



Civic Centre  
HARTLEPOOL

20 September, 2021

Councillors Ashton, Boddy, Brash, Brown, Cassidy, Clayton, Cook, Cowie, Cranney, Creevy, Elliot, Falconer, Feeney, Fleming, Groves, Hall, Hargreaves, Harrison, Howson, Jackson, Lindridge, Little, B Loynes, D Loynes, Moore, D Nicholson, V Nicholson, Picton, Price, Prince, Richardson, Riddle, Smith, Stokell, Tiplady and Young.

Madam or Sir,

You are hereby summoned to attend the COUNCIL meeting to be held on THURSDAY, 30 September 2021 at 6.00 p.m. in the Council Chamber in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

D McGuckin  
Managing Director

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# COUNCIL AGENDA



**Thursday 30 September 2021**

**at 6.00 pm**

**in the Council Chamber,  
Civic Centre, Hartlepool.**

- (1) To receive apologies from absent Members;
- (2) To receive any declarations of interest from Members;
- (3) To deal with any business required by statute to be done before any other business;
- (4) To approve the minutes of the last meeting of the Council held on 8 July 2021 and the Special Council meeting held on 9 September 2021 as the correct record;
- (5) To answer questions from Members of the Council on the minutes of the last meeting of Council;
- (6) To deal with any business required by statute to be done;
- (7) To receive any announcements from the Chair, or the Head of Paid Service;
- (8) To dispose of business (if any) remaining from the last meeting and to receive the report of any Committee to which such business was referred for consideration;
- (9) To consider reports from the Council's Committees and to receive questions and answers on any of those reports;

(1) Review of the Constitution – *Constitution Committee*

(2) Consideration of Hartfield GP Practice Closure - *Audit and Governance Committee*

## CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- (10) To consider any other business specified in the summons to the meeting, and to receive questions and answers on any of those items;
- (11) To consider reports from the Policy Committees:
- (a) proposals in relation to the Council's approved budget and policy framework
  - (1) Medium Term Financial Strategy (MTFS) 2022/23 to 2024/25 – *Finance and Policy Committee*
  - (2) Local Council Tax Support 2022/23 – *Finance and Policy Committee*
  - (b) proposals for departures from the approved budget and policy framework;
- (12) To consider motions in the order in which notice has been received;
1. "Council recognises and celebrates the hard work of our neighbourhood teams and the extraordinary financial and staffing pressures that have been placed upon them due to the £22million plus per year in cuts by the Conservative Government over the last decade.

However, residents are increasingly and rightly angry with the maintenance, upkeep, and cleanliness in many parts of our town. Weeds and grassed areas are overgrowing, green spaces are plagued by litter, broken glass and dog fouling and community assets, like our play areas, are too often in a state of disrepair.

So many Hartlepool people have stepped up through initiatives like the 'Big Town Tidy Up' and now we need to follow their lead.

We need to get back to basics. To live in an environment that is clean and well maintained is a basic right of every citizen of our town and for too many it is simply not being met.

Education, innovation and enforcement are all required if we are to meet these challenges and only bold, new thinking will succeed in achieving the change we need.

Therefore, the council resolves to request that the Neighbourhood Services Committee set up a working group, chaired by an elected member who is not currently burdened with such a position, and which is open to all members, to examine every aspect of this problem and to report back to council, with recommendations, by Christmas."

Signed; Councillors Brenda Harrison, Jonathan Brash, Pamela Hargreaves, Ben Clayton, Moss Boddy, Tom Feeney, Rachel Creevy, Jennifer Elliott and Amy Prince.



2. "Council recognises that the case for action with regard to the private rented housing sector in Hartlepool is overwhelming. Too many properties are empty or in states of disrepair, too many are magnets for crime and antisocial behaviour, too many are harming the health and well-being of residents. These properties, which blight our town centre communities and beyond, are invariably part of the private rented sector and although we acknowledge that there are many very good landlords in our town, the sector as a whole is disproportionately associated with these problems. Where a private landlord is absent, or in dereliction of their duties we must ensure we have all the tools in place to take the action needed to improve our local communities. We need Landlord Licensing.

Evidence from other local authorities clearly demonstrates that where such schemes are introduced effectively there is a reduction in crime and antisocial behaviour, a reduction in tenant turnover, an improvement to the standard of housing and a reduction in the number of long term empty properties.

Council therefore resolves to refer this matter to the Audit and Governance committee to investigate the introduction of a large scale landlord licensing scheme in Hartlepool, as part of its 2022/23 work program, or earlier if time permits, and report back to council, with recommendations, at its earliest opportunity."

Signed; Councillors Brenda Harrison, Jonathan Brash, Pamela Hargreaves, Ben Clayton, Moss Boddy, Tom Feeney, Rachel Creevy, Jennifer Elliott and Amy Prince.

3. "The Chairman of the Audit and Governance Committee has requested that the membership of the committee be temporarily increased to 10 members for the remainder of the municipal year. The increased membership is required to assist with the additional meetings and workflow the committee now has following the proposals by the McKenzie Group to close Hartfields Medical Practice.

Political balance must be maintained and we would seek names for each representative tonight if this motion is passed."

Signed: Councillors Shane Moore, Rob Cook, Cameron Stokell, Darren Price and Tom Cassidy.

- (13) To receive the Managing Director's report and to pass such resolutions thereon as may be deemed necessary;
- (14) To receive questions from and provide answers to the public in relation to matters of which notice has been given under Rule 9;





- (15) To answer questions of Members of the Council under Rule 10;
- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 10.1
  - b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 10.2
  - c) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority
  - d) Minutes of the meetings held by the Cleveland Fire Authority on 4 June 2021.



# **COUNCIL**

## **MINUTES OF PROCEEDINGS**

### **8 July 2021**

The meeting commenced at 6.00 pm in the Borough Hall, Hartlepool

The Ceremonial Mayor (Councillor B Loynes) presiding:

COUNCILLORS:

Ashton	Boddy	Brash
Brown	Cassidy	Clayton
Cook	Cowie	Cranney
Creevy	Elliott	Falconer
Feeney	Groves	Hall
Hargreaves	Harrison	Howson
Jackson	Lindridge	Little
D Loynes	Moore	D Nicholson
V Nicholson	Picton	Price
Prince	Richardson	Riddle
Smith	Stokell	Tiplady
Young		

Officers: Denise McGuckin, Managing Director  
Chris Little, Director of Resources and Development  
Hayley Martin, Chief Solicitor  
Ed Turner, Communications and Marketing Manager  
Amanda Whitaker and David Cosgrove, Democratic Services Team.

#### 9. APOLOGIES FOR ABSENT MEMBERS

Councillor Fleming.

#### 10. DECLARATIONS OF INTEREST FROM MEMBERS

Cllr Moore – agenda item 11(b)(1) – son in education at Catcote School.

#### 11. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS

None.

## 12. MINUTES OF PROCEEDINGS

The Minutes of Proceedings of the Council held on 25 February 2021, the Extraordinary meeting held on 18 March 2021 and the Annual Council meeting held on 25 May 2021, having been laid before the Council.

RESOLVED - That the minutes be confirmed.

## 13. QUESTIONS FROM MEMBERS OF THE COUNCIL ON THE MINUTES OF THE PREVIOUS MEETING OF THE COUNCIL

In response to a question from an elected member whether an item could be included on the agenda for the next Committee meeting in relation to allotments, the Vice Chair of the Adults and Community Based Services Committee updated the member that a report would be submitted to the Committee relating to the Allotment Communication Strategy.

## 14. BUSINESS REQUIRED BY STATUTE

None.

## 15. ANNOUNCEMENTS

None at this point in the meeting.

## 16. TO DISPOSE OF BUSINESS (IF ANY) REMAINING FROM THE LAST MEETING AND TO RECEIVE THE REPORT OF ANY COMMITTEE TO WHICH SUCH BUSINESS WAS REFERRED FOR CONSIDERATION.

None.

## 17. TO RECEIVE REPORTS FROM THE COUNCIL'S COMMITTEES

None.

## 18. TO CONSIDER ANY OTHER BUSINESS SPECIFIED IN THE SUMMONS OF THE MEETING

None.

## 19. REPORT FROM THE POLICY COMMITTEES

### (a) Proposal in relation to the Council's budget and policy framework

None.

### (b) Proposal for Departure from the Budget and Policy Framework

#### 1. Proposal To Increase Capacity For Send Education Provision – Report of Finance and Policy Committee

A report was presented by the Chair of Finance and Policy Committee to enable Full Council to consider the proposal referred from the Committee on 7<sup>th</sup> July 2021 to increase capacity for Special Educational Needs and/or Disabilities (SEND) Education Provision at Catcote Academy using Prudential Borrowing – which would be paid back through the High Needs Block (HNB) and therefore not impact on the Council's General Fund revenue budget.

The Committee had recommended the following to Full Council:-

- a) Note the contents of the report.
- b) Approve the proposal referred from Finance and Policy Committee (which were unanimously supported by Children's Services Committee). To support a sustainable solution for the provision of additional capacity for children with SEND and to approve the use of Prudential Borrowing of £1.550m, saving the HNB annually between £0.343m and £0.783m.
- c) Note the loan repayment cost will be met from the HNB and will not impact on the General Fund Budget of the Council.
- d) To seek Council approval of the total capital budget for the project of £2.750m, which is funded grant funding of £1.2m and £1.550m from Prudential Borrowing.

The recommendations of the Committee were agreed by Full Council, with no dissent.

#### 2. Children's Social Care Capacity – Report of Finance and Policy Committee

The Chair of the Finance and Policy Committee presented the report to enable Elected Members to consider a proposal to increase Children's Social Care Capacity. The Chair advised Full Council that the Committee had considered the options set out in the report and had supported the proposed Option 2 as being in the best long-term interests of the Authority and utilising an existing property to re-provide the service currently in a rented property.

The Committee had recommended the following to Full Council:-

- a) Support for Option 2 – use of an existing council owned property and the purchase of one additional property – as detailed in the report.
- b) Approve the use of Prudential Borrowing of up to £750,000 if option 1 is approved, or £850,000 if option 2 is approved, to purchase and convert two properties to provide two children's home and to note the loan repayment costs can be funded from the existing revenue budget;
- c) Note the operation of Children's Homes by the Council is a lower cost option than external placements and provides Hartlepool based services for children where it is appropriate for them to remain in the town;
- d) Delegate authority to allocate the overall capital budget between the acquisition and refurbishment of two properties to the Managing Director, in consultation with the Chair of Finance and Policy Committee, the Chair of Children's Service Committee and the Director of Resources and Development.

The recommendations of the Committee were agreed by Full Council, with no dissent.

## 20. MOTIONS ON NOTICE

Four Motions had been received, on notice:-

1.

"The Level-Up Hartlepool campaign is collecting signatures for a paper petition asking the government to address the revenue budget cuts to Hartlepool and other Tees Valley Local Authorities. This has since been backed by other Councillors from across the floor.

The reality is that since the 2013/2014 financial year, our Council's revenue funding from Central government has been cut by £22.024 million per year, in real terms.

In order to make up that loss, our Council has had to both increase Council tax and cut services – residents bearing the burden of both.

We believe that this strategy simply isn't tenable any longer and therefore move that Hartlepool Borough Council publicly endorse the level-up campaign through their external channels and adopt the following three-pronged approach:

- Publicly endorse the level-up campaign through their external channels
- To immediately write to our MP and the Government asking them to urgently reassess our core government funding to ensure all

statutory services are adequately funded by Central Government and cease passing this burden on to local taxpayers.

- Request the Leader of the Council ask neighbouring Tees Valley Local Authority Leaders to support us in this course of action.”

Signed: Councillors Brown, Young, Jackson, Moore, Stokell and Cook.

The Motion was moved by Councillor Brown and seconded by Councillor Jackson.

The Motion was agreed, with no dissent.

2.

“Those that have lost loved ones during the Covid19 pandemic will appreciate firsthand how important it is to be able to share your grief and celebrate the lives of those you have lost, together with family and friends.

Such gatherings and celebrations can in some cases be dangerous to our wildlife and environment, including lantern launches and balloon releases.

Hartlepool is a town steeped in history and still has two Brazier Beacons from World War 1. We would like to propose that Hartlepool Borough Council write to the Crown to ask permission for us to make use of these beacons and organising a celebration of life at each of the Solstice days in the year (June 21st and December 21st) where the are lit beacons (subject to funding being identified if permission is granted) to allow communities to come together, to pay respects and to reflect on the lives of those they have lost.”

Signed: Councillors Brown, Young, Jackson, Moore, Stokell and Cook

The Motion was moved by Councillor Brown and seconded by Councillor Lindridge.

Following expressions of support from elected members for a permanent commemoration of the pandemic, the Managing Director advised Full Council that it was intended that a report would be submitted to Committee with proposals to both commemorate the pandemic and also to celebrate communities coming together during the pandemic.

The Motion was agreed, with no dissent.

3.

“Motion to stop registered sex offenders from standing for any public office

Following successful campaigning recently in the Hartlepool by local activist Sarah Gate with support from Sacha Bedding MBE and Teresa

Driver of The Wharton Trust, highlighting the current disqualification criteria for standing as a Councillor and MP as outdated and inadequate, they have been forced to protest and set up a petition achieving over 17,700 signatures by 16<sup>th</sup> June 2021. This motion regards the following:

Currently only those convicted of an offence carrying a prison sentence of more than 3 months are banned from serving as a local councillor.

The rules for parliamentary candidates are less restrictive and a person is only disqualified from standing if they have been found guilty of an offence and sentenced to be imprisoned or detained for more than a year.

On the 18<sup>th</sup> October 2018 the then Local Government Minister Rishi Sunak announced following extensive consultation, that the rules to prevent people found guilty of serious crimes from serving on local councils would be strengthened.

The new rules would mean that any person who is subject to an Anti-Social Behaviour Injunction, a Criminal Behaviour Order, a Sexual Risk Order or who is on the Sex Offenders' Register, will no longer be able to stand for elected office in their community.

Despite the announcement nothing has happened to make the required changes to the law.

The issue was recently publicised when a registered sex offender was able to stand as a parliamentary candidate at the recent by-election in Hartlepool.

The rules on disqualification should be changed and apply to both councillors and parliamentary candidates.

This council resolves to:

- Write to Robert Jenrick, Secretary of State for Housing, Communities and Local Government, demanding legislative change be actioned as a matter of urgency."

Signed: Councillors Ashton, Boddy, Brash, Brown, Cassidy, Clayton, Cook, Cowie, Cranney, Creevy, Elliott, Falconer, Feeney, Fleming, Groves, Hall, Hargreaves, Harrison, Howson, Jackson, Lindridge, Little, B Loynes, D Loynes, Moore, D Nicholson, V Nicholson, Picton, Price, Prince, Richardson, Riddle, Smith, Stokell, Tiplady and Young.

The Motion was moved by Councillor Young and seconded by Councillor Stokell.

The mover of the Motion highlighted the background and the rationale for submission of the Motion. Appreciation was expressed to all elected members

who had signed the Motion and to the individuals named in the Motion for their efforts in trying to change the legislation.

The Motion was agreed, with no dissent.

4.

“Council tax is too high and this is the direct result of unequal and unfair cuts imposed upon Hartlepool by the Conservative government.

Since 2013/14 Hartlepool's budget has been cut by £22million per year and in the same period council tax has increased by £11million per year to compensate.

Research by the Institute for Fiscal Studies estimates that cuts in the North East have been 1.7 times greater than to areas in the South. This is equivalent to some £9million that Hartlepool has been cut that other councils have not, with the burden passed to council tax payers.

If the Conservatives are to truly level up then they need to give Hartlepool its money back so that Council Tax can come down.

We welcome the 'Level up Hartlepool - Council Tax' initiative started by Independent councillors and believe that all elected members should be united behind it.

Council therefore resolves to:

1. Publicly endorse and welcome the 'Level up Hartlepool - Council Tax' campaign launched by Independent councillors and supported by Labour and Conservative councillors
2. Use its full resources to promote the petition that is seeking 10,000 signatures to allow this matter to be raised in parliament
3. Write to our MP, Jill Mortimer, to request that she lobbies her Conservative colleagues in government to level up Hartlepool Council's funding.”

Signed: Councillors Harrison, Brash, Hargreaves, Clayton, Boddy, Feeney, Creevy, Elliott, Prince, Howson and Richardson.

The Motion was moved by Councillor Brash and seconded by Councillor Prince.

The mover of the Motion highlighted the background and the rationale for submission of the Motion. Support was expressed for the Motion with some



elected members advising they would also support the Motion, if the political references were removed from the Motion.

The mover of the Motion accepted the changes with reference to 'Government' being replaced by 'the Treasury' and reference to 'Conservative' being deleted from the Motion.

The Motion as amended, was agreed with no dissent.

## MANAGING DIRECTOR'S REPORT

### 21. COVID UPDATE

An update was provided by the Managing Director following the Stage 3 COVID-19 restrictions in England being lifted on the 17<sup>th</sup> May 2021. Elected Members were further updated that since writing the report, the Government had announced the lifting of restrictions on 19 July. The Managing Director reported on the local position in terms of the prevalence of covid-19 cases and the number of Covid patients in North Tees and Hartlepool hospital. In view of the large rise in the number of cases in the town and other parts of the North East and Tees Valley, the Managing Director advised that despite the lifting of restrictions by the Government, it was considered appropriate to be cautious and to continue to protect those who had not yet been vaccinated.

Elected members expressed their support of the cautious approach promoted by the Managing Director. Whilst commending the vaccination programme, it was highlighted that there had been a slower take up in the younger age groups. Following concerns expressed regarding some mistruths that were in circulation, it was proposed that those mistruths be dispelled by the Authority. It was suggested myth-busting messages be included in Hartbeat to reassure young women in particular that Covid-19 vaccines were safe and did not affect fertility or breast-feeding. It was also suggested that Hartbeat continues to promote support to vulnerable people in the community concerned at the lifting of Covid restrictions.

RESOLVED – That the update be noted.

### 22. SPECIAL URGENCY DECISION

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Full Council was informed that one special urgency decision was taken in the period February 2021 – April 2021.

In response to requests at the meeting for information relating to the decision, the Managing Director and Chief Solicitor advised elected members that the decision had been an exempt item which had been agreed by the Finance and Policy Committee. The report to Full Council was for information only in accordance with the Access to Information Rules included in the Constitution.

The Chief Solicitor advised that she was content to share further information with elected members outside of the meeting.

RESOLVED – That the report be noted.

## 23. OUTSIDE BODY APPOINTMENTS

The Managing Director reported the vacancies which remained following the appointments made to Outside Bodies at the Annual Council meeting on 25 May.

It was reported also that it had been noted following the Annual Council meeting that the appointments made to the Economic Regeneration and Tourism Forum did not reflect the new senior management structure and subsequent alignment of committee functions with that structure. The following changes to representation on the Forum was, therefore, proposed:-

Director of Resources and Development to replace Director of Neighbourhoods and Regulatory Services  
Chair of Economic Growth and Regeneration Committee to replace Chair of Adults and Community Based Services  
Chair of Finance and Policy Committee

Following presentation of the report, Councillor Brash advised that he was relinquishing his seat on the Constitution Committee to allow Councillor Hall to replace him on that Committee.

RESOLVED –

- (i) That the following additional appointments be made –  
Tees Valley Local Access Forum – Cllr Creevy  
Preston Simpson Scholarship in Music – Cllr Creevy and Mr Chris Simmons.  
North East Regional Employers Organisation – Cllr Richardson.
- (ii) Economic Regeneration and Tourism Forum – the changes proposed in the report were agreed
- (iii) That Councillor Hall replace Councillor Brash on the Constitution Committee.

## 24. PUBLIC QUESTION

None.

## 25. QUESTIONS FROM MEMBERS OF THE COUNCIL

- a) Questions to the Chairs about recent decisions of Council Committees and Forums without notice under Council Procedure Rule 12.1

None.

- b) Questions on notice to the Chair of any Committee or Forum under Council Procedure Rule 12.2

One question had been received from Councillor Little to the Chair of Neighbourhood Services Committee:-

*“Many residential streets in Seaton are in a permit parking zone. Yes this was done after consultation and the agreement of the majority of residents. These past few months residents are having to park several streets away from their home. It’s bad enough having to pay to have your car outside your house. But to come home after a long shift at work or school run to see visitors cars taking up permits zones and they think they’ve done well by buying a parking ticket.*

*What is being done to deter visitors from parking in permit zones to enable residents that have paid for permits to park close to their homes?”*

Councillor Stokell, Chair of the Neighbourhood Services Committee, responded that Residents Parking Schemes were designed to keep resident’s streets clear from commuters, visitors and shopper’s vehicles to enable residents to park near their homes. Parking spaces are not allocated to individual permit holders. The Residents Permit Parking Scheme does not guarantee the availability of a parking space, or a space outside their residence. The permit only entitles residents to park vehicles if space is available.

Residents parking zones were routinely patrolled by Civil Enforcement Officers to ensure that those vehicles parked within the zone hold the relevant permits. Where vehicles were found parked within the parking bays without the appropriate permit they were issued with a Penalty Charge Notice although parking for a short period of time is allowed for people to be dropped off or deliveries made.

Since 1<sup>st</sup> January 2021, 225 Penalty Charge Notices had been served for the contravention of parking within a residential zone without the appropriate and valid permit, 64 of these related to Seaton Carew. The team investigate all complaints they receive relating to parking issues. Residents who were experiencing specific problems and were unable to park near their homes were requested to contact the Parking Team with details of times of day and days of the week they are experiencing the problems and the team would try to arrange targeted enforcement at such locations.

Following the response, Councillor Little requested that the Chair agree to the Committee reviewing the signage of resident parking zones to make the zones more easily identifiable, potentially by marking zones on the road rather than simply by lamp post signage. It was highlighted that this was a town wide issue

and the review by the Committee should therefore apply not only to Seaton Carew.

- b) Questions on notice to the Council representatives on the Police and Crime Panel and Cleveland Fire Authority

None.

- c) Minutes of the meetings held by the Cleveland Fire Authority held on 12 February 2021 and 16 April 2021 and the Police and Crime Panel held on 2 February 2021 and 4 March 2021 were noted.

## 15. ANNOUNCEMENTS

Prior to closing the meeting, the Chair of Council announced that she had received notification during the meeting that Councillor Brash had requested the opportunity to pay tribute to a resident who had passed away recently. Councillor Brash announced the sad passing of Norma Morrish and paid tribute to her work and support for the Burbank community. The Chair of Council added that she would send her condolences to the family.

The meeting concluded at 7.10 p.m.

## CEREMONIAL MAYOR

# **SPECIAL COUNCIL**

## **MINUTES OF PROCEEDINGS**

**9 September 2021**

The meeting commenced at 6.00 pm in the Borough Hall, Hartlepool

The Ceremonial Mayor (Councillor B Loynes) presiding:

COUNCILLORS:

Brash	Brown	Cassidy
Clayton	Cook	Cowie
Cranney	Creevy	Elliott
Feeney	Fleming	Groves
Hall	Hargreaves	Harrison
Jackson	Lindridge	Little
D Loynes	Moore	D Nicholson
V Nicholson	Price	Prince
Richardson	Smith	Tiplady
Young		

Officers: Denise McGuckin, Managing Director  
Hayley Martin, Chief Solicitor  
Lorraine Bennison, Electoral and Members' Services Manager  
Amanda Whitaker, Democratic Services Team.

Prior to the commencement of the meeting, the Ceremonial Mayor referred in terms of regret to the recent death of Honorary Freeman and former Councillor, George Morris. Members stood in silence as a mark of respect.

### **16. APOLOGIES FOR ABSENT MEMBERS AND COMMUNICATIONS**

Councillors Ashton, Boddy, Falconer, Howson, Picton, Riddle, Stokell

### **17. DECLARATIONS OF INTEREST FROM MEMBERS**

None

### **18. BUSINESS REQUIRED BY STATUTE TO BE DONE BEFORE ANY OTHER BUSINESS**

None

## MANAGING DIRECTOR'S BUSINESS REPORT

### 19. CIVIC HONOURS

Elected Members were advised that this Special Council meeting had been called to confer civic honours in pursuance of Section 249 of the Local Government Act 1972 following agreement of Full Council as follows:-

Full Council - 20 February 2020 - the award posthumously of the title of Honorary Freeman of the Borough of Hartlepool to Alan Chapman, long serving Head teacher.

