercise will be light touch, aimed at highlighting key areas. This is also appropriate given the limitations on options for changes especially venues that can be made across the Council's geographical area.
5. In parallel with this review, the Chelmsford City Council's (Acting) Returning Officer will conduct a similar review exercise of polling district and places for those electoral area that lie in the Saffron Walden Parliamentary Constituency. Liaison and consultation will take place with the (Acting) Returning Officer for Chelmsford City Council. The Chelmsford City Council Returning Officer has already indicated they are not looking at changes for the 17 polling places that would come under this Council's ARO responsibility at a Parliamentary General Election. These are shown at the end of our polling scheme in Appendix 1.
6. Under the Parliamentary Boundary Review, the Saffron Walden Constituency is to be renamed the North West Essex Parliamentary Constituency and four wards will come under different Parliamentary Constituencies – as shown in

Appendix 1. However, for the purposes of this review all polling districts will be reviewed, and liaison/consultation will take place with the two councils respectively, Braintree and Harlow.

7. Public consultation with stakeholders, parish councils, community groups, political parties, charities and other bodies including any interested individuals will take place during the 6-week consultation period from 2 October.
8. All representations received will be considered and a final set of proposals for a revised polling scheme will be presented to the 28 November meeting of this committee.
9. Public notice of these responses will be placed on the Council's website, shortly after the consultation deadline of 13 November 2023.

Recommendations

10. That approval be given to the (Acting) Returning Officer to conduct a review in accordance with the timetable for a revised Scheme of Polling district and Polling places for the North West Essex Parliamentary Constituency within Uttlesford district with effect from December 2024.

Financial Implications

11. The review will be carried out by the Electoral Services team within existing budgets.

Background Papers

12. All papers referred to by the author in the preparation of this report are already published and are widely available.

Impact

- 13.

Communication/Consultation	Full public consultation will be carried out as part of the statutory review process
Community Safety	N/A
Equalities	There is a requirement to take account of the need for full accessibility in the buildings selected for polling
Health and Safety	The consideration of safety issues is included in the review process
Human Rights/Legal Implications	Rules set out in legislation must be followed in designating polling

	arrangements
Sustainability	N/A
Ward-specific impacts	Selected wards but potentially all of them
Workforce/Workplace	N/A

Situation

14. By law the Council is required to review UK Parliamentary polling districts and places every five years. The last full review exercise was carried out in 2018/19. The Council can review only those parts of the Saffron Walden Constituency included within the Uttlesford district and the same polling arrangements are then used for all other elections – county, district, parish and all referendums.
15. A polling district is a geographical area created by the sub-division of a Parliamentary constituency. In England, each parish must be a separate polling district but where the parish includes more than one ward (or parish ward) the polling district must not cross the ward boundary. For reasons of practicality, it is sensible to ensure that a single polling district does not include more than 3,000 electors. In accordance with the Electoral Commission guidelines, no one polling station should have more than 2,250 electors allocated to it.
16. A polling place is the building or area within each polling district in which polling stations will be located by the Returning Officer. A polling place within a polling district (small enough to be readily identified), must be designated so that polling stations are within easy reach of all electors from across the polling district. If necessary, electors can be sent to an adjoining polling district to vote from a different polling place.
17. Designation of the polling station, i.e., the room within the polling place that polling takes place is the responsibility of the (Acting) Returning Officer.
18. The duty to designate polling places means considering the convenience of electors living in the area and to ensure compliance, as far as is practicable, with the accessibility needs of disabled electors.
19. The current scheme is attached to this report for comment - Appendix 1.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
2 – there is a risk that existing polling arrangements will not meet the needs and expectations of the public if they are not reviewed before the next statutory review is due to take place	2 – it is necessary to review polling arrangements in some areas as specified in the report to prevent them proving inadequate at future elections	3 – if the existing scheme is not reviewed and any necessary changes put in place there is a danger of confusion leading to reduced turnout at future elections	Carry out an interim review of those areas where concerns are known to exist so that all interested parties including the general public have an opportunity to suggest suitable polling arrangements

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.

Station No. May 2023	Polling District Ref	Polling District Description	Existing Polling Place (Station - if identified as separate)	Parish	Ward	Constituency (see note 1 below)	Elector Count @01/08/23	% Turnout at May 23 local elections	Returning Officer Comments
1	AAA	Ashdon	Ashdon Village Hall, Radwinter Road, Ashdon, CB10 2HA	Ashdon	Ashdon	North West Essex	706	31.26	
2	AAB	Hadstock	Hadstock Village Hall, Church Lane, Hadstock, CB21 4PH	Hadstock	Ashdon	North West Essex	286	39.26	
Page 84	AAC	Little Walden	Little Walden Village Hall, Little Walden, Saffron Walden, CB10 1XA	Saffron Walden - Castle & Little Walden Ward	Ashdon	North West Essex	185	47.02	
	AAD	Sewards End	Sewards End Village Hall, Radwinter Road, Sewards End, CB10 2LR	Sewards End	Ashdon	North West Essex	427	44.35	
	5	ABA	Great Canfield	Great Canfield Church Hall, Marsh Lane, Great Canfield, CM6 1JX	Great Canfield	Broad Oak & The Hallingburys	Harlow	384	29.5
6	ABB	Great Hallingbury	Great Hallingbury Village Hall, Church Road, Great Hallingbury, CM22 7TY	Great Hallingbury	Broad Oak & The Hallingburys	Harlow	654	32.39	
7	ABC	Hatfield Broad Oak - Village	Hatfield Broad Oak Village Hall, Cage End, Hatfield Broad Oak, CM22 7HT	Hatfield Broad Oak - Village Ward	Broad Oak & The Hallingburys	Harlow	876	44.42	