Full Council - 18 March 2021 - the award of the title of Honorary Freeman/Honorary Freewoman of the Borough of Hartlepool to be bestowed on the following individuals recommended by the Civic Honours Committee:-

- Lesley Gibson, Chief Executive of Harbour
- Sian Cameron, the Poppy Appeal Organiser for Hartlepool
- Ray Martin-Wells, as Chair of the Audit of the Governance Committee supported maintaining maternity and fertility services in Hartlepool
- Chris Musgrave, who was also appointed Officer of the Order of the British Empire (OBE) in The Queen's 2019 Birthday Honours for services to business and the community

Councillor Moore addressed the Council in proposing the late Alan Carr Chapman.

Councillor Brenda Harrison addressed the Council in seconding the late Alan Carr Chapman.

Councillor Darren Price addressed the Council in proposing Sian Cameron.

Councillor Rachel Creevy addressed the Council in seconding Sian Cameron.

Councillor Brenda Harrison addressed the Council in proposing Lesley Gibson.

Councillor Shane Moore addressed the Council in seconding Lesley Gibson.

Councillor Brenda Loynes addressed the Council in proposing Ray Martin-Wells.

Councillor Mike Young addressed the Council in seconding Ray Martin-Wells.

Councillor Brenda Loynes addressed the Council in proposing Joseph Christopher Musgrave OBE.

Councillor Mike Young addressed the Council in seconding Joseph Christopher Musgrave OBE.

The title of Honorary Freeman (Posthumous) was accepted for the late Alan Carr Chapman by Mrs Chapman who signed the Freedom Roll and addressed Full Council in suitable terms.

Honorary Freewoman Sian Cameron accepted the title of Honorary Freewoman, signed the Freedom Roll and addressed Full Council in suitable terms.

Honorary Freewoman Lesley Gibson accepted the title of Honorary Freewoman, signed the Freedom Roll and addressed Full Council in suitable terms.

Honorary Freeman Ray Martin-Wells accepted the title of Honorary Freeman, signed the Freedom Roll and addressed Full Council in suitable terms.

Honorary Freeman Joseph Christopher Musgrave OBE accepted the Title of Honorary Freeman, signed the Freedom Roll and addressed Full Council in suitable terms.

The Lord Lieutenant address Full Council conveying congratulations to the recipients of the civic honours.

The meeting concluded at 7.00 p.m.

CEREMONIAL MAYOR

**COUNCIL**  
30 September 2021



**Report of:** Constitution Committee

**Subject:** REVIEW OF THE CONSTITUTION

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**1. PURPOSE OF REPORT**

- 1.1 To seek approval from Full Council regarding proposed changes to the Constitution.

**2. BACKGROUND**

- 2.1 The Council's Constitution requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 Reports were submitted by the Monitoring Officer to the Committee, at meetings held on 1 February 2021 and 6 July 2021 which proposed changes to documents included in the Constitution, as set out in section 3 of this report.

**3. PROPOSALS**

- (i) Revised Code of Conduct for Elected Members and Co-opted Members and Best Practice Recommendations.
- 3.1 At the meeting of the Committee held on 1 February, the Committee was requested to consider the adoption of a revised model Code of Conduct for Elected Members and Co-opted Members, a copy of which is appended to this report as Appendix A. The revised Code had been considered by the Audit and Governance Committee, at its meeting on 7 January 2021.
- 3.2 Elected Members were advised that the Audit and Governance Committee had recommended the adoption of the revised model Code of Conduct and had welcomed the inclusion of a bullying policy. Concerns had, however, been expressed that there continued to be no further sanctions available to Councils (as this would depend on legislative change). The Chief Solicitor



agreed a suggestion to write to the Local Government Association to seek an update on whether any progress has been made in relation to introducing stronger sanctions. A copy of the response is attached at Appendix B including the document referred to therein entitled 'Guidance on Local Government Association Model Councillor Code of Conduct.'

### **Committee Recommendation**

- 3.3 That Full Council approves the revised Code of Conduct.
- (ii) Review Of The Protocol On Elected Member/Officer Relations
- 3.4 Following this Committee's approval of the Members Model Code of Conduct the Chief Solicitor, in consultation with Chief Officers, had considered that it was appropriate to review the Protocol on Elected Member/Officer Relations. The revisions, as detailed in Appendix C, had been proposed to strengthen the Protocol and a summary of the proposals was set out in the report considered by the Committee at its meeting on 6 July.
- 3.5 At that meeting, an elected member had reiterated concerns expressed at the meeting on 1 February regarding there continuing to be no sanctions available to Councils. The Chief Solicitor advised the Committee that the introduction of sanctions would require legislative change and the Committee had agreed at the last meeting that a letter should be sent to the Local Government Association to convey the concerns expressed (Appendix B).
- 3.6 With reference to Section 2 of the Protocol, an elected member highlighted that Committee Chairs were, in accordance with appropriate delegation, consulted as part of the decision making process and that the Protocol should be amended accordingly.

### **Committee Recommendation**

- 3.7 (i) The Committee considered the proposals and recommended the proposals to Full Council, subject to Section 2 of the Protocol being amended by the Chief Solicitor to reflect the consultation with Committee Chairs highlighted at the meeting.

## **4. REVIEW OF PART 4 – CONTRACT PROCEDURE RULES**

- 4.1 The Committee was advised that CPRs set out the means whereby the Council controls and regularises the manner in which it contracts with third parties. Following a benchmarking exercise with other Tees Valley Councils it was evident that the Council's thresholds in relation to procurement were restrictive and out of sync with other Council's. The report to the Committee set out the current procurement thresholds included in the Constitution. Members were requested to review these limits and consider increasing them in line with other Tees Valley Authorities. A copy of the limits of the

other Authorities was appended to the report to the Committee together with suggested changes to the limits proposed in the CPRs.

- 4.2 Concerns were expressed by the Committee that changing the limits as proposed in the Committee report would make it more difficult for local companies to be involved in the procurement process. Following discussion, revised proposals were proposed by an elected member and supported by other Committee members.

### **Committee Recommendation**

- 4.3 The Committee agreed, with no dissent, the following changes in respect of the following contract values to recommend to Full Council:-

*£0-£10,000 - Informal - reasonable enquiries required. Minimum of two quotations,  
Quick Quotes is optional.*

*Officers should invite a minimum of 1 local company to quote (where available)*

*£10,000 - £25,000 - At Least 3 quotations using Quick Quotes Officers should invite a minimum of 2 local company to quote (where available)*

## **5. RECOMMENDATIONS**

- 5.1 That Full Council approves the recommendations of the Committee in terms of the proposed changes to the following:-

- Code of Conduct for Elected Members and Co-opted Members and Best Practice Recommendations
- Protocol on Elected Member/Officer Relations
- Contract Procedure Rules

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect and comply with the law.

## **7. BACKGROUND PAPERS**

Hartlepool Borough Council's Constitution  
Report and Minutes – Constitution Committee – 1 February 2021  
Report and Minutes – Constitution Committee - 6 July 2021

**8. CONTACT OFFICER**

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Hartlepool Borough Council  
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## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has 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. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local 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. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. 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 sub-committee 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”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **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. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **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.

Guidance is included 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 you 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 Registrable 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.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	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.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the



	<p>councillor is living as if they were 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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'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>
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the 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 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**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
  - b) 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 authority
  - c) 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

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

From the Chairman of the Association  
Cllr James Jamieson

Councillor Shane Moore  
Leader of Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

14 June 2021

Dear Councillor Moore

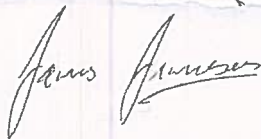
Thank you for your letter regarding the revised code of conduct for elected members, and please accept my apologies for the delay in replying.

The issue of stronger sanctions for contraventions of the code is something that came through strongly in our consultation on the new model code and the Local Government Association is conscious that this remains an issue for many of our members. We anticipate the Ministry of Housing, Communities and Local Government's response to the Committee on Standards in Public Life report will include a consultation on stronger sanctions, which would require new legislation. We are in regular discussion with MHCLG on the matter and expect this to be issued shortly.

In the meantime, we will soon be issuing guidance to accompany the Model Code of Conduct for both councillors and monitoring officers to support its implementation. I have also requested a special meeting of the political group leaders at the LGA to look at what more we can do on civility in public life to improve experiences for councillors and ensure we as councillors hold ourselves to the high standards our residents expect.

You can find more information on our civility in public life programme at [www.local.gov.uk/civility-public-life](http://www.local.gov.uk/civility-public-life)

Yours sincerely



Cllr James Jamieson  
Chairman



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# Guidance on Local Government Association Model Councillor Code of Conduct



We are pleased to publish this supporting guidance which is aimed to help understanding and consistency of approach towards the code. The code, together with the guidance, has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government.

08 Jul 2021

## Part 1 - Introduction

In December 2020, the Local Government Association (LGA) developed and published a **Model Councillor Code of Conduct** [\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020) in association with key partners and following extensive consultation with the sector. This was in response to the recommendation of the Committee of Standards in Public life Local Government Ethical Standards 2019. The code was part of our work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance, and our civility in public life programme.

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The code is a template for Local Authorities to adopt in whole and or with amendments to take into account local circumstances.

Our aim was to make the code relatively short and easy to read rather than an overly-complex legal document as it needed to be accessible to councillors, officers, and the public alike. The consultation response also asked for supporting guidance to help understand some of the key provisions in greater depth with examples and case illustrations.

We are therefore pleased to publish this supporting guidance which is aimed to help understanding and consistency of approach towards the code.

The code together with the guidance have been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.

This guidance embeds the provisions of the code and is structured to enable each chapter to be directly accessed. We have also produced a standalone document without the embedded code intended to provide easy access to the guidance.

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

For the purposes of this guidance, we have adopted the definitions used in the Code of Conduct, for "councillor" and "local authority".

Any comments on the use of the guidance or suggestions for improvement would be welcomed and should be sent to **[ModelCode@local.gov.uk](mailto:ModelCode@local.gov.uk)**  
**[\[mailto:ModelCode@local.gov.uk\]](mailto:ModelCode@local.gov.uk)**

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## General principles of Councillor conduct

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are set out in **Appendix 2**

**<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#appendix-2-general-principles-1>** below.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, the principles are not part of the rules of the code and should be used for guidance and interpretation only.

## Application of the Model Councillors' Code of Conduct

### When does the Code apply?

S27(2) of the Localism Act 2011 says that a local authority 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 term 'capacity' is not further defined in the Act. However, the Model Code states that:

**The 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.



This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

There is no formal description of what the role of a councillor is, but aside from formal local authority business it would include promoting and representing the local authority in the local community and acting as a bridge between the community and the local authority. The LGA's **Guidance** [\[https://www.local.gov.uk/sites/default/files/documents/11.166%20Councillors%20Guide%202019\\_08\\_0.pdf\]](https://www.local.gov.uk/sites/default/files/documents/11.166%20Councillors%20Guide%202019_08_0.pdf) for new councillors is a helpful reference point.

The code does not, therefore, apply solely when you are in local authority meetings or on local authority premises.

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 communications

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

This includes interactions with the public as well as with fellow councillors and local authority officers.

## **Acting as a private individual**

For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour which does not relate to local authority business would not

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engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.

### **Example**

A councillor and an officer had a personal relationship. The councillor sent and encouraged the officer to send inappropriate social media messages, including messages of a sexual nature, during office hours. The panel rejected arguments that the councillor had been acting in an entirely personal capacity. It found that the councillor could not divorce himself from his role as the officer's quasi-employer and that, when sending or encouraging the officer to send the messages during working hours, he was acting in his official capacity.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them.

While the Code does not apply to your non-councillor roles, what you do as a councillor could impact on your position in those other roles.

Political party or group rules may also require you as a councillor to demonstrate certain behaviours as a private individual and failure to do so can result in sanctions from political groups.

Under the Local Government Act 1972 councillors can be disqualified from being a councillor due to matters in their private life, such as being subject to a bankruptcy order or receiving a custodial sentence of three months or longer (whether or not suspended).

**In what circumstances might I give the impression to a reasonable member of the public that I was engaged on local authority business?**

When you use or attempt to use your position as a councillor to seek to gain an advantage for yourself or someone close to you or to disadvantage someone this is an attempt to misuse your position and therefore falls within the scope of the Code of Conduct.

A number of factors will need to be taken into account to determine whether or not you had used or attempted to use your position as a councillor.

For example:

writing to someone on local authority headed paper or using a local authority email address may lead someone to assume you were writing in your capacity as a councillor

handing out a business card where you describe yourself as a councillor may also lead to that assumption

wearing official local authority regalia.

## Examples

Attempting to misuse your position as a councillor would include if you threaten to use your position improperly to block's someone's planning, licence or grant application. In effect you would be doing something that only a councillor could do even if as a matter of fact, you did not have the power to do so. That may include an assumption, for example, that you would put inappropriate pressure on officers or fellow councillors or lobby behind the scenes for a particular outcome. It should not be up to a member of the public to have to work out whether you are in fact on a planning committee.

Another example would be disclosing confidential information improperly you had received because of your role as a councillor.

A councillor returning from a party got into an argument with a taxi driver. When he arrived home, he refused to pay the fare and when he spoke to the manager of the taxi company, he said that he was a councillor and would make sure that the taxi driver's licence was withdrawn by the council. While he was entitled to dispute the payment if he was dissatisfied with the service he had received he was found to have breached the code by invoking his office and seeking to misuse his position to intimidate the manager and driver and to seek to gain an advantage for himself, notwithstanding the fact that he did not in reality have the ability to carry out his threat.

## Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.

For example, a posting which is simply discussing a recent football match is not covered by the code even if you have described yourself as a councillor. However, if you make a posting threatening a fellow councillor or officer that would fall within the code even if you have not described yourself as a councillor as it relates to local authority business or your role as a councillor.

Each matter would need to be looked at on a case-by-case basis (**[see guidance on 'disrespect, bullying and harassment in Part 2 for further information](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct)** **[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct)** ).

You should be very careful when describing yourself as a councillor as seeing the word "councillor" may lead to assumptions amongst the community that you are acting as a councillor.

To help avoid some of these issues, some councillors have found it helpful to have separate social media profiles for personal and local authority use, though even the strictest privacy settings are no guarantee that posts or actions will remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting. If your local authority has guidance on the effective use of social media this can help.

The LGA has published **guidance on councillors** [\[https://local.gov.uk/councillors-and-social-media\]](https://local.gov.uk/councillors-and-social-media) and social media.

### **Examples**

Following a heavy snowstorm which meant a local street market could not go ahead a councillor posted on the local community Facebook page that a certain local authority officer should be sacked for failing to put adequate arrangements in place to clear the snow. Even though it was not posted on a local authority page and he did not explicitly describe himself as a councillor in the post he was found to have breached the code by treating an officer with disrespect and seeking to put undue pressure on officers.

A councillor who described himself as such in his Twitter profile made insulting and offensive comments about the Prime Minister which led to complaints being made to his local authority. He was found not to have breached the code as the comments did not directly relate to his role as a councillor or local authority business but were seen as wider political comments.

### **What does acting as a representative of my local authority mean?**

You are acting as a representative of the local authority when you are sitting on an outside body to which you have been appointed by the local authority, for example.

You would also be considered a representative of the local authority where you were attending an external function or conference on behalf of the local authority or as the local authority's nominated delegate.

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You would not be considered as a representative of the local authority where you were attending an event in a party-political role, for example at a political party's annual conference. In that situation you would be subject to any relevant party rules.

Matters in party group meetings would also normally not be covered by the code as they are more matters for a party to regulate. However, if you are clearly trying to improperly influence fellow councillors or put undue pressure on them in relation to local authority business for example then relevant provisions of the code would apply. The same would apply to social media groups you may be a member of, such as a WhatsApp group set up for your local authority group.

### **What if I sit on more than one local authority?**

If you sit on more than one local authority, you are subject to the code and associated procedures of the local authority you are representing at any one time. As such, if you are on a district council and a parish council, you would be bound by the district code when attending district council meetings or speaking to district council officers; and bound by the parish council code when attending parish council meetings or speaking to parish council officers.

Where your local authorities have the same code, the same rules would apply and, for example, your completed register of interests should be the same on both tiers.

### **What is a co-opted member?**

The code also applies to co-opted members under the Localism Act. A co-opted member under the Act is someone who is entitled to vote on any matter to be decided at a local authority committee or sub-committee.

A parish councillor who has been co-opted to fill a casual vacancy where an election has not been held is also covered by the Code of Conduct in the same way as if they had been elected.

It does not, therefore include co-opted members who do not have voting rights, nor does it cover, for example, an Independent Person appointed under s28 of the Localism Act to support the local authority on standards matters.

However, it would be good practice to ask such councillors to agree to abide by the code of conduct and to inform the monitoring officer of any interests they might have. While they would not formally fall within the statutory framework for complaint handling, they can be removed from their role by the local authority should they be found to have committed a serious breach of the code so it is important that they are also aware of the expected standards of behaviour.

## **Part 2 – General obligations under the Code of Conduct**

### **Respect**

#### **As a councillor:**

- 1. I treat other councillors and members of the public with respect.**
- 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.**

Showing respect to others is fundamental to a civil society. As an elected or appointed representative of the public it is important to treat others with respect and to act in a respectful way. Respect means politeness, courtesy and civility in behaviour, speech, and in the written word. It also relates to all forms of communications councillors undertake, not just in meetings. Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives.

### **Respect**

The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include talking to constituents, attending local authority meetings, representing the local authority on outside bodies, and participating in community meetings and events. In turn this means that as a

councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.

You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.

Examples of ways in which you can show respect are by being polite and courteous, listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks and being kind. In a local government context this can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.

## **Disrespectful behaviour**

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow

councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.



Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.

## **Freedom of expression**

The requirement to treat others with respect must be balanced with the right to Freedom of expression. Article 10 of the European Convention on Human Rights protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud or in writing, such as in published articles or leaflets or on the internet and social media. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply-held beliefs of others.

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it

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offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.


Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech, and this enhanced protection applies to all levels of politics, including local government. Article 10 protects the right to make incorrect but honestly made statements in a political context but it does not protect statements which the publisher knows to be false. Political expression is a broad concept and is not limited to expressions of or criticism of political views but extends to all matters of public administration including comments about the performance of public duties by others. However, gratuitous personal comments do not fall within the definition of political expression.

Public servants such as local government officers are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians such as councillors. Officers do not necessarily have the same right of reply to such comments as councillors do and councillors should take care not to abuse or exploit this imbalance.

Recent case law has confirmed that local authority officers should be protected from unwarranted comments that may have an adverse effect on good administration and states that it is in the public interest that officers are not subject to offensive, abusive attacks and unwarranted comments that prevents them from carrying out their duties or undermine public confidence in the administration. That said, officers who are in more senior positions, for example chief executives or heads of services, will also be expected to have a greater degree of robustness.

### **Is the Respect provision of the code a gag on councillors?**

This provision of the Code (Paragraph 1) is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their

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opinions and concerns in forceful terms. Direct language can sometimes be appropriate to ensure that matters are dealt with properly. The code is not intended to stifle the expressions of passion and frustration that often accompany discussions about local authority business.

### **Can councillors criticise officers?**

Yes. In some cases, officers have been known to reject reasonable criticism appropriately made and describe it as disrespectful or bullying. The Code of Conduct is not intended to constrain councillors' involvement in local governance, including the role of councillors to challenge performance. Councillors can question and probe poor officer performance provided it is done in an appropriate way. In the everyday running of a local authority, it is inevitable that councillors may have disagreements with officers from time to time.

This paragraph of the code does not mean that councillors cannot express disagreement with officers. This disagreement might, in the appropriate context, manifest itself in criticism of the way in which an officer or officers handled particular matters.

It is important that councillors raise issues about poor performance in the correct way and at the appropriate forum in accordance with your local authority's processes and procedures, and not in a public meeting or through a published attack in the media.

All local authorities should have clearly defined policies, procedures, and occasions where such issues can be properly raised. It is only where councillors' conduct is unfair, unreasonable, or demeaning that the code will be relevant. If a councillor's criticism is abusive or offensive it is likely to breach the code.

### **What kinds of conduct are not covered?**

A very clear line must be drawn between the Code of Conduct's requirement of respect for others, including councillors with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

### **What if a member of the public is being unnecessarily disrespectful?**

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Councillors are allowed to respond to criticism, and where that criticism is robust, then they can be robust in response. However, councillors should always seek to try to be civil and demonstrate leadership in their communication. Even where councillors have been wrongly accused, responding in an angry, defensive way can often escalate the situation.

There has been a growing tendency for members of the public to use social media channels to unfairly criticise local councillors. For this reason, many local authorities now offer social media guidance to councillors in addition to the civility in public life resources available on the **LGA's website** [\[https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life\]](https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life).

## Examples

The complaint alleged that the councillor posted on their blog a highly critical comment and an offensive caption about a former councillor, who had passed away and whose funeral had taken place the previous day. The councillor was found to have breached the provisions of his local authority's Code of Conduct relating to councillors treating others with respect; as well as conducting themselves in a manner which could reasonably be regarded as bringing their role or their authority into disrepute.

The complaint alleged that a councillor commented under a pseudonym on a local authority blog referring to possible nepotism in the awarding of a contract to a local firm by the local authority. The standards committee found that the councillor had breached the Code of Conduct in making the posts because he had failed to treat others with respect and, in doing so, he had conducted himself in a manner which brought his role and his local authority into disrepute.

The complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainant, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a police station made in his capacity as a ward councillor. It was found that the comments amounted to an

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unacceptable personal attack on the complainant and that the councillor had breached the respect provisions in his local authority's Code of Conduct.

## Bullying

### As a councillor:

1.

#### 1.1. I do not bully any person.

Bullying, harassment, discrimination, and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Bullying may be characterised as offensive, intimidating, malicious, insulting, or humiliating behaviour, an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation. Bullying may be obvious or be hidden or insidious. Such conduct is usually part of a pattern of behaviour which attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health.

Bullying can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing.

Bullying can affect anyone, in any career, at any time, at any level and within any workplace. Such behaviour can take the form of easily noticed, physically threatening or intimidatory conduct with immediate impact, or it can take a more subtle form.

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place behind closed doors, or be much more subtle or camouflaged and difficult to identify, at least at first. It can start, for example, with what appear to be minor instances, such as routine 'nit-picking' or fault-finding, but which become cumulative or develop into more serious behaviour over time, enabling the perpetrator to isolate and control the person.

Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a "poor leadership style" or a "bad attitude," for example, or to the problem being due to a "personality clash".

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient's well-being and health. Bullying can have an impact on a local authority's effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor's ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local authorities less representative of their communities, and impacting local democracy.

Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

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Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns.

### **Freedom of expression 'Respect' guidance Part 2**

**<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-1>**

### **Does this mean that councillors cannot raise concerns about officers or fellow councillors?**

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.

### **Preventing bullying conduct from developing**

Ideally, a culture of honest and clear communication should be sought, with respect for the individual and for the confidentiality required when managing individual performance-related issues. The bullying of officers might be reduced by establishing a specific protocol, which addresses issues such as councillor-officer work relations and appropriate behaviour.

The protocol for parish and town councils can include such simple but important matters as acceptable times to contact the clerk by telephone at home or call at the clerk's home on council business.

Local authority officers and parish clerks also need to be mindful that councillors can come from a wide range of backgrounds and may have been part of workplaces where the culture and expected standards are very different from what the clerk or officers expect; as a result, the councillor simply may not be aware of the impact that their communications have had on the clerk or officer. Early discussion about emerging issues is important to help avoid matters escalating and help establish more effective working arrangements for the future.

## **Bullying and harassment and the law**

In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or a county court.

In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- physical assault
- making threats of violence or death threats
- stalking
- hate crimes
- sexual harassment

## **Intimidation of councillors**

Councillors can face behaviours which could amount to bullying and intimidation when carrying out their role.

The LGA and the Welsh Local Government Association recognise the growing need among councillors for support related to intimidation and have jointly developed a **“Councillors’ guide to handling intimidation. Practical steps that you and your local authority can undertake to protect yourself as a person in a public position”** [\[https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors%20on%20handling%20intimidation\\_FINAL.pdf\]](https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors%20on%20handling%20intimidation_FINAL.pdf). The guide covers topics such as how to handle abuse, both face-to-face, letters or online, guidance on personal safety, lone working and online abuse and the legal and practical remedies, including the nature of the criminal offences involved. It will be continuously updated with the latest advice and information available.

## Harassment

### As a councillor:

1.
  - 1.1. **I do not harass any person.**

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person 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 victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one’s interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

Like bullying, harassment can take the form of physical, verbal, and non-verbal conduct but does not need to be related to protected characteristics. Harassment may be in person, by telephone or in writing, including emails, texts, or online communications such as social media. It may manifest obviously or be hidden or insidious.



The factors likely to be considered when assessing allegations of harassment are whether the councillor knows or ought to know that their actions constitute harassment, whether a reasonable person would consider the actions to be harassment and the impact of the behaviour/conduct on victim.

Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

### **What does the law say about harassment?**

[\[https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors%20on%20handling%20intimidation\\_FINAL.pdf\]](https://www.local.gov.uk/sites/default/files/documents/Full%20word%20english%20version%20guide%20for%20councillors%20on%20handling%20intimidation_FINAL.pdf)

In some cases, acts of harassment can be civil offences, which can be brought to an employment tribunal or county court.

In some cases, conduct that amounts to harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats
- stalking
- hate crimes
- sexual harassment

**Example**

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two fellow female councillors and officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to been in breach of the Code of Conduct.

**Discrimination****As a councillor:****2.3 I promote equalities and do not discriminate unlawfully against any person.**

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.

The Equality Act 2010 imposes positive duties on local authorities to promote equality and to eliminate unlawful discrimination and harassment. Under the Act your authority may be liable for any discriminatory acts which you commit. This will apply when you do something in your official capacity in a discriminatory manner. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or to do anything which hinders your authority's fulfilment of its positive duties under the Act. Such conduct may cause your authority to break the law, and you may find yourself subject to a complaint that you have breached this paragraph of the Code of Conduct. If you are unsure about the particular nature of the duties of your authority you should seek advice from the monitoring officer or parish clerk.

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

There are four main forms of discrimination:

**Direct discrimination:** treating people differently because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

**Indirect discrimination:** treatment which does not appear to differentiate between people because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation but which disproportionately disadvantages them.

**Harassment:** engaging in unwanted conduct on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.

**Victimisation:** treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics

- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

A councillor's personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as "unconscious bias" and it can lead people to make decisions based on biases or false assumptions. Councillors need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

## Questions

### **How can councillors cause their authority to be in breach of the Equality Act?**

The Code of Conduct is not intended to stifle democratic debate. Councillors should always remember that Article 10 of the European Convention on Human Rights gives a high level of protection to comments that are genuinely made during political debate, even if most people would find them offensive.

Some councillors have particular roles which may give a higher risk for the potential for discrimination; for example, if you are on an appointment panel for a position in the local authority, or you are able to award local grants in your ward and will need to decide which organisations to support.

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Merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough by itself to risk breaking this part of the code. Simply having a party-political or personal position on an issue is unlikely to amount to a breach of this provision because it does not, of itself, involve the local authority doing anything.

Under the Equality Act 2010, an authority is made liable for any discriminatory acts which a councillor commits. This will apply where they say or do something in their official capacity in a discriminatory manner.

### **Examples**

The complaint alleged that a councillor ‘liked’ several racially discriminatory comments on social media and one comment advocating violence against Travellers. The panel found that ‘Liking’ of the offensive comments did amount to a failure to treat those who were the subject of such comments with respect and a failure to promote equalities in breach of the Code of Conduct.

A councillor was a member of the local authority’s recruitment panel to appoint a new chief executive. Five applicants were shortlisted. After one candidate had finished his presentation and left the room the councillor said, “good candidate, shame he’s black”. The panel found that the Code of Conduct had been breached.

## **Impartiality of officers**

### **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.

Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by councillors and to deliver the policy framework agreed by councillors. They are responsible for implementing decisions of councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships.

Officers may sometimes give you advice that you do not want to hear or does not suit your political views. They must be allowed to do this without fear of recriminations to allow for good decision-making looking at all relevant options.

That means in your dealing with officers you must not seek to influence them improperly or put undue pressure on them. For example, you should not get officers to help you prepare party political material, or to help you with matters relating to your private business. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

Other than political assistants, officers are required to remain politically neutral and not demonstrate their support for specific parties or candidates.

The fundamentally held principle is that “the local government system of the UK has long resided on a bond of trust between elected members and a permanent corps of local government officer... that relationship of trust stems from the right of council members to expect that they are being assisted in their functions by officers who are politically neutral and whose loyalty is to the council as a whole<sup>[1]</sup> [\[# ftn1\]](#)”.

## Examples

A councillor became involved in a social care case on behalf of a constituent during which time he inappropriately sought to influence operational decision-making and sent discourteous and disrespectful correspondence to the officers. In doing so, he lost sight of his overall responsibility to the local authority to allow its officers to perform their statutory functions. He was found to have breached the Code of Conduct.

A councillor who, over a period of six months, persistently sought to influence the decisions of officers dealing with a complaint by his son and daughter-in-law against their local authority tenant neighbour was found, through his actions, to have compromised the impartiality of the officers and to have used his position improperly to promote the interest of his family and to have brought the role of councillor into disrepute in breach of the Code of Conduct.

### **What does working on behalf of the authority mean?**

Local Authorities deliver services in a range of ways. Often services will have been contracted out to outside bodies. For example, if you are in a highway authority, road repair services may be carried out by outside contractors. Their employees delivering that contract are doing so on behalf of the local authority and you should not use your position to interfere improperly in delivery of that service.

### **What if I disagree with the views of an officer?**

You are perfectly entitled to disagree with officers. They are there to give you impartial professional advice and you do not need to accept their advice without question. When you do question them however, you should treat them with respect and recognise that they are professionals.

If you feel dissatisfied with the advice you are given you should raise through appropriate management channels in line with your local authority's councillor-officer protocol (where you have one) -

[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-1\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respectful-behaviour-1) see

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**guidance on respect, bullying and harassment in Part 2.**

**[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying)**

Where you have a declarable interest in a matter you are discussing with an officer you should make that clear to the officer – **see guidance on declarations of interest in Part 3.**

**[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest)**

Where it is an interest which would stop you from taking part in a meeting you should not discuss those matters with officers except where you are seeking professional advice in the same way as any member of the public could – for example, assistance with making an application – and the officer should make a note that an interest has been declared. If you need to speak to an officer about the matter, you should arrange a meeting as a member of the public and not seek to use your position to gain preferential or quicker access.

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**[1] [\[# ftnref1\]](#)** Ahmed v United Kingdom (2000) 29 EHRR 1

## **Having regard to Officer advice**

Councillors take decisions every day that affect the lives of those who live and work within your community. It is therefore important that those decisions are made having regard to all available evidence and weighing up all sides of the argument.

Decisions can be challenged if they are unreasonable, and the local authority could find itself facing an expensive legal bill if it takes a decision which is unlawful. When considering any decision, you must have regard to any professional advice you have been offered, for example from planning or licensing officers. Both the monitoring officer and the chief finance officer have a statutory duty to report formally to the local authority where they believe a local authority action or expenditure is, or may be, unlawful. Similarly, when it comes to elections, you will need to have regard to any advice given to you by the returning officer who may well be a senior officer but in that capacity is entirely independent of and separate from the local authority and is required to be politically neutral.

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You must also give reasons for all decisions in accordance with statutory requirements and any reasonable requirements imposed by your local authority. Giving reasons for decisions is particularly important in relation to regulatory decisions and decisions where people's rights are affected. Where councillors disagree with officer recommendations in making a decision, councillors will need to take particular care in giving clear reasons for the decision.

If you seek advice as an individual councillor, or advice is offered to you, for example, on whether or not you should register or declare an interest, you must have regard to this advice before you make your mind up. Failure to do so may lead to a breach of the Code of Conduct.

If in any doubt – be safe and always seek advice from your monitoring officer before taking any action.

Local authorities have protocols for councillor-officer relations in their constitutions which are accessible on their websites.

The LGA published

“ [\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships\\_v03.pdf\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor%20relationships_v03.pdf) **A councillor's workbook on effective councillor/officer relationships 2018**

[\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships\\_v03.pdf\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships_v03.pdf)

” [\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships\\_v03.pdf\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships_v03.pdf). This workbook has been designed as a distance

learning aid for local councillors. It forms part of the suite of LGA resources intended to provide councillors with insight and assistance into key skills and knowledge. It is designed to provide a foundation for effective working as you progress in your councillor career, from the ward level to holding a leading councillor position. The workbook has been updated to contain information and examples obtained from the LGA's work on the ground in local authorities and through the **Corporate Peer Challenge programme**

[\[https://www.local.gov.uk/our-support/peer-challenges/peer-challenges-we-offer\]](https://www.local.gov.uk/our-support/peer-challenges/peer-challenges-we-offer), and to reflect the changing nature of the councillor and officer relationship.

## **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 have received the consent of a person authorised to give it;
  - I am required by law to do so;
  - 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
  - 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. 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.

## **Confidential information**

While local authority business is by law generally open and local authorities should always operate as transparently as possible, there will be times – for example, when discussing a named individual, confidential HR matters or commercially sensitive information – when it is appropriate for local authority business to be kept confidential or treated as exempt information.

In those circumstances, you must not disclose confidential information, or information which you believe to be of a confidential nature, unless:

- you have the consent of the person authorised to give it
- you are required by law to do so
- the disclosure is made to a third party for the purposes of obtaining professional advice (for example, your lawyer or other professional adviser) provided that person agrees not to disclose the information to any other person
- the disclosure is in the public interest

## **Disclosure in the public interest**

Disclosure ‘in the public interest’ is only justified in limited circumstances, when all the following four requirements are met:

- the disclosure must be reasonable
- the disclosure must be in the public interest
- the disclosure must be made in good faith
- the disclosure must be made in compliance with any reasonable requirements of your authority

In relation to the disclosure of confidential information in the public interest, the four requirements are outlined in more detail below.

1. The first requirement, that the disclosure must be reasonable, requires you to consider matters such as:

Whether you believe that the information disclosed, and any allegation contained in it, is substantially true. If you do not believe this, the disclosure is unlikely to be reasonable.

Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.

The identity of the person to whom the disclosure is made. It may be reasonable to disclose information to the police or to an appropriate regulator. It is less likely to be reasonable for you to disclose the information to the world at large through the media.

The extent of the information disclosed. The inclusion of unnecessary detail, and in particular, private matters such as addresses or telephone numbers, is likely to render the disclosure unreasonable.

The seriousness of the matter. The more serious the matter disclosed, the more likely it is that the disclosure will be reasonable.

The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.

Whether the disclosure involves your authority failing in a duty of confidence owed to another person.

2. The second requirement, that the disclosure must be in the public interest, needs to involve one or more of the following matters or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:

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- a criminal offence is committed.
- your local authority or some other person fails to comply with any legal obligation to which they are subject.
- a miscarriage of justice occurs.
- the health or safety of any individual is in danger.
- the environment is likely to be damaged.
- that information tending to show any matter falling within the above is deliberately concealed.



3. The third requirement, that the disclosure is made in good faith, will not be met if you act with an ulterior motive, for example, to achieve a party-political advantage or to settle a score with a political opponent.

4. The fourth requirement, that you comply with the reasonable requirements of your local authority, means that before making the disclosure you must comply with your local authority's policies or protocols on matters such as whistle-blowing and confidential information. You must first raise your concerns through the appropriate channels set out in such policies or protocols.

In summary, to decide whether the disclosure is reasonable and in the public interest, you may need to conduct a balancing exercise weighing up the public interest in maintaining confidentiality against any countervailing public interest favouring disclosure. This will require a careful focus on how confidential the information is, on any potentially harmful consequences of its disclosure, and on any factors, which may justify its disclosure despite these potential consequences. If in doubt you should always seek advice from the monitoring officer. Always keep a note of the reason for your decision.

In some situations, it is extremely unlikely that a disclosure can be justified in the public interest. These will include where the disclosure amounts to a criminal offence, or where the information disclosed is protected by legal professional privilege.

### **Circumstances in which a local authority can treat information as confidential**

The presumption under local government law is that local authority business is open unless it falls within a specific category of confidential or exempt information as set out in legislation. These categories are:  **Print**  **Top**

1. information given to the local authority by a Government Department on terms which forbid its public disclosure or
2. information the disclosure of which to the public is prohibited by or under another Act or by Court Order.

Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

Exempt information means information falling within the following categories (subject to any condition):

1. relating to any individual.
2. which is likely to reveal the identity of an individual.
3. relating to the financial or business affairs of any particular person (including the authority holding that information).
4. relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
5. in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. which reveals that the authority proposes:
  - 6.1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - 6.2. to make an order or direction under any enactment
7. relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Where information is legally classified as 'confidential' under the above categories the public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

Where an officer recommends that a report to a decision-making committee should be treated as exempt information under the above categories the committee must still agree that the matter should be heard in a closed session. The committee may disagree with any recommendation and decide that those legal tests have not been met; or they may agree that those tests

have been met but nevertheless it is in the public interest that the matter be considered in an open session. Again, you should keep a record of the rationale for the decision.

Once the local authority has agreed that the matter be treated as exempt, public access to relevant reports, background papers and minutes will also be excluded and an individual councillor must abide by that collective decision or risk breaching the code if they disclose that information (papers and content of discussion) without lawful excuse.

### **Does confidentiality under the code apply only to information which is classified as confidential or exempt by law?**

No. The code goes wider than matters simply considered in a formal local authority setting. Information is a broad term. It includes facts, advice, and opinions. It covers written material, including tapes, videos, CDs, DVDs, and other electronic media. It covers material in unwritten form, including intellectual property. Information can only be confidential if all the following apply:-

- it has the necessary ‘quality of confidence’ about it (trivial information will not be confidential but information that you would expect people to want to be private would be);
- it was divulged in circumstances importing an obligation of confidence (information properly in the public domain will not be confidential);
- disclosure of it would be detrimental to the party wishing to keep it confidential.

For example, you may be told confidential information by a constituent in the course of your duties. That is why the code is written broadly to cover information classed as confidential which you may come across in your duties.

You should use your judgment when you are given information. An individual does not have to explicitly say that information is confidential if they tell you something which a reasonable person would regard as sensitive. You may, however, wish to clarify if somebody tells you something whether they want you to treat it as confidential.



## **Examples**

A councillor was assisting a resident in an adoption process, which the resident decided to subsequently withdraw from. The resident's estranged parent contacted the councillor for information as to what was happening with the case and the councillor inadvertently shared confidential information as she had not realised that father and son were estranged. This was found to be a breach of the code.

A councillor circulated information about an officer's medical condition to other councillors and a local headteacher with whom he was acquainted. He was found to have disclosed information which should reasonably be regarded as being of a confidential nature and without the officer's consent in breach of the Code of Conduct.

## **What does consent by the person authorised to give it mean?**

If somebody, for example a constituent, has told you something in confidence – for example in the line of casework – you may later want to put that in the public domain as part of pursuing that case. You should always check with the individual before you disclose something you believe is confidential to ensure that they are comfortable with that information being disclosed. You should also be clear with them as to how you may use the information, they give you to help resolve their issue.

## **In what circumstances am I required to disclose confidential information by law?**

This would be where a law enforcement or regulatory agency or the courts required disclosure of information.

## **In what way could I use information I have obtained to advance myself or others?**

As a councillor you will often receive commercially sensitive or other confidential information. You must not use that information to your own advantage. For example, if you know the local authority is considering the purchase of a piece of land, you should not use that information in your private dealings to seek to purchase the land.

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## How does this relate to the Data Protection Act?

As part of their role councillors will receive personal information. They should seek to ensure they are familiar with how the Data Protection Act applies to their role in handling such information through training, and if they are not sure to seek advice from an appropriate officer in the council.

Although councillors are not required to register as a data controller, they will receive personal information from residents in their area. They should only use it for the purpose for which it has been given and must ensure this information is held securely and only share with others that are entitled to it.

In contrast, the local authority is responsible for information they provide to councillors and ensuring they know how it can be used.

## Access to information

Transparency is a very important principle underpinning local democracy and public decision-making. The public are entitled to see information about the way decisions are made unless there are specific reasons why that information is confidential. Your local authority should have a publication scheme setting out what information is accessible to the public and you as an individual councillor must not prevent any person from accessing information which they are entitled to by law. This includes information under the Freedom of Information Act 2000 or those copies of minutes, agendas, reports, and other documents of your local authority which they have a right to access.

If in doubt seek advice from the relevant local authority officers.

## The 'need to know'

As a councillor, you are not automatically entitled to access all information the local authority holds. For example, the local authority may deal with highly confidential and sensitive information about employees or about residents involved in complex cases.

In addition to rights set out in law or conferred by your local authority constitution, you have a right to inspect documents if you can demonstrate a "need to know". This isn't a right to a roving commission but must be linked to your performance of your duties and functions as a councillor. For example,

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the need could more easily be demonstrated by membership of a relevant committee, such as a staffing committee than simply because you are interested in seeing the information. Local authorities have more justification for denying free access to particularly sensitive papers such as childcare or staffing records. You should not seek to get information if you have a declarable interest in it.

Most local authorities will have a nominated officer you can seek advice from if you feel you are not being given access to information you seek.

You can also exercise the “need to know” in respect of attending meetings. Access to Information Rules set out an Overview and Scrutiny Committee’s rights of access to documents and additional rights of access to documents for councillors to carry out their functions.

Where you are given access to documents which are not available to members of the public, you should ensure that any confidential information is used and protected in an appropriate and secure manner and shared with authorised persons only.

### **Can I use local authority information for matters outside the local authority?**

A councillor is entitled to access information held by the local authority for the performance of their duties as a councillor. If a councillor wishes to use local authority information for any purpose other than in connection with their duties as a councillor, and that information is not in a publicly available document, however, then that councillor should submit a freedom of information request so that it can be given to them to use freely.

The general rule is that any information held by the local authority and given directly to a councillor may only ever be used for the purpose for which it was provided. That purpose may add particular restrictions, for example where it relates to an individual constituent or sensitive matter. The purpose should not be for anything other than use in connection with the proper performance of the councillor’s duties as a councillor. The exceptions to this are where the information has already been published, it has been given as a result of a

request under Freedom of Information or Environmental Information Regulations or it is in the public interest ('whistleblowing') for which provisions are made in the Code of Conduct as explained above.

Please see the **ICO website** [<https://ico.org.uk>] for helpful guidance on data protection and freedom of information.

## 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. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:

1. reducing the public's confidence in them being able to fulfil their role; or
2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the

role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute.

## Questions

### **What distinguishes disrepute to “your role or local authority” from disrepute to you as a person?**

The misconduct will need to be sufficient to damage the reputation of the councillor’s role or local authority, as opposed simply to damaging the reputation of the individual concerned.

Certain kinds of conduct may damage the reputation of an individual but will rarely be capable of damaging the reputation of the role of councillor or the reputation of the authority.

Here are some of the situations that might tip the balance in favour of disrepute to the role of councillor or to the authority in particular cases:

1. Situations where councillors have put their private interests above the public interest, which they are expected to promote as councillors, and therefore reduced the standing of their role. For example, councillors using their position to secure a secret personal profit.
2. Similarly, situations where a councillor defies important and well-established rules of the authority for private gain.
3. Where a councillor engages in conduct which directly and significantly undermines the authority’s reputation as a good employer or responsible service provider.

## Examples

A councillor posted a tweet reading “Cllr Blogs why don’t you just throw in the towel, just go before you cause any more damage to the reputation of the council. You and some members of your cabinet have failed. I hope that the SFO is brought in to investigate your conduct. #failedleadership.” The complainant stated that she found the tweet ‘very offensive’ and bullying and also considered that the

tweet would reasonably bring the councillor's office and the authority into disrepute. The councillor was found to have brought his authority into disrepute by reducing public confidence in the council.

A councillor brought his role and authority into disrepute by taking advantage of a local authority mistake and failing to prevent local authority-employed contractors from working on his privately-owned home. The local authority mistakenly sent decorators to the home, an ex-local authority property. The councillor only told the local authority about the mistake after the work had been completed and then said he could not be charged for the work.

The chair of a local authority made a deeply inappropriate remark at a local authority meeting that was reported in the local media and was accused of bringing his role and authority into disrepute. It was clear in both the meeting and the local media reporting that other councillors expressed concerns about his comments and found them inappropriate. It was found that he had not brought his authority into disrepute but that he had brought his role into disrepute.

## **Misuse 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 councillor 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.

You should not use, or attempt to use, your public office either for your or anybody else's personal gain or loss. For example, your behaviour would be improper if you sought to further your own private interests through your position as a councillor.

Involving yourself in a decision in which you have an interest, to seek to benefit yourself or another would be a breach of this paragraph of the code. For guidance on how to conduct yourself when you have an interest and how to balance your rights as an individual and your responsibilities as a public decision maker see the chapter on registration of interests.

Councillors who own land, or whose relatives or close associates own land, need to be particularly cautious where planning matters are concerned. This applies equally to parish councillors when your local authority is consulted on planning matters. Similarly, while it is reasonable to expect councillors to help constituents apply to the local authority, for example, for housing, it is quite improper to seek to influence the decision to be taken by the officers and would also be in breach of paragraph 3 of the code.

### **What kinds of attempts to advantage or disadvantage would be improper?**

There are circumstances where it will be proper for a councillor to seek to confer an advantage or disadvantage and other circumstances where it will not.

Being a councillor can involve making hard choices and balancing a range of interests. Most decisions will inevitably benefit some people and will be to the detriment of others. It's important when you make those decisions to make them in what you think is the public interest and not be influenced by private interests.

For example, there can be no objection to councillors voicing their opposition to the closure of a local public library. This conduct is clearly intended to secure an advantage for the users of the library. What is crucial is that councillors' attempts to secure this advantage are clearly part and parcel of their duties as a local representative. Therefore, these activities are not improper.

The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that councillors are elected or appointed to public office to serve the public interest.

A councillor's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a councillor's public position to promote private interests over the public interest will be improper.

### **What if the attempt to confer an advantage or disadvantage fails?**

The wording of the Code of Conduct makes it clear that the use of position provision (paragraph 6) covers failed attempts as well as situations where an advantage or disadvantage has actually been achieved.

For example, if you have tried to influence fellow councillors to vote in a particular way which would be to your personal advantage and/or that of your family/close associates you would have breached this provision of the code even if they did not in fact vote that way.

### **Examples**

Most alleged improper uses of position are in connection with matters in which the councillors have interests.

A councillor who was a 'joint co-ordinator' of a community group did not notify the local authority of her position in this group. She took part in the considerations and voted on the decision to negotiate a new lease in respect of a workshop used by this community group. A standards committee found that she had used her position improperly as the decision on which she voted benefited a group in which she clearly had an interest which she had not disclosed to the local authority.

A local authority leader failed to declare a conflict of interest relating to land he owned. The court found that he used his position as a councillor and instructed a planning officer to alter the road route to benefit his own land's value to a considerable extent. He was found guilty of misconduct in public



life for trying to influence the route of a new by-pass to enclose his land in a new development belt, which would have significantly increased its value. He received an 18-month custodial sentence.

A parish councillor was found to have improperly used his position and secured an advantage for a member of the public by asking the parish clerk to make a payment which had not been approved by the Parish Council in breach of the Code of Conduct. The payment was for repairs to a private road used by the councillor to get to his allotment.

## **Misuse of resources and facilities**

### **As a councillor:**

**7.1 I do not misuse local authority resources.**

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

- 1. act in accordance with the local authority's requirements; and**
  - 1.1. ensure that such resources are not used for political purposes unless**
    - 1.1.1. that use could reasonably be regarded as likely to facilitate, or**
    - 1.1.2. 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 your 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.

You must make sure you use the authority's resources for proper purposes only. It is not appropriate to use, or authorise others to use, the resources for political purposes, including party political purposes. When using the authority's resources, you must have regard, if applicable, to any Local Authority Code of Publicity made under the Local Government Act 1986.

### **The recommended code of practice for local authority publicity**

[\[https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity\]](https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity) published by Ministry of Housing, Communities & Local Government provides guidance on the content, style, distribution, and cost of local authority publicity.

You must be familiar with the rules applying to the use of resources made available to you by your local authority. Failure to comply with the local authority's rules is likely to amount to a breach of the code.

If you authorise someone (for example a member of your family) to use your local authority's resources, you must take care to ensure that this is allowed by the local authority's rules.

You should never use local authority resources for purely political purposes, including designing and distributing party political material produced for publicity purposes.