8	ABD	Hatfield Broad Oak - Bush End	St. John the Evangelist Church, Bush End, CM22 6NF	Hatfield Broad Oak - Bush End Ward	Broad Oak & The Hallingburys	Harlow	105	36.78	
9	ABE	Little Hallingbury	Little Hallingbury Village Hall, Lower Road, Little Hallingbury, CM22 7RD	Little Hallingbury	Broad Oak & The Hallingburys	Harlow	1231	29.31	
10	ACA	Arkesden	Arkesden Village Hall, Wenden Road, Arkesden, CB11 4HB	Arkesden	Clavering	North West Essex	303	46.64	
Page 85 12	ACB	Clavering	Clavering Village Hall, Hill Green, Clavering, CB11 4QS	Clavering	Clavering	North West Essex	1072	35.06	
	ACC	Langley	Langley Community Centre, Langley Upper Green, Saffron Walden, CB11 4RU	Langley	Clavering	North West Essex	303	38.7	
13	ACD	Wicken Bonhunt	St. Margaret's Church, Wicken Bonhunt, Saffron Walden, CB11 3UG	Wicken Bonhunt	Clavering	North West Essex	186	48.94	
14	ADA	Debden	Debden Memorial Hall, Mill Road, Debden, CB11 3LB	Debden	Debden & Wimbish	North West Essex	671	49.3	
15	ADB	Wimbish - Carver Barracks	Carver Barracks (The Community Hall), Off Elder Street, Wimbish, CB10 2YB	Wimbish	Debden & Wimbish	North West Essex	524	18.65	

16	ADC	Wimbish - Village	Wimbish Village Hall, Tye Green, Wimbish, CB10 2XE	Wimbish	Debden & Wimbish	North West Essex	485	35.1	
17 Page 86	AEA	Elsenham	Elsenham Memorial Hall, Leigh Drive, Elsenham, CM22 6BY	Elsenham	Elsenha m & Henham	North West Essex	2620	21.82	The A(RO) believes this place is big enough to accommodate electors from the new housing development and would have a minimum of 2 polling stations
	AEA	Elsenham	Elsenham Memorial Hall, Leigh Drive, Elsenham, CM22 6BY	Elsenham	Elsenha m & Henham	North West Essex	0	27.91	
19	AEB	Henham	Henham Village Hall, High Street, Henham, CM22 6AS	Henham	Elsenha m & Henham	North West Essex	1075	35.85	
20	AFA	Felsted East	Crix Green Mission Hall, Crix Green, Felsted, CM6 3JT	Felsted	Felsted & Stebbing	Braintree	394	31.79	
21	AFB	Felsted West	Felsted Memorial Hall, Braintree Road, Felsted, CM6 3DS	Felsted	Felsted & Stebbing	Braintree	1973	29.88	

22	AFC	Stebbing	Stebbing Village Hall, Mill Lane, Stebbing, CM6 3SL	Stebbing	Felsted & Stebbing	Braintree	617	34.53	
23	AGA	Flitch Green	Flitch Green Community Hall, Tanton Road, Flitch Green, CM6 3GG	Flitch Green	Flitch Green & Little Dunmow	North West Essex	1614	23.32	
24	AGB	Little Dunmow	Community Meeting Room, Off Brook Street, Little Dunmow, CM6 3HU	Little Dunmow	Flitch Green & Little Dunmow	North West Essex	336	29.9	
Page 27	AHA	Great Dunmow North-East Ward	The Dourdan Pavilion, Off the Causeway, Great Dunmow, CM6 2AA	Great Dunmow North	Great Dunmow North	North West Essex	1961	26.58	
	AHB	Great Dunmow North-West Ward	Great Dunmow Primary School, Walnut Walk, Woodlands Park Drive, CM6 1ZR	Great Dunmow North	Great Dunmow North	North West Essex	1994	23.15	Alternative venues to be explored
27	AJA	Barnston	Barnston Village Hall, Chelmsford Road, Barnston, CM6 1LR	Barnston	Grea Dunmow South & Barnston	North West Essex	720	34.84	

28	AJB	Great Dunmow South-East	United Reformed Church Building, New Street, Great Dunmow, CM6 1BH	Great Dunmow South	Grea Dunmow South & Barnston	North West Essex	2211	15.12	
29	AJB	Great Dunmow South-East	United Reformed Church Building, New Street, Great Dunmow, CM6 1BH	Great Dunmow South	Grea Dunmow South & Barnston	North West Essex	0	22.02	
30	AJC	Great Dunmow South-West	E T Foakes Memorial Hall, Stortford Road, Great Dunmow, CM6 1DA	Great Dunmow South	Grea Dunmow South & Barnston	North West Essex	2089	25.75	
31	AJC	Great Dunmow South-West	E T Foakes Memorial Hall, Stortford Road, Great Dunmow, CM6 1DA	Great Dunmow South	Grea Dunmow South & Barnston	North West Essex	0	26.7	
32	AKA	Hatfield Heath	Hatfield Heath Village Hall, The Heath, Hatfield Heath, CM22 7ER	Hatfield Heath	Hatfield Heath	Harlow	1520	24.45	

33	AKB	White Roding	White Roding Social & Sports Club, Marks Hall Lane, White Roding, CM6 1RS	White Roding	Hatfield Heath	Harlow	277	35.71	
34	ALA	Aythorpe Roding	Aythorpe Roding Village Hall, Aythorpe Roding, Dunmow, CM6 1PS	Aythorpe Roding	High Easter & The Rodings	North West Essex	225	36.93	
35	ALB	High Easter	High Easter Village Hall, The Street, High Easter, CM1 4QR	High Easter	High Easter & The Rodings	North West Essex	597	35.77	
Page 89	ALC	High Roding	High Roding W.I. Hall, The Street, High Roding, CM6 1NW	High Roding	High Easter & The Rodings	North West Essex	436	27.18	
37	ALD	Leaden Roding	Leaden Roding Village Hall, Stortford Road, Leaden Roding, CM6 1QX	Leaden Roding	High Easter & The Rodings	North West Essex	534	25.73	
38	ALE	Margaret Roding	The Reid Rooms, Marks Hall Lane, Margaret Roding, CM6 1QT	Margaret Roding	High Easter & The Rodings	North West Essex	174	17.01	
39	AMA	Chrishall	Chrishall Village Hall, Crawley End, Chrishall, SG8 8QJ	Chrishall	Littlebury, Chesterford & W Lofts	North West Essex	457	40.15	

40.1	AMB	Duddenhoe End	Duddenhoe End Village Hall, Duddenhoe End, Saffron Walden, CB11 4UU	Elmdon, Wenden Lofts & Duddenhoe End - Duddenhoe End Ward	Littlebury, Chesterfords & W Lofts	North West Essex	169	45.74	
40.2	AMB1	Wenden Lofts	Duddenhoe End Village Hall, Duddenhoe End, Saffron Walden, CB11 4UU	Elmdon, Wenden Lofts & Duddenhoe End - Wenden Lofts Ward	Littlebury, Chesterfords & W Lofts	North West Essex	59	0	
Page 90	AMC	Elmdon	Elmdon Village Hall, Cross Hill, Elmdon, CB11 4NE	Elmdon, Wenden Lofts & Duddenhoe End - Elmdon Village Ward	Littlebury, Chesterfords & W Lofts	North West Essex	295	46.79	
	AMD	Great Chesterford	Chesterfords Community Centre, Newmarket Road, Great Chesterford, CB10 1NS	Great Chesterford	Littlebury, Chesterfords & W Lofts	North West Essex	1336	45.05	The A(RO) believes this place is big enough to accommodate electors from the new housing development and would have 2 polling stations in the future, if necessary
43.1	AME	Littlebury Green	St. Peter`s Church Vestry, Littlebury Green, Saffron Walden, CB11 4XB	Littlebury	Littlebury, Chesterfords & W Lofts	North West Essex	193	42.93	

43.2	AME1	Strethall	St. Peter`s Church Vestry, Littlebury Green, Saffron Walden, CB11 4XB	Strethall (Parish Meeting only)	Littlebury, Chesterfords & W Lofts	North West Essex	26	0	
44	AMF	Littlebury Village	Littlebury Village Hall, Walden Road, Littlebury, CB11 4TA	Littlebury	Littlebury, Chesterfords & W Lofts	North West Essex	483	39.95	
45	AMG	Little Chesterford	Little Chesterford Village Hall, High Street, Little Chesterford, CB10 1TT	Little Chesterford	Littlebury, Chesterfords & W Lofts	North West Essex	173	45.1	
46	AMH	Wendens Ambo	Wendens Ambo Village Hall, Royston Road, Wendens Ambo, CB11 4JX	Wendens Ambo	Littlebury, Chesterfords & W Lofts	North West Essex	376	41.53	
47	ANA	Newport	Newport Village Hall, Station Road, Newport, CB11 3PL	Newport	Newport	North West Essex	2289	31.01	
48	ANA	Newport	Newport Village Hall, Station Road, Newport, CB11 3PL	Newport	Newport	North West Essex	0	35.79	
49	ANB	Quendon & Rickling	Quendon & Rickling Village Hall, Cambridge Road, Quendon, CB11 3XQ	Quendon & Rickling	Newport	North West Essex	563	33.81	

50	ANC	Widdington	Widdington Village Hall, High Street, Widdington, CB11 3SG	Widdington	Newport	North West Essex	396	41.14	
51	AOA	Audley North	Saffron Walden Town Hall (Committee Room - Ground Floor), Market Street, CB10 1HE	Saffron Walden - Audley Ward	Saffron Walden Audley	North West Essex	1238	39.94	
52	AOB	Audley South	Council Offices (Staff Room - Ground Floor), London Road, CB11 4ER	Saffron Walden - Audley Ward	Saffron Walden Audley	North West Essex	2279	34.26	
Page 92	APA	Castle East	Mobile Unit - Homebase Car Park, Elizabeth Way, Saffron Walden, CB10 2BL	Saffron Walden - Castle & Little Walden Ward	Saffron Walden Castle	North West Essex	1640	34.04	Not really suitable - comments on an alternative venue will be sought
54	APB	Castle West	Saffron Walden Community Church, Castle Street, Saffron Walden, CB10 1BD	Saffron Walden - Castle & Little Walden Ward	Saffron Walden Castle	North West Essex	1983	30.75	
55	AQA	Shire North	R A Butler Infant and Junior School (The Hall), South Road, CB11 3DG	Saffron Walden - Shire Ward	Saffron Walden Shire	North West Essex	3244	30.86	
56	AQA	Shire North	R A Butler Infant and Junior School (The Hall), South Road, CB11 3DG	Saffron Walden - Shire Ward	Saffron Walden Shire	North West Essex	0	34.6	
57	AQB	Shire South	Katherine Semar School (School Hall), Ross Close, CB11 4DU	Saffron Walden - Shire Ward	Saffron Walden Shire	North West Essex	1446	31.94	

58	AQB	Shire South	Katherine Semar School (School Hall), Ross Close, CB11 4DU	Saffron Walden - Shire Ward	Saffron Walden Shire	North West Essex	0	29.41	
59	ARA	Stansted North-East	St. John`s Church Hall, St. Johns Road, Stansted, CM24 8JP	Stansted Mountfitchett - North Ward	Stansted North	North West Essex	1750	29.26	
60	ARB	Stansted North-West	The Mountfitchet Exchange, Crafton Green, 72 Chapel Hill, CM24 8AQ	Stansted Mountfitchett - North Ward	Stansted North	North West Essex	1886	30.81	To confirm this venue as the approved polling place as opposed to the Bentfield Primary School
Page 93	ASA	Birchanger	St. Mary`s Church Hall, Birchanger Lane, Birchanger, CM23 5QJ	Birchanger	Stansted South & Birchanger	North West Essex	697	38.4	
62	ASB	Stansted South	St. Mary`s CoE Foundation Primary School (School Hall), Hampton Road, CM24 8FE	Stansted Mountfitchett - South Ward	Stansted South & Birchanger	North West Essex	2667	26.27	
63	ASB	Stansted South	St. Mary`s CoE Foundation Primary School (School Hall), Hampton Road, CM24 8FE	Stansted Mountfitchett - South Ward	Stansted South & Birchanger	North West Essex	0	24.61	
64	ATA	Berden	Berden Village Hall, Berden, Bishop`s Stortford, CM23 1AE	Berden	Stort Valley	North West Essex	391	43.2	