However, your authority may authorise you to use its resources and facilities for legitimate political purposes in connection with your authority's business. For example, holding surgeries in your ward and dealing with correspondence from your constituents. In this case, you must be aware of the limitations placed upon such use for these purposes. Using your authority's resources outside of these limitations is likely to amount to a breach of the Code of Conduct. Where you are part of a formally-recognised political group, your local authority is also allowed to give you such resources as you need for local authority business, for example use of a room for group meetings.

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You should never use local authority resources purely for private purposes, for example using a photocopier to print off flyers for your business unless your local authority's procedures allow for you to repay any costs accrued.

### **What are the “resources of the local authority”?**

The resources of the local authority include services and facilities as well as the financial resources of the authority.

Resources could include any land or premises, equipment, computers, and materials. The time, skills, and assistance of anybody employed by the authority, or working on its behalf, are also resources, as is information held by the authority which it has not published.

### **What constitutes using resources “improperly for political purposes”?**

The code acknowledges that party politics has a proper role to play, both in the conduct of authority business and in the way that councillors carry out their duties.

There will be times when it is acceptable for political groups to use the resources of the local authority, for example, to hold meetings in authority premises. Often it is impractical to separate a councillor's political campaigning from carrying out their duties as an elected ward member, such as when they hold surgeries or deal with correspondence from constituents.

However, councillors and monitoring officers will need to exercise considerable care to ensure that this provision is not abused. You must ensure that there is a sufficient connection between the use of resources and the business of the authority. Only **improper** use of resources will be a breach of the Code of Conduct.

This part of the code complements Section 2 of the Local Government Act 1986, which prevents the publication of material "designed to affect public support for a political party". The code, however, goes further than the Code of Recommended Practice on Publicity. It covers not only the publication of campaigning material but also any other activity that is intended to promote purely party-political interests.

You must have regard to any applicable local authority code of publicity made under the powers contained in Section 4 of the Local Government Act 1986. Publicity is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public”. It will cover meetings, websites, and social media postings as well as printed and other written material.

You should be particularly scrupulous about the use of authority resources when elections are pending, particularly those resources relating to publicity. When using the local authority’s resources in these circumstances, you should not appear to be seeking to influence public opinion in favour of you, your party colleagues, or your party.

### **How do you know what the authority’s requirements for the use of resources are?**

Your local authority should have a protocol dealing with use of authority resources. A typical protocol would cover the following topics:

- use of authority premises
- councillor-officer relationships including use of officer time
- information technology, for example computer equipment and the use of associated software, including the use of such equipment at home
- telephones
- photocopying
- use of stationery and headed notepaper
- postage
- use of authority transport
- allowances and expenses

Your local authority may also have a separate protocol on the use of social media which would also be relevant.

The key principle underlying all such protocols should be that public office and public resources should not be used to further purely private or party-political purposes.

It is worth noting that where you authorise someone such as a family member to use the authority’s resources, you must check whether the authority’s rules allow this.

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## Examples

The complaint alleged a councillor used his computer equipment provided by his local authority for private purposes by downloading inappropriate adult pornographic images and sending a number of letters to a local newspaper, which he falsely represented as being from members of the public. He was found to have misused the local authority's equipment in breach of the code and had brought his office into disrepute.

A councillor used local authority notepaper in an attempt to avoid parking penalties incurred by his son. He also dishonestly attempted to renew a parking permit for disabled drivers. He was convicted of attempting, by deception, to evade the parking penalties dishonestly. He was also found by his local authority to have breached this paragraph of the code.

## Complying with 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.

### As a councillor:

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

Councillors should be competent for the work they undertake, and this includes the way in which you conduct yourself when carrying out your role as a councillor. Training helps to develop such competence, ensuring that you understand the Code of Conduct and how it applies to you.

As a councillor you are responsible for your own actions and will be held personally responsible if you breach your local authority's Code of Conduct. Therefore, it is essential that, where you are offered the opportunity by your local authority, you equip yourself with sufficient knowledge of the code to ensure that you comply with it at all times.

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

The Code of Conduct is a cornerstone of good governance. It is important for public trust that it is seen to be taken seriously by individual councillors as well as the local authority as a whole.



While being the subject of a complaint that you have breached the Code of Conduct and having your conduct investigated may at times be unpleasant and stressful it is essential that councillors cooperate with any code investigations and determinations. Failure to cooperate will not stop an investigation but may simply drag matters and does not allow you to put your side of the story so increases the risk that inferences are drawn about your unwillingness to cooperate and that you will be found in breach of the Code.

It is equally important if you have made a complaint which the local authority has decided merits investigation that you continue to cooperate. Complaints made simply to damage the reputation of an individual through inferences but which you are not willing to support through your cooperation will damage relationships and will also damage the reputation of you and your local authority.

If you are asked to assist the investigator as a potential witness it is again important that you do so to allow as fully rounded a picture as possible to be drawn so that any determination on a case has as much evidence as necessary in order to reach the correct decision. You should let the investigator know if you need any reasonable adjustments made.

## **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.**

However much you may be concerned about allegations that you or a fellow councillor failed to comply with the Code of Conduct, it is always wrong to intimidate or attempt to intimidate any person involved in the investigation or

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hearing. Even though you may not have breached the Code of Conduct, you will have your say during any independent investigation or hearing, and you should let these processes follow their natural course. If you seek to intimidate a witness in an investigation about your conduct, for example, you may find yourself subject to another complaint that you breached this paragraph of the Code of Conduct.

### **When does the duty not to intimidate start and avoiding allegations of intimidation?**

Once there is the possibility of a complaint that the Code of Conduct has been broken, councillors need to be alert to how their behaviour towards potential witnesses or officers involved in handling of their case may be viewed. However innocently the contact is intended or may appear, great care should be taken when councillors deal with people involved with their case.

You should refer to your local authority's procedures and protocol for dealing with alleged breaches of your Code of Conduct.

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

Fair, consistent, and proportionate sanctions help to ensure the integrity of the standards framework and thus maintain public trust and confidence in councillors, your role, and your authorities. It is important that councillors and local authorities take standards of conduct seriously and the use of sanctions helps to demonstrate this.

Failure to comply with sanctions can bring the standards framework into disrepute.

## **Part 3 – Protecting your reputation and the reputation of the local authority**

The code requires you to register matters under 2 separate categories:

1. Gifts and hospitality, you receive in your role as a councillor; and
2. Certain types of interests

## Registration of gifts, hospitality and interests

### Gifts and hospitality

#### As a councillor:

**9.1 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.**

**9.2 I register with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**9.3 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.

#### **What does “hospitality” mean?**

Hospitality can be defined as any food, drink, accommodation, or entertainment freely provided or heavily discounted.

#### **How much detail should I include on the register?**

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Where you register gifts or hospitality you should include the name of the person or organisation who gave you the gift or hospitality; the date on which you received it; the reason it was given; and its value or estimated value.

### **How do I know if gifts or hospitality have been offered to me because of my role as a councillor?**

The code says you must register any gift or hospitality received *in your capacity as a councillor* if the estimated value exceeds £50 or such other limit as agreed by your local authority.

You should ask yourself whether you would have received the gift or hospitality if you were not on the local authority. If you are in doubt as to the motive behind an offer of a gift or hospitality, we recommend that you register it or speak to the clerk or monitoring officer before deciding whether to accept it. You should also refer to the local authority's policy on gifts and hospitality.

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, or gifts which you do not accept. However, you should apply common sense when you consider how receipt of a gift might be interpreted. For example, if you are the chair of the planning committee and a birthday present arrives from a family friend who is also an applicant just before a planning application is due to be considered, then you need to think about how this would be interpreted by a reasonable member of the public.

### **What about gifts or hospitality I do not accept?**

The code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the local authority and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not 'made right' by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a ward councillor to a local festival or faith celebration along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the local authority on a particular matter.

Where you are offered a gift or hospitality but decline it you should nevertheless notify the monitoring officer. That helps the authority to identify if there are any patterns and to be aware of who might be seeking to influence the authority.

### **What about gifts or hospitality that falls below the limit in the code?**

You should always notify the monitoring officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position, especially where the gift or hospitality is from somebody who has put in an application to the local authority (or is about to) even where that hospitality falls below £50 or the limit set by the local authority.

While that would not be a matter for the public register it again allows the authority to be aware of any patterns.

Also, an accumulation of small gifts you receive from the same source over a short period of say a couple of months that add up to £50 or over should be registered in the interests of transparency.

### **What if I do not know the value of a gift or hospitality?**

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life. You may therefore have to estimate how much a gift or hospitality is worth. For example, if you attend a dinner as a representative of the authority which has been pre-paid by the sponsors you would need to make an informed judgment as to its likely cost.

### **What if I'm at an event but don't have the hospitality or only have a small amount?**

The best way to preserve transparency is for you to assess the hospitality on offer, whether it is accepted or not. This is because it would clearly not be in your interests to be drawn into arguments about how much you yourself ate or drank at a particular occasion. For example, you may find yourself at a function where relatively lavish hospitality is on offer, but you choose not to accept it. You may go to a champagne reception but drink a single glass of orange juice for example.

As a guide you should consider how much a person could reasonably expect to pay for an equivalent function or event run on a commercial basis. What you have been offered is the value of the event regardless of what you actually consumed. Clearly where you are in any doubt the prudent course is to register the hospitality.

### **Is there a minimal threshold where I wouldn't have to notify the monitoring officer?**

The code is about ensuring that there is transparency and accountability about where people may be trying to influence you or the local authority improperly. However, in the course of your duties as a councillor you will be offered light refreshments or similar on many occasions. It is perfectly acceptable to have a cup of tea or biscuits at a meeting with residents at the local community centre for example and there may be times when an external meeting lasts all day and the organisers offer you a sandwich lunch and refreshments.

The Government's guide to the Bribery Act for employers says that 'the Government does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act, so you can continue to provide bona fide hospitality, promotional or other business expenditure. In any case where it was thought the hospitality was really a cover for bribing someone, the authorities would look at such things as the level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the business decision in question. But, as a general proposition, hospitality or promotional expenditure which is proportionate and reasonable given the sort of business you do is very unlikely to engage the Act.'

You should use your discretion and think how it might look to a reasonable person but always seek the views of the monitoring officer or clerk where you are a parish councillor if in doubt.

### **What are ‘normal expenses and hospitality associated with your duties as a councillor’?**

As well as the minimal threshold hospitality above there will be times when you are paid expenses which include an element for food and drink as part of your role.

The focus of the code is on the source of the hospitality and its nature. Hospitality does not need to be registered where it is provided or reimbursed by the authority or where it is clearly ancillary to the business being conducted, such as an overnight stay for an away-day. Therefore, hospitality at a civic reception or mayor’s ball would not need to be registered.

However, the hospitality should be registered if it is provided by a person or body other than the authority and is over and above what could reasonably be viewed as ancillary to the business conducted. You might meet dignitaries or business contacts in local authority offices. However, if such meetings take place in other venues, such as at cultural or sporting events, this should be registered as hospitality.

If you are away at a conference and you are offered entertainment by a private company or individual or attend a sponsored event you should consider registering it.

### **What if my role involves me attending regular events or receiving gifts or hospitality?**

Some roles in a local authority will inevitably involve being offered more entertainment than others because of the ‘ambassadorial’ nature of the role. For example, the mayor or chair of the authority will be invited to a large number of functions and the leader of the local authority may be attending events as political leader of the local authority.

Although the mayor or chair, for example, may attend many social functions, they are not exempt from the requirement to register hospitality as individual councillors. However, where the hospitality is extended to the office holder for the time being rather than the individual, there is no requirement under the

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code to register the hospitality against your individual register. The question a councillor needs to ask themselves is, “Would I have received this hospitality even if I were not the mayor/chair?” If the answer is yes, then it must be registered.

If matters are recorded on a mayor or chair’s register any entry on the register should make it clear that gifts or hospitality are being accepted because of the office held and, where possible, any gifts accepted should be ‘donated’ to the local authority or to charity or as raffle prizes for example.

Gifts that are clearly made to the local authority, for example a commemorative goblet which is kept on display in the local authority’s offices, do not need to be registered in the councillor’s register of gifts and hospitality. However, such gifts ought to be recorded by the local authority for audit purposes.

## Register of interests

Section 29 of the Localism Act 2011 requires the monitoring officer to establish and maintain a register of interests of members of the local 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.

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)**

[\[https://www.local.gov.uk/publications/local-government-association-\]](https://www.local.gov.uk/publications/local-government-association-)

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**[model-councillor-code-conduct-2020#appendix-b-registering-interests](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-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)** **[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests)**.

You must register two different categories of interests:



1. Disclosable Pecuniary Interests – these are categories of interests which apply to you and your partner. The categories are set out in regulations made under s27 of the Localism Act 2011 and knowing non-compliance is a criminal offence.
2. Other registerable interests – these are categories of interest which apply only to you and which the LGA believes should be registered as an aid to transparency.

Further details about these two categories follow. For guidance on when these interests give rise to a matter which needs to be declared at a meeting see the **[guidance on declaring interests in Part 3.](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest)** **[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest)**

## **Disclosable Pecuniary Interests**

These are interests which must be notified to the principal authority’s monitoring officer within 28 days of the code being adopted by your local authority or within 28 days from when you become a councillor in accordance with the statutory requirements of the Localism Act 2011. These are enforced by criminal sanction, and failure to register or declare such an interest at a meeting is a criminal offence. You must keep your register up to date so, as soon as a new interest needs to be registered or you cease to hold an interest, you should notify the monitoring officer.

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, 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) and the categories covered are set out in Appendix A of the Code.

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## Offences

It is a criminal offence under the Localism Act 2011 to

- fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election or co-option
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the monitoring officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the monitoring officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to five years.

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.

<b>Sponsorship</b>	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>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 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:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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>
<b>Licences</b>	<p>Any licence (alone or jointly with others) to occupy land in the local authority for a month or longer</p>



<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\* '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.

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## **Does ‘office carried on for profit or gain’ include allowances I may receive from another local authority I sit on?**

If you receive allowances which are treated as taxable income rather than simply being pure reimbursement of expenses, say, then they do need to be registered and declared as appropriate.

Reimbursement of expenses is separately covered by the DPI category ‘sponsorship’ and makes clear that it excludes the need to register or declare reimbursement of expenses from one’s own authority. However, that does not exclude any allowances received from another authority. This is supported by a letter written by the then Minister Brandon Lewis to Desmond Swayne MP in 2013 when this issue was raised with Government which said: “a member being in receipt of taxable members’ allowances may be considered to give rise to a disclosable pecuniary interest under the subject of ‘Employment, office, trade or vocation’ set out in the regulations.

That means that any member in receipt of taxable allowances from another authority would have to register such as a DPI. For example, a parish councillor who is also a district councillor and is in receipt of taxable allowances from the district would need to register that fact.

## **How much detail do I need to put about my employment?**

It is not enough simply to put, for example, ‘management consultant’ or ‘teacher’. Sufficient detail should be given to identify your company or employer. This aids transparency and allows people to see where potential conflicts of interest may arise.

Where you have a sensitive employment, which should not be disclosed you should discuss this with your monitoring officer (see ‘sensitive interests’ below). While the law on sensitive interests only applies to where there is a fear of intimidation there may be employment, such as certain sections of the military, which cannot be disclosed for other reasons so you should always seek advice if in doubt.

## **What is a contract with the local authority?**

Some councillors' own businesses which may have dealings with the local authority. For example, a grounds maintenance company may contract with a parish council for grass cutting. Such contracts should be included on the register of interests.

More broadly, councillors, as residents, may have dealings with the local authority in their personal lives. For example, some councillors pay their own local authority to have garden waste collections, rent an allotment or may be a member of the gym of a local authority operated leisure centre. Such arrangements form a subscription service that are open to all residents, and do not require registration.

### **How much detail is required of landholdings?**

Sufficient detail should be given to identify the land in question.

An address and, where the address is not sufficient, details that are sufficient to identify the land will usually meet the requirement. A plan identifying the land may be useful in some situations but is not a requirement.

### **Do you have to register the landholdings of your employers or bodies you have shareholdings in?**

In general, there is no requirement to list the landholdings of companies or corporate bodies included in the register. The only requirement is to register any tenancy between such bodies and the authority (under the corporate tenancies). Obviously, you can only be expected to register those you ought reasonably to be aware of, so, for example, if you work for a large housebuilder you may not be aware of which land in the local authority's area they had options on.

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

### **What about my home and tenancies?**

The most common beneficial interest in land councillors have is their home address. You should include in here your home if you live in it; whether that be as a result of a mortgage, tenancy, or other arrangement (for example, a councillor is living with their parents but not paying a rental fee to them).

You should also include in the section for beneficial interests in land any tenancy properties you own in the local authority's area.

### **How much information do you have to give out about shareholdings?**

In general, if you hold more than £25,000 of equity in a company, or more than 1 per cent of a shareholding, you are required to declare this.

Many councillors hold investments through trust funds, investment funds or pension funds which are managed by fund managers. In that situation, you may not know if you actually hold more than £25,000 in a single company or more than 1 per cent of a shareholding. The expectation is that you should take reasonable steps to ensure you do understand what investments you may have and whether the requirement to register applies, and so:

1. It can be helpful for councillors to state on their form that they have funds invested in specific funds.
2. It can be helpful for councillors to make fund managers aware of their requirement to declare where they hold significant investments within a company that operates in the local authority's area so that they can be notified if this is the case.

### **Do I have to separate my spouse/partners interests and my own interests?**

The law only requires you to register the interests, and you are not required specifically to state whether the interest is held by you, or by your spouse. However, many local authorities do ask for this information as it can be more transparent to separate it.

### **How much information do I need to obtain from my spouse/partner?**

You need to make sure you take all reasonable steps to obtain information from your spouse or partner about their interests. For example, you would reasonably be expected to know where they worked, or if they owned any rental properties. You would be expected to ask if they had any

shareholdings in companies, but they may not know the full details of an investment fund they had and where it was invested, and if that were the case, you would not be expected to know (and register) it either.

## Other registerable interests

In addition to the Disclosable Pecuniary Interests above, you must, within 28 days of the code being adopted by your local authority, or your election or appointment to office (where that is later), notify the monitoring officer in writing of the details of your interests within the following categories, which are called ‘other registerable interests’:

- (a) Details 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 your local authority;
- (b) Details of any body of which you are a member or in a position of general control or management and which –
  - exercises functions of a public nature
  - is directed to charitable purposes, or
  - is a body which includes as one of its principal purposes influencing public opinion or policy
- (c) Details of any gifts or hospitality with an estimated value of more than £50 or such other limit as your local authority has agreed, that you receive personally in connection with your official duties.

With Other Registerable Interests, you are only obliged to register your own interests and do not need to include interests of spouses or partners.

Therefore, a spousal interest in a local group is not registerable as an ‘other registerable interest’. Failure to register these interests is **not** covered by the criminal offence but would be a breach of the code.

## What is a “body exercising functions of a public nature”?

Although it is not possible to produce a definitive list of such bodies, here are some criteria to consider when deciding whether or not a body meets that definition -

- does that body carry out a public service?

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- is the body taking the place of local or central government in carrying out the function?
- is the body (including one outsourced in the private sector) exercising a function delegated to it by a public authority?
- is the function exercised under legislation or according to some statutory power?
- can the body be judicially reviewed?

Unless you answer “yes” to one of the above questions, it is unlikely that the body in your case is exercising functions of a public nature.

Examples of bodies included in this definition: government agencies, other councils, public health bodies, council-owned companies exercising public functions, arms-length management organisations carrying out housing functions on behalf of a council, school governing bodies.

### **Do local campaigning or Facebook groups need to be registered?**

Membership (which does not include simply being on a mailing list), of local campaign or Facebook groups will only need to be registered if they are bodies:

- exercising functions of a public nature;
- directed towards charitable purposes; or
- one whose principal purpose includes influencing public opinion or policy.

Generally, it is unlikely that these groups will be regarded as formal bodies to be registered. However, each case should be considered on its own merits.

‘A Body’ is defined as ‘a number of persons united or organised’. Some groups are very united on their cause and organised, but their purpose must fall under one of the functions listed above.

There must also be some formality to the membership, such as registration for example. Simply attending a meeting of a local campaign does not of itself make you a ‘member’ of that organisation.

There has been a growth in organisations which are more nebulous in nature, and no formal membership requirements exist, such as Extinction Rebellion. It can be helpful to ask yourself the question “do I consider I am a member of the organisation” and if the answer is yes, then register the membership for transparency purposes.

If you need further information or specific advice, please speak to your clerk or monitoring officer.

### **What about membership of a political party or trade union?**

The second category of other registerable interests refers to membership of a body or being in a position of general control and management of a body, one of whose principal purposes includes the influence of public opinion or policy. This includes any political party or trade union. Memberships of political parties and Trade Unions therefore need to be registered. Remember that if because of membership of a political party or a trade union any payment or financial benefit is received, it is likely to come under the Sponsorship category of DPI.

### **Sensitive interests**

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the monitoring officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

### **What is sensitive information?**

It may include your sensitive employment (such as certain scientific research or the Special Forces) which is covered by other legislation or interests that are likely to create serious risk of violence or intimidation against you or someone who lives with you. For example, disclosure of your home address where there has been a threat of violence against you or where there is a court order protecting your whereabouts.

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you

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will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).

### **What happens if the monitoring officer does not agree that the information is sensitive?**

It is for the monitoring officer to decide if the information is sensitive. You must notify the monitoring officer of the information which you think is sensitive and give your reasons and any supporting evidence.

If the monitoring officer agrees, this information does not need to be included in the register of interests. However, if the monitoring officer disagrees then it must be registered.

### **What happens if the information stops being sensitive?**

You must notify the monitoring officer of any change in circumstances which would mean that the sensitive information is no longer sensitive within 28 days of the change, for example a change in employment. The information would then be included in the authority's register of interests.

### **I haven't received a direct threat, but I am concerned about registering my home address.**

At present, councillors are required to register their home address as part of their local authority's register of interests which are typically published on their local authority website. There have been growing concerns about the potential for threats and intimidation to councillors by virtue of disclosing their home address. Whilst some councillors believe disclosing a home address is a core component of democracy and it is important for the public to know where a councillor may live as they may be making decisions that have an impact on their property, others are very concerned about it. Section 32 of the **Localism Act 2011** [\[https://en.wikipedia.org/wiki/Localism\\_Act\\_2011\]](https://en.wikipedia.org/wiki/Localism_Act_2011)

allows Local Authorities to withhold sensitive interests from the public register where their disclosure could lead to violence or intimidation. It is recommended that councillors should not be required to register their home addresses as a disclosable pecuniary interest. The **Committee on**

### **Standards in Public Life**

[\[https://en.wikipedia.org/wiki/Committee\\_on\\_Standards\\_in\\_Public\\_Life\]](https://en.wikipedia.org/wiki/Committee_on_Standards_in_Public_Life)

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's review of Local Government Ethical Standard recommended in January 2019 that councillors should not be required to register their home addresses as a disclosable pecuniary interest. However, at present the Government has not legislated for this.

It is important that if councillors have such concerns, they share these with the monitoring officer transparently and openly so they can be properly considered.

### **Who should you notify when registering your interests?**

The Localism Act and the Code both say that the monitoring officer is responsible for maintaining the register. You must therefore notify your monitoring officer of your interests to be registered. This is also true for parish councillors that you must notify the monitoring officer of the district, metropolitan or unitary authority for the area in which the parish council is situated.

However, the obvious point of contact for information of this type for the public is the parish clerk. The clerk needs to have an up-to-date copy of the register of interests in order to comply with public access requirements and there is a requirement for the parish council to publish the registers on their website where they have one, either directly or through a link to the relevant page on the principal authority's website. It also ensures that the clerk is aware of potential conflicts if they arise in a parish council meeting and can advise accordingly. It is therefore practical for the parish clerk to act as the point of contact between parish councillors and the relevant monitoring officer by collecting their interests together, passing them on and regularly asking councillors to review if there have been any changes.

However, you should ensure that there is a system in place for the parish clerk to pass on immediately any information to the relevant monitoring officer as each individual councillor is ultimately responsible for ensuring that the relevant monitoring officer is in possession of all the required information.

## **Declarations of interest**

### **As a councillor:**

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## 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 of the Code**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests),

is a criminal offence under the Localism Act 2011.

**Appendix B of the Code** [\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests) sets

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests)

out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your monitoring officer.

This part of the Code is about the registering of your interests and then how to go about declaring or managing your interests.