65	ATB	Farnham	Farnham Village Hall, Rectory Lane, Farnham, CM23 1HU	Farnham	Stort Valley	North West Essex	312	29.66	
66	ATC	Manuden	Manuden Village Community Centre, David Collins Drive, Manuden, CM23 1EH	Manuden	Stort Valley	North West Essex	544	30.93	
67	ATD	Ugley	The Patricia Lawrence Room, Ugley Village Hall, Cambridge Road, CM22 6HR	Ugley	Stort Valley	North West Essex	386	30.31	
68.1	AUA	Broxted	Broxted Village Hall, Browns End Road, Broxted, CM6 2BE	Broxted	Takeley	North West Essex	427	29.06	
68.2	AUA1	Chickney	Broxted Village Hall, Browns End Road, Broxted, CM6 2BE	Chickney (Parish Meeting only)	Takeley	North West Essex	38	0	
69	AUB	Little Canfield	Little Canfield Village Hall, Stortford Road, Little Canfield, CM6 1ST	Little Canfield	Takeley	North West Essex	898	17.95	
70	AUC	Takeley Mole Hill Green	Mole Hill Green Village Hall, Mole Hill Green, Takeley CM22 6PH	Takeley	Takeley	North West Essex	138	17.07	
71	AUD	Takeley Priors Green	Priors Green Community Hall, Bennet Canfield, Little Canfield, CM6 1YE	Takeley	Takeley	North West Essex	1410	21.23	

72	AUE	Takeley Village	The Old School Community Centre, Brewers End, CM22 6SB	Takeley	Takeley	North West Essex	2166	20.52	To confirm this as the approved polling place instead of the The Silver Jubilee Hall, Brewers End
73	AUE	Takeley Village	The Old School Community Centre, Brewers End, CM22 6SB	Takeley	Takeley	North West Essex	0	18.11	
74	AVA	Duton Hill	The Three Horseshoes (Function Room), Duton Hill, CM6 2DX	Great Easton & Tilty - Duton Hill Ward	Thaxted & The Eastons	North West Essex	299	27.31	
75 Page 95.2	AVB	Great Easton Village	Great Easton Village Hall, Rebecca Meade, Great Easton, CM6 2HE	Great Easton & Tilty - Village Ward	Thaxted & The Eastons	North West Essex	468	35.76	
	AVB1	Tilty	Great Easton Village Hall, Rebecca Meade, Great Easton, CM6 2HE	Great Easton & Tilty - Tilty Ward	Thaxted & The Eastons	North West Essex	74	0	
76	AVC	Lindsell	Lindsell Village Hall, Lindsell, Dunmow, CM6 3QN	Lindsell	Thaxted & The Eastons	North West Essex	216	42.63	
77	AVD	Little Easton	Little Easton Memorial Hall, Manor Road, Little Easton, CM6 2JR	Little Easton	Thaxted & The Eastons	North West Essex	334	46.91	
78	AVE	Thaxted	Bolford Street Hall, Bolford Street, Thaxted, CM6 2PY	Thaxted	Thaxted & The Eastons	North West Essex	2564	26.47	
79	AVE	Thaxted	Bolford Street Hall, Bolford Street, Thaxted, CM6 2PY	Thaxted	Thaxted & The Eastons	North West Essex	0	26.82	

80.1	AWA	Great Sampford	St. Michael`s Church, Great Sampford, CB10 2RS	The Sampfords (Great Sampford Parish) NOTE: The Sampfords is a Common Parish Council comprising 2 civil parishes - Great & Little Sampford	The Sampfor ds	Braintree	491	43.13	To confirm this venue as the approved polling place as opposed to the Great Sampford Primary School
80.2	AWA1	Little Sampford	St. Michael`s Church, Great Sampford, CB10 2RS	The Sampfords (Little Sampford Parish)	The Sampfor ds	Braintree	201	0	
Page 96 82	AWB	Hempstead	Hempstead Village Hall, High Street, Hempstead, CB10 2PD	Hempstead	The Sampfor ds	Braintree	342	43.86	
	AWC	Little Bardfield	Little Bardfield Cricket Club Pavilion, Little Bardfield, Braintree, CM7 4TT	Little Bardfield	The Sampfor ds	Braintree	203	28.72	
83	AWD	Radwinter	Radwinter Parish Hall, Water Lane, Radwinter, CB10 2TX	Radwinter	The Sampfor ds	Braintree	542	42.64	
Chelmsfo	SAA		Boreham Village Hall (Allen Room), Main Road, Boreham, CM3 3JD	Boreham	Boreha m and The Leighs	North West Essex	986	14.00	
Chelmsfo	SAB		St Andrews Church (Boreham Church Hall), Church Road, Boreham, CM3 3EG	Boreham	Boreha m and The Leighs	North West Essex	1810	20.00	

Chelmsfo	SAC		Leighs Village Hall, Boreham Road, Great Leighs, CM3 1NH	Great and Little Leighs	Boreham and The Leighs	North West Essex	2090	22.00	
Chelmsfo	SAD	East Parish Ward	The Essex Barn, Channels Estate, Pratts Farm Lane East, Little Waltham, CM3 3PT	Chelmsford Garden	Boreham and The Leighs	North West Essex	44	11.00	
Chelmsfo	SBA		Chelmer Valley High School, Court Road, Broomfield, CM1 7ER	Broomfield	Broomfi eld and The Waltha ms	North West Essex	1534	22.00	
Chelmsfo	SBB		Broomfield Village Hall, 158 Main Road, Broomfield, CM1 7AH	Broomfield	Broomfi eld and The Waltha ms	North West Essex	2367	29.00	
Chelmsfo	SBC	Church End Parish Ward	Great Waltham Village Hall, South Street, Great Waltham, CM3 1DF	Great Waltham	Broomfi eld and The Waltha ms	North West Essex	1185	27.00	
Chelmsfo	SBD	Ford End Parish Ward	St. John the Evangelist`s Church, Church Lane/Sandon Hill, Ford End, CM3 1LH	Great Waltham	Broomfi eld and The Waltha ms	North West Essex	532	18.00	

Chelmsfo	SBE		Little Waltham Memorial Hall (Main Hall), 15 Brook Hill, Little Waltham, CM3 3LN	Little Waltham	Broomfi eld and The Waltha ms	North West Essex	888	27.00	
Chelmsfo	SBF	North Parish Ward	The Essex Barn, Channels Estate, Pratts Farm Lane East, Little Waltham, CM3 3PT	Chelmsford Garden	Broomfi eld and The Waltha ms	North West Essex	1473	20.00	
Chelmsfo	SCA		Chignals and Mashbury Village Hall, Mashbury Road, Chignal St James, CM1 4TS	Chignal	Chelmsf ord Rural West	North West Essex	490	26.00	
Chelmsfo	SCB		Good Easter Village Hall, School Road, Good Easter, CM1 4RT	Good Easter	Chelmsf ord Rural West	North West Essex	297	25.00	
Chelmsfo	SCC		Chignals and Mashbury Village Hall, Mashbury Road, Chignal St James, CM1 4TS	NOT PARISHED	Chelmsf ord Rural West	North West Essex	79	27.00	
Chelmsfo	SCD		Highwood Village Hall, Highwood Road, Loves Green, CM1 3QG	Highwood	Chelmsf ord Rural West	North West Essex	549	23.00	
Chelmsfo	SCE		Roxwell Memorial Hall (Reading Room), The Street, Roxwell, CM1 4PA	Roxwell	Chelmsf ord Rural West	North West Essex	820	24.00	

Chelmsfo	SCF		Pleshey Village Hall, The Street, Pleshey, CM3 1HB	Pleshey	Chelmsford Rural West	North West Essex	207	36.00	
Chelmsfo	SDA		Writtle Village Hall (Rear Hall), 18 The Green, Writtle, CM1 3DU	Writtle	Writtle	North West Essex	1828	26.00	
Chelmsfo	SDB		The Beryl Platt Centre, 12-14 Redwood Drive, Writtle, CM1 3LY	Writtle	Writtle	North West Essex	2011	31.00	

Key:

Double station in May 2023

Split polling districts

Note 1

Under the Parliamentary Boundary Review currently with Parliament - the Saffron Walden Constituency will change with 2 wards coming under Harlow and 2 under Braintree at a general election and the constituency name will change to North West Essex.

Agenda Item 7

Committee: Audit and Standards Committee

Date:

Title: Interim Community Governance Review of Parishes

Thursday, 28
September 2023

Report Author: Phil Hardy, Electoral Services Manager
phardy@uttlesford.gov.uk

Summary

1. There is a need to revisit four parish areas from the 2021 Community Governance Review of parish boundaries and electoral arrangements by conducting an Interim Review of these areas. The next step is for the Audit and Standards Committee to agree a timetable and terms of reference.

Recommendation

2. To approve the terms of reference and timetable for an Interim Community Governance Review for the specific parish areas set out in the report and in Appendix 1.

Financial Implications

3. There are no financial implications other than officer time and some printing costs and these will be met from within existing budgets.

Background Papers

4. The following papers were referred to in the preparation of this report and are publicly available or available for inspection from the author of the report:

Impact

- 5.

Communication/Consultation	Consultation with statutory consultees, the public and all parish and town councils within the district will take place.
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	Any alterations to parish boundaries may have an impact on ward boundaries.
Workforce/Workplace	None

Situation

6. The Council has now received a request from four parish councils to adjust their parish boundaries. This is between the parishes of Great and Little Chesterford due to a further housing development site and following up further developments from the full Community Governance Review of all parishes in 2021, between the Saffron Walden Town Council and Swards End Parish Council. This culminated in the District of Uttlesford (Reorganisation of Community Governance) Order 2022 that made a number of changes to parishes and their governance arrangements. The parishes concerned here have requested that their areas now be formally addressed.

6.1 Saffron Walden Town Council/Swards End Parish Council Boundary Realignment

The then Governance, Audit and Performance Committee agreed the recommendation at its meeting on 22 November 2022:

“That if the housing development be granted planning permission, the Council consider a possible change to the parish boundary as part of an Interim Community Governance Review taking on board further consultations. Should the development go ahead and remain in the Swards End parish, consideration be given to (a) increase in its seats from 7 to 9 due to the doubling in size of its electorate and (b) ward the parish – the new development to comprise one ward and the older development the other ward, with representation apportioned.”

Planning permission has now been granted on appeal for Runscorn Homes to build around 240 dwellings on an area currently within Swards End parish, commonly referred to as north Shire Hill. Swards End Parish Council have considered its position and are supportive of the boundary being altered so this whole development site falls within Saffron Walden Town Council’s parish boundary (Shire Ward). See Appendix 2.

It is recognised by both parishes that residents of the new properties would more likely associate themselves with Saffron Walden and would turn to the town for its services; whilst if the site stayed within Swards End, it would double the size of this parish. Subsequently both parishes agree on the transfer of the site by re-drawing the parish boundary. The Council is not proposing to create a new polling district or parish ward (at present) and that the properties and associated electors would fall under the Shire parish ward and subsequent Shire district ward. The number of councillors for Saffron Walden Town Council was increased at the Community Governance Review of 2021 and it is not proposed to further alter this, at the moment.

It is recommended that the Council support the proposals set out above and seeks comments via the formal consultation stage.

6.2 Great and Little Chesterford Parish Councils Boundary Realignment

There are two housing developments sites on London Road that currently fall within Little Chesterford Parish Council. The two parishes within the Chesterfords – Great and Little Chesterford Parish Councils both support the realignment of the parish boundary so both developments fall within Great Chesterford.