At heart there is a simple principle – as public decision-makers, decisions must be made in the public interest and not to serve private interests. However, the rules to set out whether you have an interest or not in any given situation can be complex given the infinite variety of issues that may arise. This guidance is to help you steer a way through those rules.

The Code therefore requires members to declare interests in certain circumstances. Disclosure, in the register and at meetings, is about letting members of the public and interested parties know where you are coming from when involved in decision making and is to enable you to be ‘up front’ about who you are and what your conflicts of interest might be. Conflicts of interest in decision making as a councillor, and what in public law is known as ‘apparent bias’, are an established part of the local government legal landscape. The Nolan Principles and the Model Code require councillors to act impartially (i.e. not be biased) when carrying out their duties. **(See also guidance on bias and predetermination in Part 3) [\[1\]](#)**

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority, yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

The object of this part of the Code is therefore twofold.

Firstly, it is to provide an explanation and a guide to the public and councillors as to what is or isn’t a conflict of interest and then how a conflict between the interest you may hold as an individual councillor and the public interest you must hold as a decision maker of a public authority can be best managed.

Secondly, the Code provides a means to hold an individual councillor to account for their actions when they fail to manage that conflict of interest properly and put the decision of the public authority, including the public purse, and decisions around individuals’ daily lives, at risk.

The test at law for apparent bias is ‘would a fair-minded and informed observer, having considered the facts, conclude that there was a real possibility of bias’. This is why you will see this question reflected in the Code when you are asked to consider whether or not you should participate in a meeting where you have a conflict of interest.

The code contains three different categories of interests – **Disclosable Pecuniary Interests (DPI); Other Registerable Interests ORI); and Non-Registerable Interests (NRI).**

For the first two categories these are interests which must be recorded on a public register except in limited circumstances **(see guidance on Registration of Interests in Part 3)**

**[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest)**.

The third category do not need to be recorded on the register but will need to be declared as and when they arise.

This means an interest may arise not just from interests already on your register. There will also be times when, although the interest does not personally involve you, it may involve a relative or close associate. You are not expected to register every interest of those people, but you will need to declare them as and when they might arise. These are referred to in the code as ‘**non-registerable interests**’.

As a brief summary, the requirements of the code apply where:

1. you or someone you are associated with has an interest in any business of your authority, and;
2. where you are aware or ought reasonably to be aware of the existence of that interest, and
3. you attend a meeting of your authority at which the business is considered (or where you are making a delegated decision as an individual under executive arrangements).

You must disclose to that meeting the existence and nature of your interests at the start of the meeting, or when the interest becomes apparent. It is usual to have for any declarations of interest at the start of the meeting but it is good practice also to ask again at the start of any agenda item. For example,

members of the public may only be present for a specific item so will not have heard the declaration at the start, and a member may only become aware of the interest part-way through the meeting or item in any case.

And there will be times that because your interest is so close to the matter under discussion you will not be able to take part in that item of business. Those circumstances are explained in greater detail for each category of interest below.

This means there are three types of interest which you may have to declare:

### **Disclosable Pecuniary Interests (Part A of the Register**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life) ); [\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-a-the-seven-principles-of-public-life)

### **Other Registerable Interests (Part B**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests) ); [\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests) and





**Non-registerable interests** [\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests) .

Guidance is given below on each of these categories in turn.

## **Disclosable Pecuniary Interests**

**(Annex B, paragraphs 4 and 5)**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests)

Disclosable Pecuniary Interests (or ‘DPIs’) were introduced by s30 of the Localism Act 2011. They are a category of interests which relate to the member and/or their partner, such as financial interests of you or your partner such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and are in     **Top**

**Table 1 of Annex B of the Code**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests).

**‘Partner’** is defined by regulations as your ‘spouse or civil partner, 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.’

They must be registered and, where they come up in a meeting, declared. Failure knowingly to register or declare a DPI is a criminal offence under the Localism Act.

The Localism Act says that if you are present at a meeting of the Council, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest **in any matter to be considered or being considered at the meeting:**

- you may not participate in any discussion of the matter at the meeting
- you may not participate in any vote taken on the matter at the meeting
- if the interest is not registered, you must disclose the interest to the meeting
- if the interest is not registered and is not the subject of a pending notification, you must notify the monitoring officer of the interest within 28 days.

The Act says you need to declare the nature of the interest only if it is not on the public register. In addition, your authority’s rules might require you to leave the room where the meeting is held while any discussion or voting takes place.

However, the Model Code states that it is important to declare the nature of the interest and to withdraw while the item is being dealt with. This aids transparency for the public and helps avoid accusations that you may be seeking to influence the outcome by remaining in the room even if your local authority’s rules don’t explicitly require it.

If you have a **DPI**, you may in certain circumstances be granted a dispensation to take part (see guidance on **Dispensations in Part3**).

## When does a Disclosable Pecuniary Interest arise?

The Localism Act uses the phrase ‘you have a DPI in any matter...’

This wording has led to some confusion as to what circumstances would lead to the need to declare a DPI. The Explanatory Notes to the Localism Act say that section 31 of the Act “requires a member of a relevant authority to disclose a disclosable pecuniary interest that they are aware of (apart from a sensitive interest), at a meeting or if acting alone, where any matter to be considered **relates to** their interest. ... It prohibits a member from participating in discussion or voting on any matter **relating to** their interest or, if acting alone, from taking any steps in relation to the matter (subject to any dispensations).” [our emphasis].

This means you have a Disclosable Pecuniary Interest (DPI) in a matter when the matter being discussed **directly relates** to your registered interest or that of your partner, rather than simply affecting it.

For example, if you have registered 1 Acacia Avenue as your address, you would have a DPI if you put in a planning application for 1 Acacia Avenue, or if the whole of Acacia Avenue was being considered for a Resident Parking Zone.

You would not have a DPI if 3 Acacia Avenue had put in a planning application as the matter does **not directly relate** to your registered interest. You may however have a non-registerable interest (see below) as the application may indirectly affect your property.

## Does setting the Council Tax or precept give rise to a DPI?

The LGA is clear that you do not have a DPI simply if you are voting to set the Council Tax or precept. Guidance issued by the Government in 2013 made clear that ‘any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.’

The Council Tax and precept are charges on all relevant properties in the area and do not directly relate to any single property in such a way as to give rise to a DPI. Members are therefore fully entitled to vote on the matter (subject to rules about Council tax arrears).

## Other registerable interests

**(Paras 6, 8 and 9 of Annex B)**

**<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests>**

The second category of interests are ‘other registerable interests’ or ORIs.

If you have an ‘Other Registerable Interest’ – that is an interest which falls within the categories in Table 2 in Annex B - the Code says you should not participate in the relevant business in two circumstances:

1. when a matter directly relates to the finances or wellbeing of that interest. (para 6); or
2. when a matter affects the finances or wellbeing of that interest to a greater extent than it affects the majority of inhabitants; and a reasonable member of the public would thereby believe that your view of the public interest would be affected (paras 8 and 9).

### **An interest ‘directly relates’ to an outside body where the local authority is taking a decision which directly relates to the funding or wellbeing of that organisation**

For example, under a) if you are a member of a group which has applied for funding from the local authority, or if you are a member of an organisation which has submitted a planning application, the decision directly relates to that organisation.

In such a case you must not take part in any discussion or vote on the matter. You can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. For example, you may want to put forward the organisation’s case as to why it has applied for funding, but representatives from competing organisations would also need to be able to make their case.



If the public are not allowed to address the meeting on that item, you would need, if necessary, to get another councillor who did not have an ORI to make any relevant case.

If the local authority is simply discussing that outside organisation but not making a decision which relates to its finances or wellbeing – for example discussing the annual report from the organisation – that does not directly relate to the organisation as there is no direct impact on the organisation which would give rise to a conflict of interest.

Under b) if you are on the committee of the local village hall and an application for a licence for another venue in the village is made which may take trade away from the village hall then the matter would affect the village hall and a reasonable person would believe that would affect your view of the public interest so those two tests are met.

You would not have an interest if the local authority was discussing early planning for an event, which may or may not be held in the village hall as there would be no direct financial impact at that time. When the plans crystallised then an interest would arise as a decision would be made which would have financial implications.

There will also be circumstances where you do not need to declare an interest even though the matter may be relevant to the wider aims of an organisation of which you are a member. For example, if you are a member of a charity such as the Royal Society for the Protection of Birds (RSPB), you do not need to declare an interest every time the local authority might discuss matters relating to habitats or conservation issues. Those issues may reflect the wider aims of RSPB, but they do not directly relate to or affect the organisation and your mere membership of the organisation has no bearing on the matter.

If you were in a position of control or general management in that body and the organisation was campaigning actively on the specific issue being discussed or you personally were campaigning actively on that specific issue the situation would be different. In those circumstances you may have an interest and there is a risk of predetermination. Where there is doubt you should always seek advice from the monitoring officer (or clerk if you are a parish councillor).

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As with DPIs you can be granted a dispensation (see below) and if the interest has not been registered or notified to the monitoring officer you should do so within 28 days of the meeting.

## Non-registerable interest

**(paras 7, 8 and 9 of Annex B)**

[\[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests)

The third category of interests is Non-registerable interests or NRIs.

A **Non-registerable Interest** arises where the interest is that of yourself or your partner which is not a DPI or of a relative or close associate (see definition below).

As a councillor you are not expected to have to register the interests of your relatives or close associates but under the Code you are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. The Code says you should not participate in the relevant business in two circumstances:

- **a.** when a matter directly relates to that interest. Or
- **b.** when a matter affects that interest to a greater extent than it affects the majority of inhabitants and
  - a reasonable member of the public would thereby believe that your view of the public interest would be affected

For example, under a) if your son has submitted an application for a licence to open a bar, the matter directly relates to your relative. You must not take part in any discussion or vote on the matter.

For example, under b) there has been an application made to build several units of housing on a field adjacent to your business partner's home. It is not their application, but they will be more affected by the application than the majority of people so again you would be expected to declare the interest and withdraw.

Similarly, an application for the property next door to you does not directly relate to your property so it is not a DPI, but you would instead need to declare a Non-Registerable Interest.

In all of these cases you can speak on the matter before withdrawing but only where the public are also allowed to address the meeting. If the public are not allowed to address the meeting on that item, you would need if necessary, to get another councillor who did not have an NRI to make any relevant case or to represent the wider views of constituents.

As with DPIs you can be granted a dispensation (see below).

### **What is the difference between ‘relates to’ and ‘affects’?**

Something relates to your interest if it is directly about it. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you or an outside body you have registered has a financial interest.

‘Affects’ means the matter is not directly about that interest but nevertheless the matter has clear implications for the interest – for example, it is a planning application for a neighbouring property which will result in it overshadowing your property. An interest can of course affect you, your family or close personal associates positively and negatively. So, if you or they have the potential to gain or lose from a matter under consideration, an interest would need to be declared in both situations.

### **What does “affecting well-being” mean?**

The term ‘well-being’ can be described as a condition of contentedness and happiness. Anything that could affect your quality of life or that of someone you are closely associated with, either positively or negatively, is likely to affect your well-being. There may, for example, be circumstances where any financial impact of a decision may be minimal but nevertheless the disruption it may cause to you or those close to you could be significant. This could be on either a temporary or permanent basis. Temporary roadworks in your street may affect your wellbeing on a temporary basis. Closure of a local amenity may have a more permanent impact on your wellbeing if you use it more than the majority of people in the area.

## **What are the definitions of relative or close associate?**

The Code does not attempt to define “relative” or “close associate”, as all families vary. Some people may have very close extended families, but others will have more distant relations. You should consider the nature of your relationship with the person (eg whether they are a close family member or more distant relation). The key test is whether the interest might be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor. It would be a person with whom you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts. A close associate may also be somebody to whom you are known to show animosity as you might equally be viewed as willing to treat them differently.

## **What if I am unaware of the interest?**

You can only declare an interest in a matter if you are aware of the interest. For example, a company of which your father-in-law is a director may have made an application to the local authority. You may not be aware that he is a director, and you are not expected to have to ask about the business affairs of your relatives or acquaintances simply because you are a councillor. However, you would need to declare an interest as soon as you became aware.

A reasonable member of the public would expect you to know of certain interests of course, so it is, for example, reasonable that you would be expected to know your daughter’s address or job but not necessarily any shareholdings she might have. While it is therefore your decision as to whether or not to declare an interest, you should always consider how it might seem to a reasonable person and if in doubt always seek advice from the monitoring officer.

## **Do I always have to withdraw if I have an ‘other registerable interest’ or a non-registerable interest to declare?**

Where you have declared a DPI the Localism Act says you must always withdraw from participation unless you have a dispensation.

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If the matter is an ‘other registerable interest’ or a non-registerable interest you must always withdraw from participation where the matter directly relates to that interest unless you have a dispensation.

If it is something which affects the financial interest or wellbeing of that interest you are asked to declare it and the Code then asks you to apply a two-part test before considering whether to participate in any discussion and/or vote:

1. Does the matter affect the interest more than it affects the majority of people in the area to which the business relates?

For example, if a major development affects the settlement where your sister lives and your sister would be no more affected than anybody else – for example, she lives at the other end of the settlement rather than next door to the development, the answer would be no. If the answer is yes, you then ask:

2. Would a reasonable member of the public knowing all the facts believe that it would affect your judgment of the wider public interest?

This is similar to the test for bias (*see guidance on predetermination and bias in Part 2*) and if the answer is yes to that question then you must not take part in the meeting.

You help to run a food bank and are considering a motion to investigate the causes of poverty. A reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are over 65 and are taking part in a discussion about provisions for older people. You would be more affected than the majority, but a reasonable member of the public would not think that fact would affect your view of the wider public interest.

You are discussing closure of the local authority-run home where your elderly parent lives. A reasonable member of the public would think that fact would affect your view of the wider public interest because of the direct effect on your parent.

## **What does ‘withdraw from the meeting’ mean?**

When you withdraw from the meeting that means you must not be present in the room during the discussion or vote on the matter. If the public are allowed to speak at the meeting then you would be granted the same speaking rights as the public and would need to comply with the same rules – for example, giving notice in advance or abiding by time limits. However, unlike the public you would then withdraw once you had spoken.

This would be true at a committee meeting, for example, even if you are not a member of the committee but are simply attending as a member of the public. By staying in the room, even though you are not permitted to speak or vote, it is a long-held doctrine of case law that a councillor may still influence the decision or might gather information which would help in the furtherance of his or her interest. It is therefore in the public interest that a councillor, after having made any representations, should withdraw from the room, and explain why they are withdrawing.

These rules would apply to virtual meetings as they would to physical meetings. For example, after having spoken you should turn off your microphone and camera and may be moved to a ‘virtual waiting room’ while the item is discussed.

## **Executive decisions**

Where you are an executive member you should follow the same rules as above when considering a matter collectively – that is you should not take part in the decision where you have an interest applying the same rules as apply to other meetings above.

Where you have delegated decision-making power, you should not exercise that delegation in relation to matters where you have a disclosable pecuniary interest or another type of interest which would debar you from taking part in a meeting. Instead you should ask the executive to take the decision collectively without your participation.

Where you have been delegated non-executive powers under s.236 of the Local Government and Public Housing Act 2007 you should similarly follow this approach and your local authority may need to make that clear in its code if it is using that power.

## Dispensations

Wherever you have an interest the code allows you to apply for a dispensation. The Localism Act sets out arrangements for applying for a dispensation where you have a DPI but is silent about dispensations for other types of interest as they are not statutory interests. A similar process should however be set out in your constitution or Dispensation Policy for ORIs and NRIs.

A dispensation must be applied for in writing to the 'Proper Officer' (the monitoring officer or, in the case of a parish council, the clerk) in good time before the relevant meeting and will be considered according to the local authority's scheme of delegation for considering a dispensation. The circumstances whereby a dispensation may be granted are where -

1. It is considered that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
2. It is considered that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
3. That the authority considers that the dispensation is in the interests of persons living in the authority's area.
4. That the authority considers that it is otherwise appropriate to grant a dispensation.

## What is a 'sensitive interest'?

There are circumstances set out in the Localism Act where you do not need to put an interest on the public register or declare the nature of an interest at a meeting although you would have to declare in general terms that you have an interest. These are so-called 'sensitive interests'.

An interest will be a sensitive interest if the two following conditions apply: (a) That you have an interest (whether or not a DPI); and





1	DPI	N	N	N	<p>Awarding a contract to your own company</p> <p>Planning application for your property</p> <p>Resident parking zone includes your house</p>	<p><i>Directly related to DPI-foreseeable narrow-criminal</i></p>
2a	ORI	If public allowed to	N	N	<p>Awarding/withdrawing grant funding to a body of which you are a member e.g. village hall</p> <p>Granting planning permission to a body of which you are a member</p>	<p><i>Directly related to finances-foreseeable narrow-can "address" meeting if possible, but can do, but take part in discussion.</i></p>
2b	ORI	Test	Test	Test	<p>Awarding grant funding to a body other than the body of which you are a member e.g. competitor to village hall</p>	<p><i>Affects financial or wellbeing</i></p> <p>(1) greater than majority of inhabitants</p> <p>(2) reasonable public-affect view of public interest</p>



3a	NRI	If public allowed to	N	N	<p>Determining an application submitted by your sister or your neighbour for a dog breeding licence</p> <p>Partner with free parking permit and policy review decision to be made</p> <p>Councillor objects in private capacity to neighbours planning application cannot sit on PC as statutory consultee</p>	<p><i>Directly relate:</i> to finances of you, partner (r a DPI)-a relative or close associate- Unforeseeable can “address” meeting if pub can do, but no take part in discussion.</p>
3b	NRI	Test	Test	Test	<p>Application for housing development on land near to partners business property</p> <p>Your neighbour applies for planning permission</p>	<p><i>Affects finances or well-being- test 1) greater than majority of inhabitants and (2) reasonable public-affect view of public interest</i></p>
2b/3b	NRI	Test	Test	Test	<p>Road works noise outside your house</p> <p>Odours from nearby refuse tip</p> <p>ASB from rough sleepers housed in B+B's nearby</p>	<p><i>May not affect finances but Well-being=quality life – apply 2-stage test</i></p>



\*speak-take part in discussion, as opposed to addressing a public meeting as a member of the public where others can also address the meeting

Proximity in personal relationship and in physical proximity are often important factors in determining ability to speak and/or vote.

## Bias and Predetermination

Bias and predetermination are not explicitly mentioned in the Code of Conduct. The code provisions on declarations of interest are about ensuring you do not take decisions where you or those close to you stand to lose or gain improperly. **(See guidance on declarations of interest in Part 2)**  
[\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#part-2-general-obligations-under-the-code-of-conduct)

There is however a separate concept in law dealing with bias and predetermination which exists to ensure that decisions are taken solely in the public interest rather than to further private interests.

Both the courts and legislation recognise that elected councillors are entitled, and indeed expected, to have and to have expressed their views on a subject to be decided upon by the local authority. In law, there is no pretence that such democratically accountable decision-makers are intended to be independent and impartial as if they were judges or quasi-judges.

Nonetheless, decisions of public authorities do involve consideration of circumstances where a decision-maker must not act in a way that goes to the appearance of having a closed mind and pre-determining a decision before they have all of the evidence before them and where they have to act fairly. Breaches of the rules of natural justice in these circumstances have and do continue to result in decisions of local authorities being successfully challenged in the courts. These issues are complex, and advice should be sought and given in the various situations that come up, which is why there are no direct paragraphs of the code covering this, although it does overlap with the rules on declarations of interest.

While declaring interests will to some extent deal with issues of bias, there will still be areas where a formal declaration is not required under the Code of Conduct, but councillors need to be clear that they are not biased or predetermined going into the decision-making process. Otherwise the decision is at risk of being challenged on appeal or in the Courts. To quote a leading judgment in this field "All councillors elected to serve on local councils have to be scrupulous in their duties, search their consciences and consider carefully the propriety of attending meetings and taking part in decisions which may give rise to an appearance of bias even though their actions are above reproach." [\[1\] \[# ftn1\]](#)

The rules against bias say that there are three distinct elements.

The first seeks accuracy in public decision-making.

The second seeks the absence of prejudice or partiality on the part of you as the decision-maker. An accurate decision is more likely to be achieved by a decision-maker who is in fact impartial or disinterested in the outcome of the decision and who puts aside any personal strong feelings they may have had in advance of making the decision.

The third requirement is for public confidence in the decision-making process. Even though the decision-maker may in fact be scrupulously impartial, the appearance of bias can itself call into question the legitimacy of the decision-making process. In general, the rule against bias looks to the appearance or risk of bias rather than bias in fact, in order to ensure that justice should not only be done but should manifestly and undoubtedly be seen to be done.

To varying degrees, these "requirements" might be seen to provide the rationales behind what are generally taken to be three separate rules against bias: "automatic" (or "presumed") bias, "actual" bias, and "apparent" bias.

[\[1\] \[# ftnref1\]](#) Kelton v Wiltshire Council [2015] EWHC 2853 (Admin)

The rationale behind "automatic" or "presumed" bias appears to be that in certain situations (such as if you have a pecuniary or proprietary interest in the outcome of the proceedings) then it must be presumed that you are incapable of impartiality. Since a motive for bias is thought to be so obvious in such cases, the decisions are not allowed to stand even though no

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investigation is made into whether the decision-maker was biased *in fact*. In these circumstances you should not participate in the discussion or vote on the issue. These are covered by the code's requirement to declare certain interests and withdraw from participation. (**see guidance on declaration of interests in Part 3**). [\[https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest\]](https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest)

A single councillor who is guilty of bias is enough to strike out the whole decision when challenged before the courts. This can cause huge cost and reputational damage for the local authority yet is seldom due to actual corruption or even consciously favouring a personal interest over the public interest on the part of the councillor involved and may have no repercussions for them personally.

## **Predetermination**

The Localism Act 2011 has enshrined the rules relating to pre-disposition and predetermination into statute. In essence you are not taken to have had, or appeared to have had, a closed mind when making a decision just because you have previously done anything that directly or indirectly indicated what view you may take in relation to a matter and that matter was relevant to the decision.

Predetermination at a meeting can be manifested in a number of ways. It is not just about what you might say, for example, but it may be shown by body language, tone of voice or overly-hostile lines of questioning for example.

You are therefore entitled to have a predisposition one way or another as long as you have not pre-determined the outcome. You are able to express an opinion providing that you come to the relevant meeting with an open mind and demonstrate that to the meeting by your behaviour, able to take account of all of the evidence and make your decision on the day.

## **How can bias or predetermination arise?**

The following are some of the potential situations in which predetermination or bias could arise.

## **Connection with someone affected by a decision**

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This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.

**Examples**

The complaint alleged that a councillor had behaved in a disrespectful and harassing manner towards two fellow female councillors and officers. It was established that the councillor had made unwarranted and inappropriate physical contact with the councillors and officers at an official event and had also made remarks towards the officers which were patronising and demeaning. The councillor was found to be in breach of the Code of Conduct.

A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.

Contrast this with:

The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and is not involved with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.

**Improper involvement of someone with an interest in the outcome**

This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.

**Examples**

A local authority receives an application to modify the Definitive Map of public rights of way. A panel of councillors are given delegated authority to make the statutory modification Order. They have a private meeting with

local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.

## Prior involvement

This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.

## Commenting before a decision is made

Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.