The one development for 76 dwellings (West of London Road) is currently under construction and the Community Governance Review of 2021 realigned the parish boundary to accommodate this development within Great Chesterford.

The second site is for 111 dwellings (South East of London Road) and it is this site that the parishes wish to see moved to Great Chesterford under this Interim Review. See Appendix 3. The revised parish boundary be redrawn so that the play area associated with the new development comes within Great Chesterford.

There will be no subsequent alterations required to the District Ward as both areas fall under the one ward of Littlebury, Chesterford and Wenden Lofts.

Great Chesterford is represented by 9 parish councillors and this falls within the guideline recommended size of councils by NALC and it is not proposed by the Council to alter this.

It is recommended that the Council support this request and agree to realign the parish boundary and seeks comments via the formal consultation stage.

7. There is a duty on the Council, as a “principal authority” under the relevant legislation to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient.
8. The next steps are to publish a timetable and the terms of reference of the Interim Community Governance Review. Due to the limited nature of these changes and the joint agreements of the parishes concerned it is proposed to just have one stage consultation, with the results reported back to this committee in November.
9. The suggested terms of reference for an Interim Community Governance Review in 2023 and the proposed timetable and consultation process, are set out in Appendix A.
10. Uttlesford District Council as the principal council has the power to make an Order affecting parish boundaries and parish electoral arrangements. The Council does not have the power to change district wards, county electoral division boundaries, or electoral arrangements for these administrative levels. A Consequential Changes Order should not be necessary as that is only needed if the principal council changes require an alteration to the district wards and or county divisions. Changes made by virtue of an Order under the community governance review would take effect from the date within the Order produced by this council.

Risk Analysis

11.

Risk	Likelihood	Impact	Mitigating actions
2 That identities and interests of the local community in the area are not reflected, and that community governance is not effective or convenient	2	2	Joint agreement has already been achieved at member level from the parishes based on what is considered best for the electorate

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 1

Terms of reference

- To consider the parish boundaries and any subsequent community governance arrangements for the four parish councils detailed within section 6 of the report to ensure they reflect the identities and interests of the local community in those areas, and
- Whether the changes reflect the identities and interests of the local community in those areas, and that it is effective and convenient.

Consultation on the terms of reference

The requirement is to consult the local government electors in the areas under review, and others which have an interest in the review. Consultees will therefore include:

- Local government electors
- Parish councils
- Essex County Council
- Ward Councillors
- Essex Association of Local Councils

Community Governance Review Timetable

Dates may alter due to matters requiring direct consultation or research resulting from submissions. Any such alteration of the timetable will be authorised by the Audit and Standards Committee and notification published of any alteration of date or extension of the timetable.

Stage	Activity	Date
Report to Audit and Standards Committee	Agreement of terms of reference and timetable to start review.	28 September 2023
Commencement	Publication of terms of reference and timetable	29 September 2023
Consultation	Identification of known matters regarding the parish councils to be publicised and comments invited.	2 October – 13 November 2023
Consideration of submissions received	Representations to be collated and investigated; recommendations to Committee to be prepared.	14 November – 27 November

Stage	Activity	Date
Report to Audit and Standards Committee	Agreement on recommendations.	28 November 2023
Publication of register of electors	Publication of revised register	1 December 2023
Order made	Publication of Order and request made to Local Government Boundary Commission for consequential order to district ward and county electoral division boundaries, as appropriate.	Date TBC
Publish revised register of electors (if necessary)	Publish revised register if the changes (if any housing development affected)	Date TBC (if required)
Implementation of changes to district ward and county electoral division boundaries (if any)	Consequential Changes Order to be made by the Local Government Boundary Commission (if required).	Date TBC (if required)

APPENDIX 2

Saffron Walden and Swards End boundary

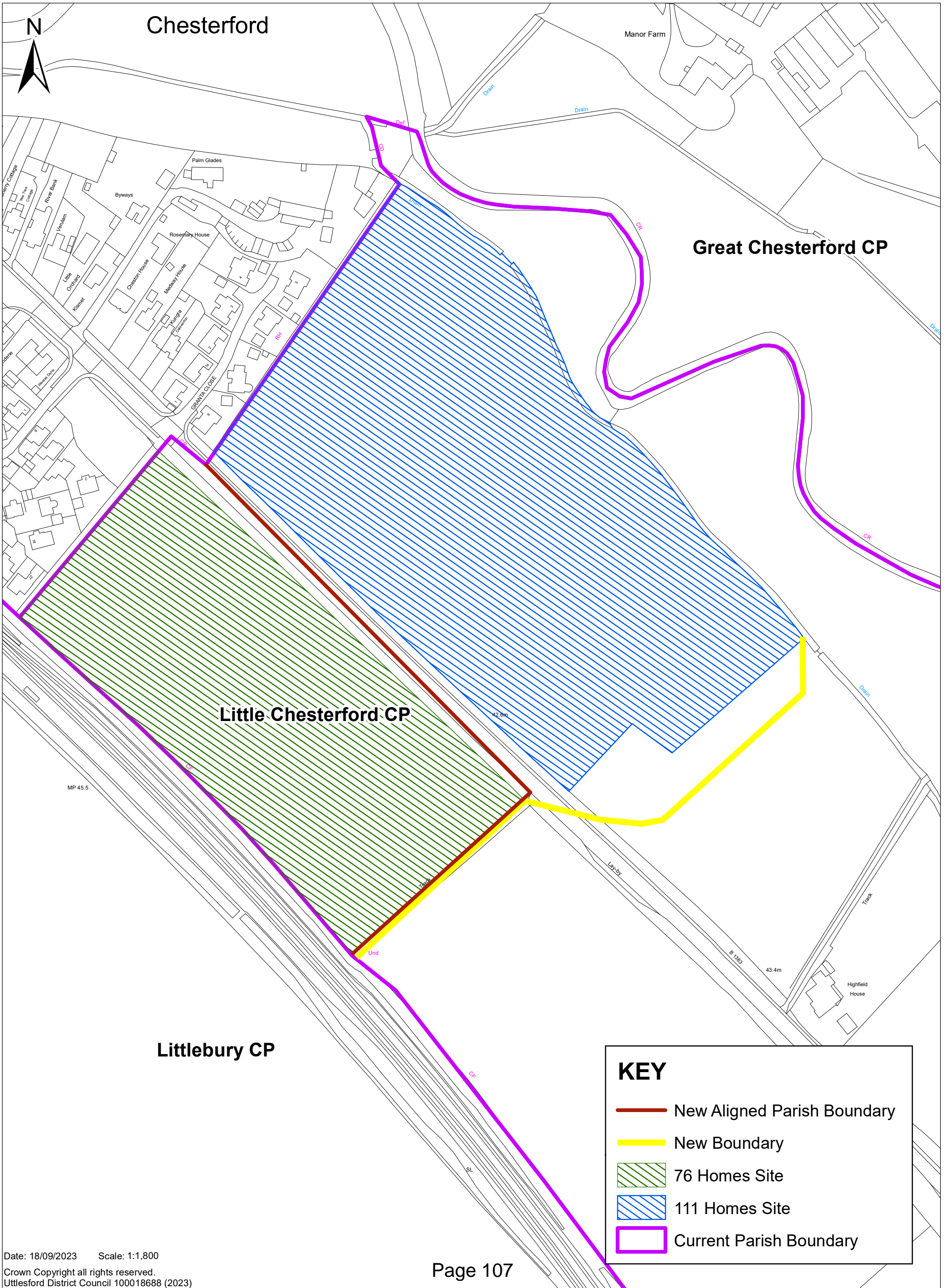
APPENDIX 3

Great and Little Chesterford boundary

Map showing Saffron Walden and Swards End boundary for Rosconn homes site



Proposed Parish Boundary Amendment between Great and Little Chesterford.



Agenda Item 8

Committee: Audit and Standards Committee

Date:

Title: Local Government Ombudsman Report
2022/23

Thursday, 28
September 2023

**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 2023.
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 2023.

Financial Implications

4. The Council was found at fault in relation to two complaints and required to apologise, make a payment totalling £650 across both complaints and carry out some follow up actions. 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. Appendix B shows the complaints decided during the year, complaints made up as follows:

Environmental Services & Public Protection & Regulation	2
Housing	1
Planning & Development	5
Total	8

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

Upheld	2	Details provided in paragraph 10 of this report
Closed after initial enquiries	2	1 had appealed to the Planning Inspectorate against the Council's refusal of his planning application and is therefore out of jurisdiction of the Ombudsman 1 did not fall within the boundary of either maladministration or service failure
Referred back for local resolution	3	2 premature decision – referred to Organisation 1 premature and advice given
Advice given	1	Signposted to complaint handling
Total	8	

9. 5 of the 8 complaints detailed above had exhausted the Council's complaints procedure before referral to the Ombudsman.
10. As mentioned above, there were 2 cases where the Council was found at fault and was required to apologise and make a payment to the complainants. The full decisions are available on the Ombudsman's website although briefly summarised below:
- a. Dr B complaint about how the Council considered works to construct two menages on a neighbour's property. The Council had decided construction of the menages did not amount to a development requiring planning permission, so did not take enforcement action. Dr B says this means the Council did not properly assess the risk of flooding from works. The second part of the complaint related to the Council requiring planning permission for floodlights around one of the menages and Dr B complains the Council delayed in deciding the application, during which time light would shine into her windows, the Council has not enforced a condition aimed at preventing that glare from the floodlights.

The Ombudsman found fault with the delay in deciding the planning application for the floodlights and the decision that the menages did not amount to development. The Ombudsman also found fault with the enforcement of conditions of the floodlights.

- b. Mrs X complained about noise from an electricity substation opposite her home. She said the Council accepts there is noise nuisance but cannot act. Mrs X complained the Council did not create a suitable planning condition to mitigate the noise, did not consult UK Power Network, and did not carry out noise assessments as part of the planning process.

The Ombudsman found the Council was at fault for failing to properly discharge the planning condition about noise mitigation.

This complaint had been the subject of a part 2 report to Council on 11 October 2022. The complaint was reported under part 2 because the Ombudsman, as is their standard practice, require that the matter is not reported publicly until they have published their findings. The report covered the full detail of the complaint, the Ombudsman's recommendations, the broader implications for neighbouring properties, as well as the learning and changes made in the service areas and the financial and legal implications.

11. In both cases letters of apology were sent from the Chief Executive and the recommended payments were completed.

12. The table below is a comparison of our performance to a group of statistical near neighbours for benchmarking purposes. Members will note that we ranked second lowest for the number of referrals to the Ombudsman.

	Total complaints received	Total complaints decided	Number upheld
South Cambridgeshire	24	25	5
Harborough DC	19	20	0
East Hampshire	15	18	1
Vale of White Horse DC	15	14	1
West Oxfordshire	12	13	1
Sevenoaks DC	11	14	1
Winchester CC	11	12	0
Horsham DC	10	10	0
South Oxfordshire	10	11	1
Test Valley BC	10	10	1
Tewkesbury BC	9	6	1
Tonbridge and Malling BC	8	8	3
Uttlesford DC	6	8	2
Hart DC	4	4	0

13. In the previous annual review letter for the period 2021/22 there were 19 complaints decided.

- a. Two of these were upheld with details reported in last year's update. The Council was found at fault in its handling of a TENS application and advice given. Additionally, there was a complaint about the handling of a planning application adjacent to the complainant's property and the failure of the council to consider the implications on his amenity and lack of re-consultation when plans changed.
- b. Two complaints were not upheld, one found no maladministration on the Council's part, and one had no worthwhile outcome to be achieved by investigating.
- c. Nine complaints were closed after initial enquiries, three of which were due to the complainant having the right to refer to other entities, in two cases they were deemed as having no worthwhile outcome achievable by investigation. A further complaint was deemed out of jurisdiction. Two were given advice as the complaints were deemed to be about third parties. The final complaint in this category was deemed to affect most of the people in the Council's area and not an individual as it raised issues about the Council's handling of its finances.
- d. Four complaints were referred back for local resolution, three of which were prematurely submitted and one complaint had previously been considered.