If the councillor is merely seeking to lobby a public meeting at which the decision is taking place but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

## Examples

A local authority appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly

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“speaking for myself I am inclined to go along with the barrister’s recommendation”. He later participates in the local authority’s decision to accept the barrister’s recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister’s report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

A developer entered into negotiations to acquire some surplus local authority land for an incinerator. Planning permission for the incinerator had already been granted. Following local elections there is a change in the composition and political control of the local authority. After pressure from new councillors who have campaigned against the incinerator and a full debate, the local authority’s executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The local authority’s decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

### **What do I do if I need advice?**

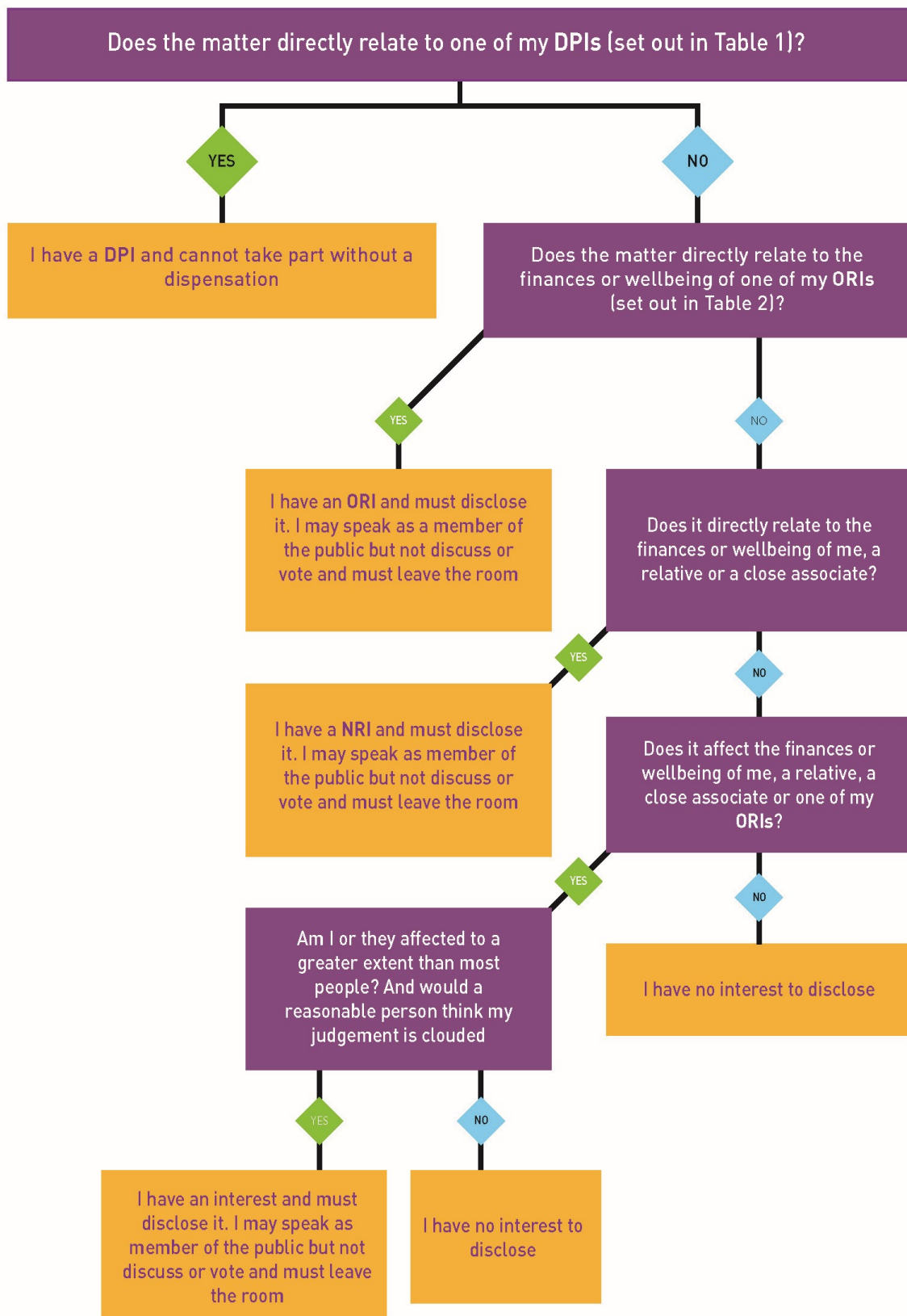
If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the monitoring officer (or the clerk if you are a parish councillor).

**The Golden Rule is be safe –seek advice if in doubt before you act.**

## **Appendix 1 - Interests Flowchart**

### **Interests Flowchart**

The flowchart below gives a simple guide to declaring an interest under the code.



## Appendix 2 - General Principles

### General Principles

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The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. 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 declare 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.

These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the Principles have been translated into a series of clear rules. While fundamental to the Code of Conduct the principles are not part of the rules of the code and should be used for guidance and interpretation only.

# PROTOCOL ON ELECTED MEMBER/OFFICER RELATIONS

## 1. INTRODUCTION

Hartlepool Borough Council (the 'Council') expects high standards of conduct from its Elected Members and Officers which are articulated throughout this document. This Protocol is designed to provide a guide to good working relations between Elected Members and Officers. The Protocol is part of the Council's Constitution and is to be considered in conjunction with other Codes of Conduct included in Part 5 of the Constitution, particularly the Code of Conduct for Elected Members and Co-opted Members and the Code of Conduct for Employees.

All Councils are required to have an Officer/Elected Member protocol included in the written Constitution. The matters which the protocol must cover are set out in the statutory framework and are therefore not within the discretion of the Council. The relevant matters to be addressed are set out below.

- Principles underlying Elected Member/Officer relations.
- Roles of Elected Members.
- Roles of Officers.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit and Governance, Licensing and Planning Committees and Officers.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Council access to documents and information.
- Other individuals who are members of Council bodies.
- Media relations and press releases.
- Correspondence.
- Internet and Social Networking Use
- Breaches and protocol.
- Concluding comments.

The protocol combines relevant topics covered in existing guidance for Elected Members and Officers and statutory advice on the production of new Constitutions. It recognises and is consistent with other procedures/ protocols included elsewhere in the Constitution, particularly the Articles in Part 2 and the Responsibility for Functions in Part 3 which define particular roles for Elected Members and Committees and the Rules of Procedure in Part 4, and provides a written statement of current practice and convention. Given the variety and complexity of Officer/Elected Member relations, it does not seek to be comprehensive, but gives specific advice on issues which may arise and is intended to provide guidance on the approach to dealing with other issues of a similar nature. This protocol also applies where relevant to co-opted members of the Council.

## 2. ROLES OF ELECTED MEMBERS

All Elected Members will:

- i) Collectively be the ultimate policy-makers and determine the budget and policy framework operating at all times in accordance with the principles of decision making set out in Article 11 of the Constitution;
- ii) Monitor and reviewing policy implementation and service quality;
- iii) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- iv) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- vv) Effectively represent the interests of their ward and of individual constituents;
- vi) Deal with individual case work and representing constituents in resolving concerns and grievances.
- vii) Be available to represent the Council on other bodies; and
- viii) Maintain the highest standards of conduct and ethics.

The role of Elected Members is fundamentally different to that of Officers. In addition to a decision making role as part of the Council and, where relevant, as part of a Committee or Sub-Committee, Elected Members also have a responsibility to represent the interests of their ward and of individual constituents. This representative role may be carried out in a number of ways, and Officers will offer assistance to Councillors acting in a ward capacity. However, individual Elected Members are not empowered to instruct Council Officers to take a particular course of action. They are however, where set out in the relevant delegation, consulted as part of the decision making process.

## 3. ROLES OF OFFICERS

The Council's Senior Management Team (set out in Parts 3 and 8 of the Constitution) will:

- i) Provide professional, impartial advice to the Council and all of its constituent bodies as set out in Part 3 of the Constitution and subject to the Access to Information Procedure Rules in Part 4 of the Constitution.
- ii) Report to the Council or any of its constituent bodies on any matter judged to be in the Council's interests.

- iii) Undertake day to day and operational management of the services and functions for which the Council has given them responsibility and take any other decisions as allocated in this Constitution.
- iv) Determine when the Constitution requires decisions to be taken by Elected Members and refer matters as required.
- v) Exercise the statutory responsibilities placed upon statutory and Proper Officers where the post held includes such responsibilities.
- vi) Provide informal support and assistance to Elected Members within the scope of legislative requirements and this protocol.
- vii) Determine the detailed arrangements which will apply within their Departments for the provision of advice and support to Elected Members by other Officers.
- viii) Authorise other Officers within their management control to act on their behalf as appropriate.
- ix) Respect the role that all Elected Members play within the Council with particular consideration for the roles of the Leader, Ceremonial Mayor and Chairs of Committees.
- x) In all matters, Officers will give advice in accordance with their professional expertise and any relevant professional codes of conduct. Officers will not be required to reduce options, withhold information, or make recommendations which they cannot professionally support, to any body of the Council.
- xi) Initiate proposals for policy development and implement the Authority's policies.
- xii) Ensure the Authority acts lawfully.
- xiii) Represent the Authority on external organisations.

Officers have a statutory responsibility to undertake day-to-day decision making and operational management of services within their area of responsibility. They also have additional decision making powers as set out in the delegation scheme contained in Part 3 of the Constitution. Officers are able to provide informal support and assistance to all Elected Members. However both legislation and the Council's protocol place some limit on the support which may be provided, in order to take account of matters such as resource limitations and confidentiality issues. These limits are dealt with further in the following sections and elsewhere in the Constitution, particularly in Part 4 - Rules of Procedure.

#### **4. PRINCIPLES UNDERLYING ELECTED MEMBER/OFFICER RELATIONS**



Mutual respect between Officers and Elected Members is essential to good local governance. Inappropriate relationships between Officers and individual Elected Members can damage the reputation of the Council as well as individuals and should be avoided. Officers are reminded of the guidance contained within section 3 of the Code of Conduct for Employees 'Political Neutrality'.

The following principles underpin the detail contained in individual sections which deal with specific aspects of Member/Officer relations.

- i) Elected Members and Officers will treat each other with courtesy and respect at all times in both formal and informal situations.
- ii) Council Officers will give impartial advice to the whole Council including all political groups, Committee and non-Committee Elected Members. Formal recommendations will only be made to the body empowered to take the decision in question.
- iii) Elected Members and Officers will not seek to use their positions to exercise inappropriate influence e.g. to secure an improper advantage for themselves or any other person.
- iv) Elected Members and Officers will at all times observe the requirements of the Council's Constitution.

Amongst other things, this means that both Officers and Elected Members will refrain from shouting, aggression, threats (either explicit or implied), and references, which could reasonably be perceived as insulting. Formal and informal situations encompass: formally constituted meetings either inside or outside of the Council, telephone conversations, personal contact, e-mail, letters or references in the media. It does not mean that Elected Members and Officers may not hold or express differences of view, but that they should do so in accordance with accepted standards of courteous behaviour.

Additionally, in relation to issues within an Officer's area of responsibility, Elected Members should recognise and respect the Officer's expertise and professionalism – failure to do so may place the Council at risk of a formal legal challenge and/or damage to its reputation. Officers' professional advice should not be ignored and should only be rejected for valid reasons. This does not mean that an Officer's recommendations are not open to question or examination, but an Officer's advice should not be rejected arbitrarily or for other than good reasons relevant to the issue in question. What amounts to a valid basis to reject advice cannot be generally defined other than as a reasonable belief based on adequate grounds that the judgement of the Officer is flawed in some way material to the decision to be taken. The adequacy of the grounds will vary according to the nature of the issue and the degree of expertise involved in making the relevant judgement.

Providing an outcome which is satisfactory to an individual constituent or group of constituents does not, of itself, constitute a valid reason for rejecting professional advice – the decision must be based on an objective assessment

of the issues relevant to the matter in question, public approval only being a determining factor when the merits and demerits are finely balanced.

Members and Officers both have an important role in creating and stimulating a good reputation for the Authority. In particular they should:

- a) protect and promote the legitimacy of democratic local government;
- b) promote a positive relationship between Members and Officers and be careful not to undermine it;
- c) ensure criticism of the Authority when formally representing it is avoided; and
- d) ensure personal criticism of other Members and Officers is avoided.

## **5. UNDUE INFLUENCE**

In any dealings between Elected Members and Officers neither should try to take advantage of their position.

In their dealings with Officers Elected Members should be aware that it is easy for Officers to be overawed and feel at a disadvantage. This can be even more so where Elected Members hold leading roles. However, it is also possible for Elected Members, particularly newer Elected Members, to be overawed by Officers. Elected Members and Officers must always be mutually respectful regardless of their role within the Authority.

Elected Members must not attempt to influence any Officer to do things they have no power to do, or to work outside of normal duties.

Apart from decisions that are clearly illegal, Officers should usually carry out decisions of Committee and Council. However, instructions should never be given to Officers to act in a way that is unlawful as ultimately this could damage the Authority's interests. Officers have a duty to express their reservations in this sort of situation and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible. To assist Elected Members in decision making they should be informed of all legal and financial considerations and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Committee or Council decision the Elected Member concerned should draw this to the attention of the Managing Director.

Officers should not use undue influence to pressure an individual Elected Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.

The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistle Blowing Policy.

The Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.

Under the Members' Code of Conduct Members must promote equality, treat others with respect and not do anything that compromises the unbiased nature of those who work for the Authority. In particular, Members should never act in a way which an independent observer might consider to be bullying, harassment or trying to get special treatment.

## **6. RELATIONSHIPS BETWEEN CHAIRS/ELECTED MEMBERS OF THE POLICY AND OTHER COMMITTEES INCLUDING AUDIT AND GOVERNANCE, LICENSING AND PLANNING AND OFFICERS**

Relationships between Chairs/Elected Members of Committees and Officers will operate in line with the relevant codes of conduct and the principles contained in the protocol.

Elected Members in positions which include the chairing of meetings will seek to ensure that relevant codes are adhered to and all meeting participants, both Council and non-Council, behave courteously at all times.

### **6.1 Policy Committees**

In making their decisions, Elected Members of the Policy Committees must seek and have regard to the professional advice given by Officers. Elected Members must at all times pay due regard to the advice given by Statutory Officers and be aware of, and take account of, their statutory responsibilities.

Elected Members should respect the principle that Officers serve the full Council and therefore have responsibilities to its Policy, Regulatory and other Committees.

Elected Members should at all times take full responsibility for their political decisions within the Council and as representatives on other agencies or bodies.

Elected Members must follow all of the statutory and constitutional requirements governing the decision making process.

Elected Members, Officers and representatives of outside bodies providing information to a Committee will be treated courteously at all times and will treat such individuals with courtesy and respect. Elected Members asking questions will act in accordance with the Member Code of Conduct and the Contract Procedure Rules. It will be the responsibility of the Chair to ensure that members of the public and other non-Council attendees behave appropriately.

Directors and Chief Officers may be required to attend the Committee and may be asked questions as to policies and decisions. They may be required to explain advice given to Elected Members and the objectives of policies.

Comment should, however, be consistent with the requirement for Officers to be politically neutral and Officers may not be held accountable for decisions taken by Elected Members. Other Officers may attend the Committee at the discretion of their Director/Chief Officer in order to provide information which will assist. The Committee should not be used to address issues of the individual performance of employees. It will not be the purpose of any Committee to require Officers to personally account for their actions in circumstances where general management provisions including the appraisal and disciplinary processes may apply.

Although professional advice on Council services will generally be provided to a Committee from within the existing Officer structure, circumstances may arise where specific experience is unavailable in-house. Appropriate expertise may then be commissioned subject to budgetary provision being available.

At the request of another Committee a Policy Committee Chair may attend meetings to explain the objectives of policies and the reasons for their Committee's decisions, relevant to their remit.

A Committee may commission independent advice on matters outside of the Council's direct responsibility where budgetary provision exists and where it is either required or advisable and the Council's statutory Officer has been duly committed.

A Committee may invite, but not require, the attendance of representatives from other Councils or agencies.

## **6.2 Regulatory and Other Committees**

### **(i) Audit and Governance Committee**

The Audit and Governance Committee may require a variety of information and advice in order to carry out their work effectively (particularly that relating to the undertaking and discharge of their statutory scrutiny functions) and mechanisms to ensure this is achieved are addressed in detail in other sections of the Constitution. However in planning their work the Audit and Governance Committee must recognise that Officers and outside agencies providing information and Elected Members, Officers and outside agencies requested to attend Committee meetings, may have other commitments which may restrict their ability to meet the requests of the Committee within specified timescales. This is particularly the case where very detailed/complex information is requested or where a number of individuals are requested to attend a Committee meeting. The Committee should be conscious of such circumstances and plan, consider and programme their work accordingly.

## (ii) Planning and Licensing Committees

Particular issues arise in relation to the Planning and Licensing Committees, when Elected Members are determining applications for permissions, licences etc. Although Elected Members act in an administrative role in the Planning Committee and a quasi-judicial role in the Licensing Committee, similar issues arise regarding the status of Officers' recommendations on the merits of an application.

When acting in a quasi-judicial capacity (for example in relation to licensing), Elected Members will pay particular regard to the requirements of natural justice and the procedural advice issued by the Monitoring Officer.

The Planning Committee through the Planning Code of Practice has endorsed the following principles:-

"Elected Members are entitled to reject the Officer's advice but they should only do so on the basis of an objective consideration of the planning issues. Planning is not a defined science and frequently involves decisions based on judgements relating to a wide variety of issues – traffic, appearance, character of the area, environmental impact etc. Elected Members are entitled to bring their local knowledge into play in weighing considerations that often compete with each other. Their judgement on a particular issue may be different from that of the Planning Officer.

"However, the Committee must recognise the importance of factors such as:-

- the local planning scene as set out in the Local Plan;
- the national planning regime as set out in legislation and planning decisions and case law;
- the Council's own guidance to developers;
- previous decisions of the Committee.

The Planning Officer's advice will reflect these factors. Whenever Elected Members depart from the Officer's advice and recommendation they increase the potential for undermining the integrity of the local planning scene and the ability of the Committee as the Local Planning Authority to require and enforce relevant standards of development – in the interests of the community as a whole."

The Licensing Committee in their licensing statement have endorsed the following principles: -

The role of the Officer in the context of the Licensing Committee's consideration of applications presented to it for determination is to provide the information available to the Council to enable the Elected Members to form their own judgement of the issues relevant to the application. The factual content of the information comprises the evidence presented on behalf of the Council. It is the practice for the Officer to make a recommendation whether the application should be granted or refused. The recommendation represents the Officer's opinion, in the light of the information available in

advance of the hearing and with the benefit of his/her professional training and experience.

However, as the proceedings of the Committee are quasi-judicial, the Committee would be acting improperly if it failed to pay due regard to information and evidence presented by the parties (applicant and/or objectors). The Committee are required to make a determination by reference to all the evidence presented to them at the hearing, and they are required to take note also of the evidence submitted by or on behalf of the parties (applicants and objectors). The Committee are entitled to, and should, form a view as to the weight they attach to the evidence presented.

In assessing the weight to be given to the evidence, the Committee is also entitled to recognise that information presented by the Officer and the Officer's recommendations have the particular merit of being: -

- objective;
- based on a knowledge of the local licensing scene as a whole;
- informed by the previous decisions of the Committee;
- aimed towards the benefits to the community as a whole and not influenced by the benefits to the applicant, or his/her business or an objector or a section of the community.

## **7. THE CEREMONIAL MAYOR**

The Ceremonial Mayor will act as the Council's first citizen attending civic and ceremonial events and carrying out the role and function as established in Part 2, Article 5 - The Ceremonial Mayor. In fulfilling the duties of the role, the Ceremonial Mayor:

- i) shall expend civic funds reasonably and within financial limits, subject to the advice of the Proper Officer.
- ii) shall have priority in use of the civic vehicle, but at all other times this should be made available for other council duties, subject to the agreement of the Managing Director.
- iii) will be entitled to wear the chain of office.
- iv) will, where more than one civic function is occurring at the same time, determine which function if any, should be accepted/carried out by the Deputy Mayor.
- v) shall seek to ensure that the business of the Council is conducted effectively and that any procedural difficulties are discussed with the Managing Director and the Council's Monitoring Officer.

## **8. OFFICERS' ADVICE TO THE ELECTED MEMBERS**

Members are entitled to ask Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the

Council. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.

Similarly the Leader is entitled to receive such advice and support as s/he reasonably requires to enable them to fulfil their role as the political leader of the Authority and the Authority's principal public spokesperson.

It is important for the Managing Director, Directors and Assistant Directors to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their ward and be invited to Authority initiated events within or affecting their ward. Although issues may affect a single ward, where they have a wider impact, a number of local members will need to be informed.

Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Members should act reasonably in the number and content of the requests they make.

Requests by Members to Officers, which are made outside of normal working hours or to an Officer who is on annual leave will be responded to by Officers within working hours or when they return from annual leave, unless exceptional circumstances apply.

Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority's Committees and Council, and when implementing the lawful decisions of a Committee or Council, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of certain Officers. 'Politically restricted' posts mean that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However they can speak or write in a way which is necessary in order to perform their duties properly.

If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Managing Director or relevant Director, or in the case of the Managing Director, the Leader. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

Officers can advise on matters relating to the Authority's business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.

Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Committee Member) cannot be used when acting in a different capacity (for example, when representing his/her ward). Confidential information can only be given to those

entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others.

Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled below. Members' rights to inspect documents are contained partly in legislation and partly at common law and are described in the Access to Information Rules contained within the Constitution.

If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the Chair of the Committee should be advised about the information provided.

Any Member can seek advice or assistance in confidence from the Chief Officers to address a ward issue.

Officers are required to serve the Authority as a whole. They are responsible to the Chief Officers and not to individual Members whatever office they may hold.

## **9. OFFICER RELATIONSHIPS WITH PARTY GROUPS**

No Officer of the Council shall attend any party political group as an employee of the Council without the agreement of the Managing Director and party political groups will not have the power to require attendance of individual Officers unless agreed by the Managing Director.

Officers attending any group meetings, shall not divulge to other groups the contents of any discussion or debate which takes place.

No reports should be produced by Officers specifically for party groups without the express permission of the Managing Director and Officers shall not conduct research for party political purposes.

Officers will provide publicly available attendance details relating to individual Elected Members to group officials from the same party or in the case of other parties (or independents) with the authorisation of the Member concerned. Elected Members will always be notified that such information is being provided.

Officers are not permitted to allow the use of Council resources for party political purposes, other than where such use has been properly authorised and where relevant, the appropriate charge has been made.

An Officer, as a member of the public, is entitled to raise with their Councillor any complaint about the services of the Council. Employees are expected to do this in their own time. If an Officer complaint concerns any aspect of their work with the Council this should always be discussed with their line manager in the first instance. Where this is not appropriate then another appropriate manager. If this does not lead to the concerns being adequately addressed then the Officer should make use of the Council's appropriate HR procedures.



An Officer must not approach Elected Members to raise any work related issues as this could lead to disciplinary action for not following council procedures for managing such issues. In circumstances where concerns relate to potential allegation of fraud, corruption, safeguarding or other serious concerns; these can be raised through the Council's **'Whistle Blowing' policy and procedure.**

- Roles of Elected Members.
- Roles of Officers.
- Principles underlying Member/Officer relations.
- Undue Influence.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit & Governance, Licensing and Planning Committees and Officers.
- Ceremonial Mayor.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Councillor access to documents and information.
- Elected Members and Officers who are members of Outside Organisations and other bodies.
- Publicity material, media relations and press releases.
- Correspondence.
- Internet and Social Networking Use.
- Breaches of the protocol.
- Concluding comments.
- In the event that an Officer approaches a Member regarding any aspect of their work with the Council the Member must not become involved in this issue and should advise the officer to follow the procedures detailed in the previous section.

## 10. ELECTED MEMBERS IN THEIR WARD ROLE AND OFFICERS

All Elected Members are entitled to raise matters of local concern either as representatives of the Council or on behalf of individuals or groups of constituents. Specific departmental protocols for dealing with such approaches may be introduced by the relevant Director or Chief Officer in order to facilitate an appropriate response to such enquiries. Wherever possible, a Member should raise their concern/matter using the Councillor Portal.

Information about an individual resident cannot be shared with a Member without the consent of the individual concerned. Similarly, an Officer cannot become involved in a situation without the consent of the individual, unless there is a cause for concern from a safeguarding perspective.

Elected Members will receive advice and assistance in their pursuit of local matters which is consistent with their responsibilities as Elected Members and local representatives. Individual Elected Members may not, however, seek to obtain a disproportionate amount of Officer time in dealing with ward matters. This provision is intended to avoid a situation in which the demands of a small number of Elected Members become so great that the interests of other

Elected Members, or the Council as a whole, may be compromised or damaged. There are provisions in the protocol for discussing and resolving differences of view about how much input can reasonably be required from Officers in responding to issues raised by Ward Councillors. If a Director or Chief Officer feels that the demands of Elected Members in these circumstances are unreasonable, and this cannot be resolved informally, he/she will set out in writing the reasons, together with proposals for resolving matters. If agreement cannot be reached the matter will be referred to the Managing Director to determine.

Consultation meetings with residents to discuss matters of local interest may be convened in a number of circumstances, for example by Elected Members, Officers or residents themselves. Officers shall only attend such meetings with the agreement of the appropriate Director or Chief Officer. When Officers convene such meetings, they will ensure that all Elected Ward Members and any other Members who might reasonably have an interest in the subject (e.g. relevant Policy Committee Chair) will be advised of the meeting and invited to attend.