- e. Two cases were given advice as their complaints were deemed to be about third parties.
14. The Housing Ombudsman does not issue annual letters, having checked with the service, they report three complaints for the 2022/23 period being referred to the Housing Ombudsman for investigation. Brief details are included below:
- Boundary hedge dispute and alleged ASB from neighbour, not upheld.
 - A leak from the roof, damp and mould and rat infestation upheld and compensation payment of £750 awarded.
 - Various issues of repair/staff, overcrowding and neighbour problems, ongoing and no decision made as yet by the Housing Ombudsman.
15. Attached at Appendix B is a summary of complaints received by the Council during the 2022/23 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.
16. These complaints are reviewed quarterly by the Council's Corporate Management Team to share any lessons learnt. In general, these are small in number, the main reason for complaints relates to either a delayed response or a lack of communication from officers.
17. 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.
18. 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

19.

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	2 – where a change of process is required to meet a recommendation from the Ombudsman it may have some	As recommended by the Ombudsman – sometimes a review of internal practices may be required if significant failings in service provision are identified

	and in some cases changes to internal procedures followed by service areas	impact on service provision	
--	--	-----------------------------	--

- 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

19 July 2023

By email

Mr Holt
Chief Executive
Uttlesford District Council

Dear Mr Holt

Annual Review letter 2022-23

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 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. 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.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

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.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

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 were satisfied 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 26 July 2023. 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 that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

Yours sincerely,



Paul Najsarek
Interim Local Government and Social Care Ombudsman
Interim Chair, Commission for Local Administration in England

Complaints upheld



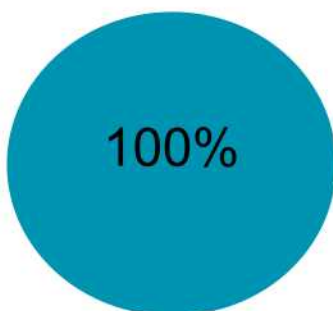
100% of complaints we investigated were upheld.

This compares to an average of **59%** in similar organisations.

2
upheld decisions

Statistics are based on a total of **2** investigations for the period between 1 April 2022 to 31 March 2023

Compliance with Ombudsman recommendations



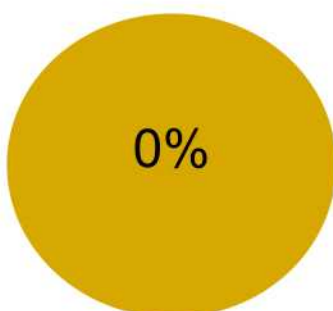
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

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

Statistics are based on a total of **3** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- 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 **15%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **2** upheld decisions for the period between 1 April 2022 to 31 March 2023

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy
21012123	Uttlesford District Council	Planning & Development	13/09/2022	Upheld	fault & inj	distress/time and trouble,Provide services to person affected
21018330	Uttlesford District Council	Planning & Development	11/04/2022	Closed after initial enquiries	26(6)(b) appeal to Minister	
22001482	Uttlesford District Council	Planning & Development	18/05/2022	Referred back for local resolution	Premature Decision - referred to Organisation	
22002545	Uttlesford District Council	Planning & Development	09/01/2023	Upheld	fault & inj	distress/time and trouble,New appeal/review or reconsidered decision
22002719	Uttlesford District Council	Environmental Services & Public Protection & Regulation	24/08/2022	Referred back for local resolution	Premature Decision - referred to Organisation	
22005292	Uttlesford District Council	Environmental Services & Public Protection & Regulation	21/07/2022	Referred back for local resolution	Premature Decision - advice given	
22006446	Uttlesford District Council	Housing	10/08/2022	Advice given	Signpost - go to complaint handling	
22008466	Uttlesford District Council	Planning & Development	15/11/2022	Closed after initial enquiries	Not warranted by alleged fault	

Appendix B

2022/23 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	
Corporate Services	1				1			
Council Tax & Recovery	6	3	1		6	1	4	
Electoral Services								
Environmental Health	1	1			4	1	1	1
Housing	7		11	1	6	1	8	
Legal								
Planning	8	3	7	2	8	5	14	2
Environmental Services					2			
	24	7	20	3	28	8	28	3

Summary of upheld/part upheld complaints

Q1

- 1 x Council Tax - account wrongly put in arrears
- 1 x Council Tax - System incorrectly set up wrong instalment
- 1 x Council Tax - incorrect information given at reception

- 1 x Environmental Health - no response to repeated emails

- 1 x Planning - incorrect advice given leading to a charge
- 1 x Planning - lack of response
- 1 x Planning - delay of more than 6 months

Q2

- 1 x Housing - lack of clarity on repairs

- 1 x Planning - delay due to high workload
- 1 x Planning - lack of officer preparation for hearing

Q3

- 1 x Corporate Services (ED) - residents not informed re temporary generator

- 1 x Environmental Health - Officer missed a new business appointment

- 1 x Housing - Lack of response from Housing Officer

- 1 x Planning - Lack of response to suspected breach of planning
- 1 x Planning - lack of response
- 1 x Planning - long time for response
- 1 x Planning - long time for response
- 1 x Planning - long time for response

Q4

- 1 x Environmental Health - progress delayed due to officer sickness

- 1 x Planning - lack of consultation to planning on adjacent property
- 1 x Planning - time taken to respond

2022/23 COMPLIMENTS	Q1	Q2	Q3	Q4
Council Tax			1	1
Economic Development				
Electoral Services				1
Environmental Health				
Environmental Services			4	
Housing	1		2	4
Planning				
Uttlesford Norse			1	
	1	0	8	6