Elected Ward Members and others with a particular interest will be invited as a matter of course to any public meetings called by Officers to discuss local issues. They may also ask to be kept informed of key developments relating to local issues in which they have a particular interest. Such requests must be reasonable and not conflict with Officers' day to day management and decision making responsibilities. Elected Members are not entitled to insist that they be invited to all meetings which Officers convene in order to discharge their responsibilities.

Elected Members should not commit the Authority to Public Meetings until discussed and agreed with Chief Officers. When Elected Members or local residents convene local meetings, Officer attendance will be at the discretion of the relevant Director or Chief Officer and will take account of the purpose of the meeting as stated by the convenor.

In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community in the consultation process but will be mindful at all times of the integrity of the formal decision making process.

Elected Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Elected Members should act at all times in accordance with their respective codes of conduct.

Officers may not permit the use of Council resources on Ward matters unless authorised to do so for all Elected Members. The only basis upon which the Council can lawfully provide support services (e.g. stationery, postage, typing, printing, photocopying, transport etc) to Elected Members, is to assist them in discharging their role as Elected Members of the Council. Such support

services must therefore be used on Council business only. They should never be used in connection with party political or campaigning activity or for private purposes.

Elected Members and Officers will be mindful and have regard to any applicable Code of Recommended Practice on Local Authority publicity as issued by the Secretary of State under section 4 of the Local Government Act 1986.

## **11. PERSONAL AND BUSINESS RELATIONSHIPS**

Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.

It is important not to allow any personal or business connection or relationship with any other Members or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.

Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.

Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

## **12. COUNCILLOR ACCESS TO DOCUMENTS AND INFORMATION**

Officers will follow the Access to Information Procedure Rules as set out in Part 4 of the Constitution and will make available to Elected Members any information to which a statutory right of access exists as soon as practicable.

Elected Members will also be provided with non-statutory information in accordance with the agreed policy.

Where there is uncertainty as to the statutory position, the matter will be referred to the Council's Monitoring Officer for determination.

Non-statutory information requests from Elected Members will be met within a reasonable timescale taking into account the scale of the request, providing that the information is not confidential, does not constitute party political research or require an unreasonable amount of officer time. Where an Officer considers the request is likely to require an unreasonable amount of Officer time, and the matter cannot be resolved informally, it should be referred to the Managing Director (or Monitoring Officer).

Elected Members are entitled as of right to a wide range of information but not to everything that they may wish to see. All Elected Members have rights of access to documentation relating to business transacted at meetings of the Council, Committees etc. The statutory provisions entitle Elected Members to access documents such as reports, files and accounts, which are relevant to the business in question and are identifiable. They do not entitle an individual Member to require an Officer to undertake research on the Member's behalf or to extract information from records – though in some circumstances an Officer may judge that extraction of information is more efficient than providing access to documents. Beyond those statutory rights, Elected Members' entitlement to information is determined to some degree by the particular role which they carry out. A Member who is on a particular Committee will have access rights which are different from a non-decision making Councillor, owing to the matter being categorised either as being 'exempt' under statute or being otherwise confidential.

Officers who are asked for information will sometimes need to take advice from colleagues, in particular the Monitoring Officer, as to whether or not the Member concerned is entitled to see information which they have asked for. Sometimes they will need to explore whether the information is available at all. It is important to bear in mind that if a Member is not automatically entitled to information, then equally, the Officer is not at liberty to provide it unless satisfied that there is some valid justification for doing so and that disclosure does not infringe any law (e.g. Data Protection Act), Council policy or confidentiality. Where Officers seek further information from Elected Members before making a response to a request for information, this is in order that the position can be checked. Elected Members should not see this as Officers being unhelpful. Where Elected Members feel they have not been given the correct response to a request, they are encouraged to refer the matter to the Monitoring Officer for determination as the Statutory Officer responsible.

### **13. ELECTED MEMBERS AND OFFICERS WHO ARE MEMBERS OF OUTSIDE ORGANISATIONS AND OTHER BODIES**

All representatives or other individuals invited or appointed to serve on Council bodies will have the relevant Codes of Conduct, procedures and protocols drawn to their attention and be required to observe them. Included in Part 5 of the Constitution is a Guide for Elected Members and Officers serving on Outside Organisations and Other Bodies. The Guide is intended to give a general overview of the issues which affect Elected Members and Officers who are appointed to outside organisations and other bodies (see also Part 7

of the Council's Constitution). The Council's Monitoring Officer will be able to provide further advice to expand upon any of the issues raised.

#### **14. POLITICALLY RESTRICTED POSTS**

There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:

- a) being a Member of Parliament or a local authority member;
- b) acting as an election agent or sub agent for a candidate for any of those bodies;
- c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
- d) canvassing on behalf of a political party or an election candidate;
- e) speaking in public in support of a political party; and
- f) publishing written or artistic works affecting support for a political party.

#### **15. PUBLICITY MATERIAL, MEDIA RELATIONS AND PRESS RELEASES**

The Council's Communications and Marketing Team will follow the same principles as other Officers of the Council in serving Elected Members impartially. They will also follow the Local Authority Code on Recommended Practice for Local Authority Publicity.

Appropriate press releases and publicity material will be prepared and distributed. Where any conflict exists publicity will incorporate a balanced and accurate account of the outcome of the formally constituted meetings.

Communications and Marketing Officers will observe the provisions of the code of recommended practice on Local Authority publicity. One of the key provisions of the code is that the opinions of individual Elected Members cannot be promoted unless they are speaking on behalf of the Council. Communications and Marketing Officers will continue, therefore, to incorporate in press releases only the views of individuals holding posts, which authorise them to speak on behalf of the Council.

Communications and Marketing Officers will, however, offer informal advice to all Elected Members on media relations.

In accordance with the general provisions on confidentiality, both Officers and Elected Members will refrain from making confidential information available to the media.

Draft press releases will be finalised following consultation with any Member who is to be quoted.

Photographic services will be available for major civic events and at other events where budgetary provision has been identified.

Elected Members communicating with the media in any form, including social media, will not make references to Officers which are personal in nature or could be construed as offensive. Any matters relating to individual performance by an Officer of the Council should be raised through the appropriate mechanisms and not in the media. Officers who are in communication with the media in the course of their employment will similarly refrain from any such references to Elected Members. Elected Members are encouraged to check the factual accuracy of any media submissions with the appropriate Officer. Factually inaccurate statements mislead the public and may damage the reputation of anyone who is the subject of, or associated with, such inaccuracies.

## **16. CORRESPONDENCE**

Correspondence between an individual Member and Officer should not normally be copied by the Officer to another Member, unless the Elected Member has sent copies to other Elected Members, in which case Officers may copy the response to the same Elected Members. Correspondence between Elected Members and Officers should not be shared on social media without prior agreement from all parties involved.

Where copies of correspondence are sent to other Elected Members, this should be made clear to the original Member. In other words, a system of “silent” or “blind” copies should not be used.

In all matters relating to the copying of correspondence, access to information legislation and the Council policy on access will be observed.

Official letters on behalf of the Authority should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representation to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should be sent out by the relevant Officer.

Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

## **17. INTERNET AND SOCIAL NETWORKING USE**

Elected Members and Officers should have due regard to internet security and ensure that communications remain proper and appropriate in accordance with the guidance set out in the respective codes of conduct.

## **18. BREACHES OF THE PROTOCOL**

Potential breaches of the protocol may come to light in a number of ways. They may be raised, for example, by Elected Members, Officers, non-Council officials, groups or individual members of the public.

## **19 Alleged Breaches of the Protocol by Officers**

The matter should be raised with the relevant member of the Council's Corporate Management Team who will investigate the circumstances.

If it is judged that the alleged breach may be a disciplinary matter or come within the scope of any other existing Council procedure (e.g. for dealing with potentially criminal acts) then the appropriate procedure will be initiated and followed in the usual way.

Where it is not appropriate to use an existing procedure, the investigating officer will report back to the person making the allegation with a suggested course of action.

If matters cannot be resolved, they will be referred to the Managing Director for consideration, who will in any event be advised of all alleged breaches of the code.

### **Alleged Breaches of the Code by Elected Members or Co-optees**

Details of the allegation should be reported to the Managing Director, via a Departmental Manager if appropriate.

The Managing Director will consider what, if any further action is appropriate in the circumstances, having regard to any existing procedures such as the Council's complaints procedure or the procedure for dealing with allegations of criminal conduct.

Options may include:

- (a) Invoking an existing procedure.
- (b) Informal discussions with the individual who is the subject of the allegation to arrive at an agreed response.
- (c) Referring the matter to the relevant Group Leader with a recommendation for action.
- (d) Referring the matter to the Council's Monitoring Officer to consider action under the Code of Conduct.
- (e) Referring the matter to an appropriate body or agency.

## **20. CONCLUDING COMMENTS**

The Officer/Member protocol is not intended to deal with every situation that might arise. It does contain, however, a significant amount of material which can act as a pointer to how to deal with a wide range of issues. For example, it is clear in the sections covering the role of Elected Members and the role of Officers that strategic decision-making is undertaken by Elected Members and not Officers. On the other hand, day to day choices on the action necessary to implement Member decisions are the responsibility of Officers not Elected Members. This is made very clear in statutory guidance to Councils. In Hartlepool, Officer/Member relations have traditionally been very strong and constructive, based on mutual respect for the different roles of each, together with a recognition of the need to work together for the good of the community. It is the joint responsibility of both Officers and Elected Members to maintain that tradition into the future.







**Report of:** Audit and Governance Committee

**Subject:** HARTFIELDS MEDICAL PRACTICE CLOSURE

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## **1. PURPOSE OF REPORT**

- 1.1 To inform Council of the Audit and Governance Committee's views and recommendations following its involvement in the engagement process in relation to the potential application to the Tees Valley Clinical Commissioning Group for the closure of the Hartfields Medical Practice.

## **2. BACKGROUND**

- 2.1 Notice was received of the McKenzie Group's intention to submit an application to the Tees Valley Clinical Commissioning Group (CCG), on the 19<sup>th</sup> October, to seek approval for the permanent closure of the Hartfield's Practice. A copy of the full Stakeholder Briefing in relation to the proposed closure is attached at **Appendix A**, the stated reasons for the proposed closure being:

***'To bring services together at its other sites in order to enhance clinical quality and practice resilience, to run more efficiently and to continue to deliver high quality of care to patients'.***

**'That the premises at the Hartfields site are limited comprising up to three clinical rooms, one without daylight, and there is no scope to further develop the Hartfields premises to facilitate the delivery of additional services as envisaged in the NHS Long Term Plan<sup>1</sup>'.**

- 2.2 To inform the application process, and the development of a business case for consideration by the CCG, the practice undertook a six-week period of patient and stakeholder engagement (Monday 19<sup>th</sup> July 2021 – Sunday 29<sup>th</sup> August 2021) to:-
- i) Ensure they understand what is planned and have an opportunity for any queries to be clarified and to share what is important to them in relation to these proposals; and

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<sup>1</sup> [NHS Long Term Plan v1.2 August 2019](#)

- ii) Gather views and experiences during the temporary closure of the branch.
- 2.3 The Audit and Governance Committee, as the body responsible for the conduct of the Council's statutory health scrutiny responsibilities, has a responsibility to review and scrutinise any matter relating to the planning, provision and operation of the health service. This includes consideration of proposals for a substantial development of the health service in the area, or for a substantial variation in the provision of services.
- 2.4 In fulfilling its statutory health scrutiny responsibilities the Audit and Governance Committee, at its meeting on the 27<sup>th</sup> August 2021, received evidence from a variety of sources to inform its engagement response to the proposed closure. A copy of the Committee's engagement response is attached at **Appendix B**.
- 2.5 Following conclusion of the engagement process, a further meeting of the Audit and Governance Committee is to be held on the 23<sup>rd</sup> September 2021, to enable the Committee to:
- Receive and consider the results of the engagement process;
  - Obtain clarification from the McKenzie Group as to its intentions for progression of the application following analysis of the engagement results (Will the proposal be abandoned? Will a consultation be undertaken? Will the application be formally submitted to the CCG Board?); and
  - Agree any additional action required in accordance with the provisions of the Health and Social Care Act 2012 and accompanying regulations<sup>2</sup>.
- 2.6 In formulating its final response to the closure proposal the Committee has a range of options available that include:
- Supporting the service change with no further action to be taken;
  - Making recommendations in terms of alternative action. Reasonably practicable steps would need to be taken to reach an agreement on this before any further action could be taken (e.g. referral to the Secretary of State).
  - Objecting to the proposed service change, with no recommendations for alternative action, and submit a report to Council to request approval for a referral of the closure to the Secretary of State.
- 2.7 Following conclusion of the meeting on the 23<sup>rd</sup> September 2021 a further report will be submitted to update Full Council on:
- The position in terms of the proposed closure; and
  - Any additional action that may be required, in accordance with the provisions of the Health and Social Care Act 2012 and accompanying regulations<sup>3</sup>.

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<sup>2</sup> Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013

### **3. RECOMMENDATIONS**

- 3.1 Council is asked to note the content of the report pending receipt of a further report following the outcome of the Audit and Governance Committee on the 23<sup>rd</sup> September 2021.

### **4. REASONS FOR RECOMMENDATIONS**

To enable Council to consider the Audit and Governance Committee's views and recommendations following consideration of the Hartfields Medical Practice closure application.

### **5. BACKGROUND PAPERS**

- (a) Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013
- (b) Audit and Governance Committee - 27 August 2021 and 23 September 2021

### **6. CONTACT OFFICER**

**Contact Officer:-** Joan Stevens – Statutory Scrutiny Manager  
Legal Services  
Hartlepool Borough Council  
Tel: 01429 284142  
Email: joan.stevens@hartlepool.gov.uk

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<sup>3</sup> Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013

19 July 2021

## STAKEHOLDER BRIEFING

### McKenzie Group– Hartfields Medical Practice

The Hartfields site of McKenzie Group, based at Hartfields Extra Care Village in Hartlepool, has been temporarily closed since mid-March 2020 due to the Covid-19 pandemic. This temporary closure was to enable the practice to use staff more effectively and to ensure compliance with social distancing requirements.

McKenzie Group currently hold 2 contracts for primary care medical services and have an approved cross-site working arrangement in place with the CCG, allowing patients registered under both contracts to access any of the McKenzie Group sites: Wynyard Road Medical Centre, Hartfields Medical Centre, McKenzie House, Throston Medical Centre and Victoria Medical Centre.

The McKenzie Group will be applying to NHS Tees Valley CCG to request the closure of the Hartfields site permanently to bring services together at its other sites in order to enhance clinical quality and practice resilience, to run more efficiently and to continue to deliver high quality of care to patients.

The premises at the Hartfields site are limited comprising up to three clinical rooms, one without daylight, and there is no scope to further develop the Hartfields premises to facilitate the delivery of additional services as envisaged in the NHS Long Term plan.

The McKenzie Group delivers essential services to a registered list of 25,545 patients, 2182 of whom are registered at the Hartfields site.

The practice is undertaking a six-week period of patient and stakeholder engagement (Monday 19<sup>th</sup> July 2021 – Sunday 29<sup>th</sup> August 2021) to gather views and experiences during the temporary closure of the branch.

To inform the application process the practice would like to engage with the patient population and local stakeholders to ensure they understand what is planned and have an opportunity for any queries to be clarified and to share what is important to them in relation to these proposals.

All patients over the age of 16 years registered with McKenzie Group practice will be invited to participate in an engagement survey, details of which can be found on the practice websites [www.mckenziegrouppractice.co.uk](http://www.mckenziegrouppractice.co.uk) and [www.wynyardnandhartfields.co.uk](http://www.wynyardnandhartfields.co.uk) along with further information and Frequently Asked Questions (FAQs).

Stakeholders are asked to note the content of this briefing and any comments should be sent to Business Manager, McKenzie House, 17 Kendal Road, Hartlepool, TS25 1QU or via email to [TVCCG.A81044@nhs.net](mailto:TVCCG.A81044@nhs.net).

Once NHS Tees Valley CCG has considered the practice's application and a decision has been made regarding the future of the Hartfields Medical Practice there will be further communication to patients and stakeholders.

**Councillor Rob Cook**  
**Chair Audit and Governance Committee**  
c/o Civic Centre  
Hartlepool  
TS24 8AY

[www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

Our Ref: RC/JS  
Your Ref:

Contact Officer/Email: [rob.cook@hartlepool.gov.uk](mailto:rob.cook@hartlepool.gov.uk)  
Telephone: 07587181863



27 August 2021

Ann Heppenstall  
Business Manager  
McKenzie Group Practice  
McKenzie House  
17 Kendal Road  
HARTLEPOOL  
TS25 1QU

Dear Ann

## **MCKENZIE GROUP – PROPOSED CLOSURE OF HARTFIELDS MEDICAL PRACTICE**

I refer to the Stakeholder Briefing dated 19 July 2021 which outlined the McKenzie Group's proposal to permanently close Hartfield's Medical Practice, which is based at Hartfield's Extra Care Village in Hartlepool.

As a key stakeholder the Audit and Governance Committee met on the 27<sup>th</sup> August 2021 to progress the formulation of its engagement response. The Committee received evidence from both the NHS Tees Valley Clinical Commissioning Group and McKenzie Group and welcomed views and comments from Healthwatch, residents and the Town's MP.

With due regard to the information available the time of the meeting, the following outlines the Committee's formal response to the engagement process, the deadline for which is 29 August 2021.

- i) Equitable access to GP services is a fundamental right and the closure of the Hartfield's Practice would not be in the best interests of those patients registered at the practice or those registered with the wider McKenzie Group. Particularly in relation to:
  - Difficulties in making and accessing appointments and other services (including prescription services) that will be exasperated by the loss of the surgery:
  - Whilst the McKenzie Group indicated that they had increased the number of appointments provided over the last 12 months from 134,000 to 173,000, it is clear that the data is not reflective of lived experiences with numerous examples of failed attempts to contact the surgery by phone. It is felt that the loss of the Hartfield's surgery will compound this problem.

- Difficulties in physically accessing GP services (including prescription services). It is felt that the needs of patients must be paramount and that consideration has not been given to the implications for vulnerable residents living in Hartfield's and in the wider community. Of particular concern is access to transport (difficulties in accessing bus services, expensive taxis and availability of only one wheelchair accessible taxi in Hartlepool) and digital exclusion (increased reliance on computer services for prescriptions, etc.).
  - It is felt that the new housing planned for the surrounding area (500+) supports the need for the retention of the practice. Whilst evidence provided indicated that there had been 'spare' appointment capacity at the surgery pre-covid, it was felt that this spare capacity would accommodate the potential increase in patient list size resulting from new housing provision.
- ii) Options have not been explored for the provision of alternative accommodation on the Hartfield's site to meet the requirements of the McKenzie Group and allow the surgery to stay in its current location. Whilst this had not been explored for the Hartfield's site, the Committee noted with concern that options for modifications at other sites had been explored in order to increase capacity elsewhere to accommodate the transfer of patients from the Hartfield's Practice.
- iii) It is noted that the APMS contract relates to both the Hartfield's (as a branch) and Wynyard Practice and that a variation to the contract is being sought. The CCG clarified that whilst interest had been expressed by other GP Practices to continue the provision, the nature of the contract is such that the two cannot be separated without a full recommissioning of the whole contract. Whilst the Committee note the position, the question remains as to why other practices consider accommodation adequate for the provision of services and the McKenzie Group does not.
- iv) The engagement process is flawed. Digital exclusion is again relevant with indications that not all residents have received letters or have access to, or knowledge of, appropriate technology (smart phones, computers). In addition to this, it is felt that:
- There has been a lack of support for those residents who need assistance in completing the survey; and
  - No options are included in the engagement survey and there is no opportunity for elaboration in terms of views.
- v) Completion of a full engagement and consultation process is required, with agreement designation of the proposal as a substantial variation of service. As part of this, the full results of the engagement are to be presented to the Audit and Governance Committee.

I hope the above is of assistance and should you require any clarification, or further assistance, please don't hesitate to contact me.

Yours sincerely



COUNCILLOR ROB COOK  
CHAIR OF AUDIT AND GOVERNANCE COMMITTEE



# COUNCIL

30<sup>th</sup> September 2021



**Report of:** Audit and Governance Committee

**Subject:** UPDATE - HARTFIELDS MEDICAL PRACTICE  
CLOSURE

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## 1. PURPOSE OF REPORT

- 1.1 To update Council on the outcome of the Audit and Governance Committee's discussions with the McKenzie Group in relation to their potential application to the Tees Valley Clinical Commissioning Group for the closure of the Hartfields Medical Practice.

## 2. BACKGROUND

- 2.1 Further to the information contained within the report submitted at agenda item 9(2), the Audit and Governance Committee at its meeting on the 23<sup>rd</sup> September 2021 received details of the findings of the engagement process undertaken by the McKenzie Group between the 19<sup>th</sup> July and 29<sup>th</sup> August 2021. A copy of the results of the engagement, as evaluated by the McKenzie Group, are attached at **Appendix A**.
- 2.2 During the course of extensive discussions the Committee reiterated the concerns contained within the engagement response, submitted to the McKenzie Group on the 27<sup>th</sup> August 2021. The concerns raised focused on:
- i) Equitable access to GP services as a fundamental right and difficulties in making and accessing appointments and other services (including prescription services) that would be exasperated by the loss of the surgery
  - ii) Failure to explore options for the provision of alternative accommodation on the Hartfield's site to meet the requirements of the McKenzie Group and allow the surgery to stay in its current location. Members, however, welcomed confirmation that accommodation options were now being explored with the Rowntree Foundation, in response to the Committee's concerns.
  - iii) Despite expressions of interest from other GP Practices to continue the provision, the nature of the APMS contract (covering both Hartfield's (as a branch) and Wynyard Practice) is such that the two cannot be

separated without a full recommissioning of the whole contract. The question remained as to why other practices consider accommodation adequate for the provision of services and the McKenzie Group does not.

- iv) The flawed nature of the engagement process with digital exclusion again an issue, a lack of support for those residents who need assistance in completing the survey and no opportunity for elaboration in terms of views.
- v) The need for completion of a full engagement and consultation process.

2.3 With due regard to the full results of the engagement, as attached at Appendix A, the McKenzie Group confirmed that the decision had been taken to undertake for following additional action:-

- i) Embark on an additional targeted twelve-week period of engagement with patients of the Wynyard Road/Hartfield's APMS contract. Commencement date to be confirmed.
- ii) Engage with Healthwatch with a view to undertaking targeted engagement (to identify the best way of engaging with hard to hear groups such as the digitally excluded).
- iii) Actively engage with Hartfield's Extra Care Village registered patients (92) and staff to better understand their issues and explore future service options.
- iv) Engage the network Social Prescribing Link Workers to assist increasing access ability for patients to provide feedback.
- v) In response to issues raised regarding obtaining prescriptions, a complete review of the medicines team is to be undertaken during the 12 week engagement period.

2.4 In order to allow sufficient time for the further 12 week engagement proposed by the McKenzie Group, it was confirmed that the application to close the Hartfields Practice will not be submitted to the Tees Valley Clinical Commissioning Group (CCG) on the 19<sup>th</sup> October as originally planned.

2.5 The McKenzie Group indicated that no confirmed date had been set for the commencement of the extended engagement. It is likely that the 12 week engagement will not be completed until January 2022 at the earliest. At that point, subject to the time required for the evaluation of the engagement and its results supporting the case for closure, the McKenzie Group could potentially submit its application to the CCG Board in either February or April 2022. There, however, remained the potential that the timescale could be pushed back should the McKenzie Group's evaluation of the engagement results identify additional options for service provision that require further consultation.

- 2.6 The Audit and Governance Committee agreed that no additional action would be required, in accordance with the provisions of the Health and Social Care Act 2012 and accompanying regulations<sup>1</sup>, until the extended engagement has been completed. The results of the extended engagement will then be presented to the Committee and, at which time, consideration would again be given to any additional action required, in accordance with the provisions of the Health and Social Care Act 2012 and accompanying regulations<sup>2</sup>. Should it be required, a further report would then be submitted to Full Council to progress any action, for which Council action would be required (i.e. referral to the Secretary of State).
- 2.7 In the meantime, the Committee, agreed that it would be beneficial to provide the CCG and McKenzie Group with clarification that in its view the potential closure would constitute a substantial variation of service in terms of its impact on:-
- i) Access (e.g. reduction or increase in service due to change of location or opening times);
  - ii) The wider community (e.g. economic impact, transport, regeneration);
  - iii) Patients or users (either current or future); and
  - iv) Service delivery (e.g. methods of delivery or relocation of services).
- 2.8 On this basis, Full Council is asked to note the position in relation to the application and extended engagement process.

### **3. RECOMMENDATIONS**

- 3.1 Full Council is asked to note the position in relation to the application and extended engagement process.

### **4. REASONS FOR RECOMMENDATIONS**

To enable Council to consider the Audit and Governance Committee's views and recommendations following consideration of the Hartfields Medical Practice closure application.

### **5. BACKGROUND PAPERS**

- (a) Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013
- (b) Audit and Governance Committee - Agenda and Minutes - 27 August 2021 and 23 September 2021

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<sup>1</sup> Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013

<sup>2</sup> Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013

**6. CONTACT OFFICER**

**Contact Officer:-** Joan Stevens – Statutory Scrutiny Manager  
Legal Services  
Hartlepool Borough Council  
Tel: 01429 284142  
Email: joan.stevens@hartlepool.gov.uk

**McKenzie Group Practice, Hartlepool**  
**Stakeholder Update on the Proposed Closure of Hartfield's Site**

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## **1. Introduction**

- 1.1 This report sets out a brief update for Stakeholders associated with the proposal of McKenzie Group Practice [McKenzie Group] to close its Hartfield's site, bringing together services at its other sites with a view to enhancing clinical quality, assuring practice resilience, and run more efficiently so that it can continue to deliver high quality care to its patients.

## **2. Background**

- 2.1 McKenzie Group is commissioned to provide primary care medical [GP] services under two contracts, one for Wynyard/Hartfield's [APMS] and one for McKenzie House/Victoria Road and Throston [GMS]. It has secured arrangements that ensure that patients registered with either contract can be seen at any of the five sites.
- 2.2 The APMS contract is managed by Tees Valley CCG/NHS England in accordance with the National Health Service (General Medical Services) Regulations 2004, as amended. England. The process for contractual changes requiring a variation to the contract have been set out by the Department of Health & Social Care. In November 2020 the CCG was informed that we were considering permanent closure of the Hartfield's site.
- 2.3 Any changes to Hartfield's site would require amendment to the APMS contract for Wynyard Road/Hartfield's.
- 2.4 Current staffing structure (Appendix 1)
- 2.5 The Wynyard Road/Hartfield's practice has circa 6,900 registered patients with 76 patients living at the extra care village. In the last year before the pandemic [2019/20] 10% of appointments available at Hartfield's were unused (not booked or patient DNA's).
- 2.6 During the pandemic both the Throston and Hartfield's site, on the site of the 'extra care' village, were temporarily closed. Hartfield's remains closed currently. Throston re opened in August 2020, initially seeing only shielding patients and operating a mother and baby clinic.
- 2.7 During the summer the McKenzie Group has been looking at how it can continue to deliver care and services to patients. In doing so the practice was driven by an ambition to improve the quality of care, enhance practice resilience and allow it to operate efficiently. This resulted in the current period of engagement to gather the views of its registered patient population to inform of its next steps.

## **3 Patient and Stakeholder Engagement**

- 3.1 The practice understands that the closure of the Hartfield's site will have an impact on some of its patients, but this does not mean that these patients will have inequitable access to, or quality of care received. It therefore sought to engage with its patients and wider stakeholders so that they understand what is planned and the practice can gather views about the impact of the current temporary closure.
- 3.2 The practice undertook a six-week period of engagement between 19<sup>th</sup> July and 29<sup>th</sup> August 2021. The practice is keen to hear all patients. Text messages were sent to all patient with a registered mobile phone number aged over 16 and letters sent by Pep mail (an NHS approved

mailing company) to those without a mobile phone number. A random audit of patient's records (80) has recorded texts were sent in all cases and Pep mail have confirmed the letters were sent on 16<sup>th</sup> July 2021. Healthwatch also held a series of events at Hartfield's on 24<sup>th</sup> August 2021. The detailed arrangements for the engagement were compliant with NHSE requirements.

3.3 On 27<sup>th</sup> August 2021, the proposal was discussed by the Hartlepool Borough Council's Audit and Governance Committee.

3.4 Integral to the engagement is a questionnaire, the results from which are being compiled by the North of England Commissioning Service [NECS]. A total of 1,065 completed questionnaires were received. A summary of the initial analysis of the survey results is attached (Appendix 2). Written comments were also received from the Joseph Rowntree Housing Trust and the Local Medical Committee as stake holders .

3.5 The Engagement journey is intended to provide insight and learning, and this is apparent from the review of the engagement providing the Practice with additional intelligence. For example, the engagement questionnaire included space for 'comments and the main themes within the comments are:

- Access – getting through to the practice
- Access – availability of appointments & same day booking
- Access – absence of face-to-face appointments
- Transport, Travel & Car Parking
- Preference for Hartfield's site & request to stay open
- Impact of closure on other practices/sites
- Consider leaving the practice
- Impact of new housing developments

#### **4 Audit & Governance Response to Stakeholder Engagement**

4.1 Following the Stakeholder Briefing hosted by the Audit and Governance Committee on 27<sup>th</sup> August 2021, McKenzie Group Practice received a formal response from the Committee. to its engagement. In this response the Committee highlighted a range of matters, including

- Difficulties with accessing appointment/other services
- Difficulties physically accessing services
- The new housing developments
- Alternative accommodation options
- Third party interest in the Hartfield's site
- Flawed Engagement

4.2 McKenzie Group Practice is grateful to the Committee for hearing the briefing and for its thoughtful consideration that has led to the formal response and would like to comment briefly on each matter raised.

4.2.1 **Access Difficulties** – The Committees concern with accessing appointment/other services, even though the practice has increased the appointments offered across all sites in 2020/21, despite COVID restriction, attached (Appendix 3). However, the frustration of ringing the practice is evident. This is compounded by a number also having no access to alternative methods e.g., the digitally excluded. This is something that the practice will look to address. We have procured a totally new phone system

across 4 of our sites with dedicated incoming lines which will not be affected by outgoing calls.

- 4.2.2 **Difficulties physically accessing services** – The practice appreciates that some of its patients have difficulties with physical access. We also know that pre-COVID 1 in 7 appointments for residents of the Extra Care Village were held at sites other than Hartfield's, attached (Appendix 4). An issue of prescriptions was highlighted by the Committee and the practice will look to its pharmacy team that works with the Hartfield's Extra Care to review arrangements.
- 4.2.3 **New housing developments** – Hartlepool has seen numerous new housing developments in recent years, but the practice understands that Hartlepool's overall population has remained reasonably stable, albeit slightly up. Between the years of 2015 and 2019 the annual increase in population was approx. 200 people per year. It is difficult to imagine that all new residents will register with Hartfield's as experience shows many people moving within town do not change practices. The practice is happy to engage further with the councils' planning teams to understand additional burden expected to follow an increase in new houses if this is thought beneficial.
- 4.2.4 **Alternative accommodation options** – We note the committee's comments regarding Hartfield's accommodation and have such arranged a meeting on site on Wednesday 29<sup>th</sup> September with the landlord and NHS property services to explore possibilities, however any proposal for property development would require approval and would be subject to funding availability. McKenzie Group is continually exploring options regarding modifications of its sites to increase service delivery this typically occurs in the final few years of a lease and this currently applies to Throston medical centre and McKenzie House surgery. This is in no way linked to a potential site closure.
- 4.2.5 **Third party interest in the Hartfield's site** - The practice has no direct knowledge of any practice's interest in delivering GP services at Hartfield's and any third party cannot have completed satisfactory 'due diligence'. The practice believes that the facilities at its Hartfield's site are sub optimal at best, that its patients and staff deserve better and has commissioned an independent assessment and are waiting for the report.
- 4.2.6 **Flawed Engagement** – The practice embarked on a period of engagement in good faith in accordance with the National Health Service Regulations, Department of Health and Social Care guidance and oversight from the CCG. It recognises the challenge of overcoming digital exclusion and has sought to do this by writing to all patients with no mobile phone. We once again state we have had confirmation from the mailing house that letters were sent.

## 5 Next Steps

- 5.1 There are several further actions that the practice proposes in response to the recent engagement process, having taking note of the feedback.
  - 5.1.1 To embark on an additional targeted twelve-week period of engagement with patients of the Wynyard Road/Hartfield's APMS contract. Commencement date to be confirmed.
  - 5.1.2 We will engage with Healthwatch with a view to undertaking targeted engagement. We will work with them to identify the best way of engaging with hard to hear groups such as the digitally excluded. We have requested a meeting with them and have

asked advice from the director of public health as to what would constitute a safe public meeting in the current pandemic.

- 5.1.3 To actively engage with Hartfield's Extra Care Village registered patients (92) and staff to better understand their issues and explore future service options.
  - 5.1.4 Engage the network Social Prescribing Link Workers to assist increasing access ability for patients to provide feedback.
  - 5.1.5 Being aware of the issues raised regarding obtaining prescriptions we will be performing a complete review of our medicines team during 12-week engagement period.
- 5.2 The practice will join Councils Audit and Governance Committee next conversation on 23<sup>rd</sup> September 2021. At its last meeting in August 2021, the Committee reported some unhappiness with the engagement process that the practice had undertaken. With this in mind the practice would welcome further advice and/or description from the Committee on what would regard as a satisfactory engagement exercise.
- 5.3 Additionally, the Practice is happy to meet with individuals or groups who have a stakeholder interest in the proposal to close the Hartfield's site.

#### **Appendices**

1. Current Staffing structure
2. Survey data from recent patient engagement – 19<sup>th</sup> July – 29<sup>th</sup> August 2021
3. Summary of appointment availability, 2019/20 and 2020/21
4. Summary of site attended for face-to-face appointments - 2019/20

Stakeholder Update  
16<sup>th</sup> September 2021



Current Staffing StructurePractice Staff

Role	Number of whole time equivalents	Appointed not yet started
Partners	9	
Salaried GP	1	
Advanced Nurse Practitioners	11.77	1 – commencing December
Practice Nurses	5.81	
Health Care Assistant / Phlebotomist	5.36	
Admin & Clerical	35	
Management	2	
Pharmacist	0.8	
Cleaners	0.64	

*This shows an increase of two full time GP Partners and two whole time equivalent Advanced Nurse Practitioners compared to 19/20*

Primary Care Network Staff

Role	Number of whole time equivalents	Appointed not yet started
Pharmacist	2.94	
Technicians	1.92	
Social Prescribing Link Worker	0.8	1 – commencing October
Care Coordinator	1	
Community Psychiatric Nurse	1	
First Contact Physiotherapist	1	
Digital Coordinator	1	

*This shows an increase of Care coordinator, community psychiatric nurse, first contact physiotherapist and digital coordinator compared to 19/20*

Survey Data from Patient Engagement 19<sup>th</sup> July – 29<sup>th</sup> August 2021**Total number of surveys completed: 1065**

Breakdown of the number of comments left and the topics they relate to:

**Q1: Which of the McKenzie Group Practices are you currently registered with? (2 comments)**

Answer Choices	Responses	
Wynyard Road Medical Centre	12.00%	125
Hartfields Medical Centre	42.67%	451
McKenzie House	23.18%	245
Throston Medical Centre	15.80%	167
Victoria Medical Practice	6.34%	67
Other (please specify)	0.19%	2
	<b>Answered</b>	<b>1057</b>

Comments left relating to access issues	2 comments
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**Q2: Before the pandemic, which site would you have considered to be your main site if you needed an appointment? (7 comments)**

Answer Choices	Responses	
Wynyard Road Medical Centre	11.91%	126
Hartfields Medical Centre	44.05%	466
McKenzie House	20.60%	218
Throston Medical Centre	15.88%	168
Victoria Medical Centre	6.90%	73
Other (please specify)	0.66%	7
	<b>Answered</b>	<b>1058</b>

Comments left relating to preferred site	7 comments
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**Q3: Are you aware that Hartfields Medical Centre at Hartfields Extra Care Village has been closed since mid-March 2020 due to the Covid-19 pandemic? (0 comments)**

Answer Choices	Responses	
Yes	59.34%	629
No	40.66%	431
	<b>Answered</b>	<b>1060</b>

No comments made	1060
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**Q4: Before the pandemic, did you ever access Hartfields Medical Centre for an appointment?? (0 comments)**

Answer Choices	Responses	
Yes (go to Question 5)	62.43%	658
No (go to Question 10)	37.57%	396
	<b>Answered</b>	<b>1054</b>

No comments made	1054
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**Q5: Since the temporary closure of Hartfields Medical Centre, which site(s) have you accessed, or would you access, if you needed to see a healthcare professional? (0 comments)**

*NB: Some accessed more than one site so multiple answers were selected*

Answer Choices	Responses	
Wynyard Road Medical Cent	337	
McKenzie House	415	
Throston Medical Centre	373	
Victoria Medical Centre	331	
	<b>Answered</b>	<b>1456</b>

No comments made	1456
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**Q6: Prior to the temporary closure of Hartfields Medical Centre, how long did your journey take from home to Hartfields (door to door)? (0 comments)**

Answer Choices	Responses	
Less than 15 minutes	77.93%	618
15 minutes to 30 minutes	17.40%	138
30 minutes to one hour	3.66%	29
More than one hour	1.01%	8
	<b>Answered</b>	<b>793</b>

No comments made	793
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**Q7: Since the temporary closure of Hartfields Medical Centre how long has your journey taken or how long would it take to travel to another McKenzie Group site? (0 comments)**

Answer Choices	Responses	
Less than 15 minutes	38.60%	303
15 minutes to 30 minutes	49.17%	386
30 minutes to one hour	10.83%	85
More than one hour	1.40%	11
	<b>Answered</b>	<b>785</b>

No comments made	785
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**Q8: Prior to the temporary closure, how did you usually travel to Hartfields Medical Centre? (38 comments)**

Answer Choices	Responses	
Walk	39.43%	360
Drive in my own car	47.53%	434
With a friend or relative in their car	5.55%	50
Taxi	2.20%	20
Bus	1.00%	9
Other (please specify)	4.40%	40
	<b>Answered</b>	<b>913</b>

Comments relating to access, mobility and transport issues	10 comments: 6 replied scooter or chair, 3 car or bike, never used the site 1
Comments not applicable or service not used	28 comments: 22 had never used the Hartfields site, 6 didn't know it existed

**Q9: How do you, or how would you, now travel to another McKenzie Group site?? (18 comments)**

Answer Choices	Responses	
Walk	11.84%	111
Drive in my own car	65.95%	618
With a friend or relative in their car	9.92%	93
Taxi	5.65%	53
Bus	4.58%	43
Other (please specify)	2.02%	19
	<b>Answered</b>	<b>937</b>

Comments relating to access, mobility and transport issues	18 comments: 4 comments difficult to access other sites, 4 wouldn't go to another practice
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**Q10: What is the MOST important thing to you about the location of a GP practice - please choose ONE option. It should be; (59 comments)**

Answer Choices	Responses	
Within walking distance	43.38%	452
On a bus route	5.47%	57
Within 5 miles of my home	22.07%	230
Within 5 miles of my work	0.48%	5
Good car parking	22.94%	239
Other (please specify)	5.66%	59
	<b>Answered</b>	<b>1042</b>

Comments relating to accessing appointments	23 comments: main theme difficulty getting appointments, concerns of decreased access if Hartfields closes
Comments relating to the practice in general	15 comments: mainly expressed concerns regarding continuity of care, friendly practice
Comments relating to access, mobility and transport issues	21 comments: mainly wanting to see a GP , Hartfields described as easy to get too with good parking

**Q11: What is MOST important to you about your GP practice. Please rate: (0 comments)**

What is MOST important to you about your GP practice. Please rate:				
	Extremely important		Very important	
Quality of care	88.31%	914	10.92%	113
Location	45.77%	471	30.22%	311
Opening times	58.53%	597	30.29%	309
Access to a Doctor	80.12%	834	16.91%	176
Access to a Nurse	61.53%	635	28.10%	290
Online services (e.g. online consultations and prescription ordering)	42.71%	428	25.45%	255
	Moderately important		Slightly important	
	0.39%	4	0.10%	1
	19.14%	197	2.62%	27
	9.12%	93	1.27%	13
	2.59%	27	0.19%	2
	8.43%	87	1.45%	15
	18.06%	181	5.19%	52
	Not at all important		Total	
	0.29%	3		1035
	2.24%	23		1029
	0.78%	8		1020
	0.19%	2		1041
	0.48%	5		1032
	8.58%	86		1002
			<b>Answered</b>	<b>1052</b>
			<b>Skipped</b>	<b>12</b>

No comments made	1052
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**Q12: In the past 12 months, have you accessed the practice in any of the following ways? Please put a tick in all boxes that apply to you (0 comments)**

*NB: Multiple answers were selected*

Answer Choices	Responses	
None of the above, doesn't apply	10.26%	107
In person but not for an appointment e.g. to drop off or pick up a patient	27.52%	287
By phone e.g. to book an appointment or to request test results	68.07%	710
Appointment via video consultation	4.03%	42
Appointment by telephone consultation	61.55%	642
Face to face appointments	40.84%	426
Submitted an e-consultation online	23.97%	250
Online Services e.g. via NHS App or SystemOnline	23.39%	244
	<b>Answered</b>	<b>2708</b>

No comments made	2708
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**Q13: Has the temporary closure of Hartfields Medical Centre had an impact on how you have been able to access healthcare? (0 comments)**

Answer Choices	Responses	
None of the above as I have never accessed Hartfields Medical Centre	12.19%	128
Yes	41.52%	436
No	40.00%	420
Don't know	6.29%	66
	<b>Answered</b>	<b>1050</b>

No comments made	1050
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**Q14: If you answered yes to Q13, please describe what the impact has been?? (491 comments)**

Comments left not applicable / Hartfields service not used	48 comments
Comments left relating to accessing appointments	237 comments: main theme delay in telephone answering, wanting to see a GP, lack of appointment availability
Comments left relating to access, mobility and transport issues	105 comments: main concerns distance to other sites, change in transport needs, prefer to go to Hartfields
General comments left	52 comments: main theme difficulty accessing appointments
Comments left relating to the practice in general (as a whole)	49 comments: most concerned about decreased access and continuity of care

**Q15: Did you know we offer the following online services? By 'online' we mean on a website or smartphone app. Please put a tick in all the boxes that you know we offer ( 0 comments)**

*NB: Multiple answers were selected*

Answer Choices	Responses	
None of the above	10.95%	111
Booking appointments online	67.06%	680
Ordering repeat prescriptions online	71.50%	725
Accessing your medical records online	46.35%	470
Video appointments	21.99%	223
e-Consultations	39.94%	405
Don't know	6.71%	68
	<b>Answered</b>	<b>2682</b>

No comments made	2682
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**Q16: Which of the following GP online services have you used in the past 12 months? By 'online' we mean on a website or smartphone app. Please put a tick in all the boxes that apply to you. ( 341 comments)**

Answer Choices	Responses	
Booking appointments online	23.40%	241
Ordering repeat prescriptions online	44.47%	458
Accessing your medical records online	17.18%	177
Video appointments	2.62%	27
e-Consultations	25.83%	266
Don't know	4.47%	46
None of the above (if possible explain why)	33.11%	341
	<b>Answered</b>	<b>1556</b>

Comments relating to accessing appointments / Not applicable / service not used	341 comments: main findings no internet/smart phone, patients prefer to phone, some found online services too difficult to use / not registered / lost password. Most patients want to see or speak to a person not use online services
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**Q17: Looking ahead to the next 12 months do you think you would consider using any of the following? (192 comments)**

*NB: Multiple answers were selected*

Answer Choices		Responses
Booking appointments online	62.00%	633
Ordering repeat prescriptions online	57.69%	589
Accessing your medical records online	33.99%	347
e-Consultations	32.22%	329
Don't know	9.30%	95
None of the above (if possible explain why)	18.81%	192
<b>Answered</b>		<b>2185</b>

Comments relating to accessing appointments	15 comments: main theme difficulty accessing appointments, rather have a F2F appointment
Comments not applicable / Hartfields service not used	116 comments: main theme no internet/smartphone
General comments left	61 comments: main theme prefer to speak to a person

**Q18: If Hartfields Medical Centre closed permanently how concerned would you be about accessing healthcare? (0 comments)**

If Hartfields Medical Centre closed permanently how concerned would you					
Extremely concerned		Very concerned		Neutral	
37.27%	388	14.89%	155	11.43%	119
Slightly concerned		Not at all concerned		Don't know	
8.17%	85	25.84%	269	2.40%	25
				Total	Weighted Average
				1041	2.78
				<b>Answered</b>	<b>1041</b>

No comments made	1041
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**Q19: If you do have concerns (if Hartfields closed permanently), could you please tell us what they would be? (646 comments)**

Comments left stated not applicable / no concerns for Hartfields closure	45 comments: no concerns (28) not applicable (12)
Comments left regarding the practices in general	12 comments



## 9(2) Appendix A(2)

Comments regarding accessing appointments	245 comments: main themes difficulty accessing appointment, difficulty getting through on phone, wanting to see a GP F2F
General comments	135 comments : main themes concerned about losing access, care for people in the area, deteriorating waiting times, new housing development planned
Comments regarding concerns for other sites	36 comments: may lead to other sites closing, impact on other practices, increased volume of patients for other sites and access
Comments stating considering leaving practice	18 comments
Comments relating to access, mobility and transport issues	155 comments: main theme increased difficulty getting to other sites and the time taken

**Q20: If you have any further comments to make, please add these in the box below (449 comments)**

Comments left stated not applicable / no concerns for Hartfields closure	72 comments: recorded as none or not applicable
Comments left with positive feedback	6 comments: thanking the practice for the service we deliver
Comments regarding accessing appointments	89 comments
General comments / practice in general / online services / access, mobility and transport issues	230 comments: difficulty with telephone access, difficulty getting an appointment, wanting to see a GP F2F, concern about reduction in general capacity, several views expressing anger at the closure of Hartfields
Comments with requests to stay open	52 comments

Summary of appointment availability

2019/2020 and 2020/2021

2019/2020

*Pre-COVID*

	VMC	Throston	McKenzie House	Wynyard Road	Hartfields	Total
Available Appointments	32075	18945	52816	25171	16757	<b>145,764</b>

2020/2021

*During COVID*

	VMC	Throston	McKenzie House	Wynyard Road	Hartfields	Total
Available Appointments	48475  <i>*13045 were COVID vaccination appointments</i>	18141	78070	28208	N/A	<b>172,894</b>  <b>*159,849 not including COVID vaccination appointments</b>

Site attend for face to face appointments  
By residents in Hartfields / Extra care village

*31<sup>st</sup> March 2019 – 1<sup>st</sup> April 2020 Pre-COVID*

*Number of face to face appointments attended*

VMC	Throston	McKenzie House	Wynyard Road	Hartfields
48	23	35	18	819

**OVERALL TOTAL: 954 APPOINTMENTS**

# COUNCIL REPORT

30 September 2021



**Report of:** Finance and Policy Committee

**Subject:** MEDIUM TERM FINANCIAL STRATEGY (MTFS)  
2022/23 TO 2024/25

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## 1. PURPOSE OF REPORT

- 1.1 The purposes of the report is to enable Council to consider the recommendations from the Finance and Policy Committee in relation to the 2022/23 budget and Council Tax level for Hartlepool Council services.

## 2. BACKGROUND

- 2.1 In accordance with the Constitution the Finance and Policy Committee is required to develop budget and Council Tax proposals for the forthcoming year for consideration by Council. A detailed report on the financial position facing the Council and the significant budget deficits for the next three years was considered by Finance and Policy Committee on 13<sup>th</sup> September 2021. The report is attached at Appendix 1 to ensure Members have full details of the financial issues facing the Council. The report includes Appendix E which provided details in relation to the Government's Health and Social Care Funding announcement on 7<sup>th</sup> September 2021.
- 2.2 This report is the first phase in developing a sustainable budget and seeks approval of the 2022/23 Council Tax level to provide a robust basis for developing a savings plan to address the remaining significant budget deficit.
- 2.3 The report advises Members that in 2021/22 a national Council Tax referendum limit of 5% (including 3% Adult Social Care precept) was set. Nationally the actual 2021/22 Council Tax increase was 4.4%, compared to a freeze in Hartlepool.
- 2.4 The 2022/23 proposals referred from Finance and Policy Committee includes implementing the deferred Adult Social Care precept, which could either be applied in 2021/22 or 2023/23.

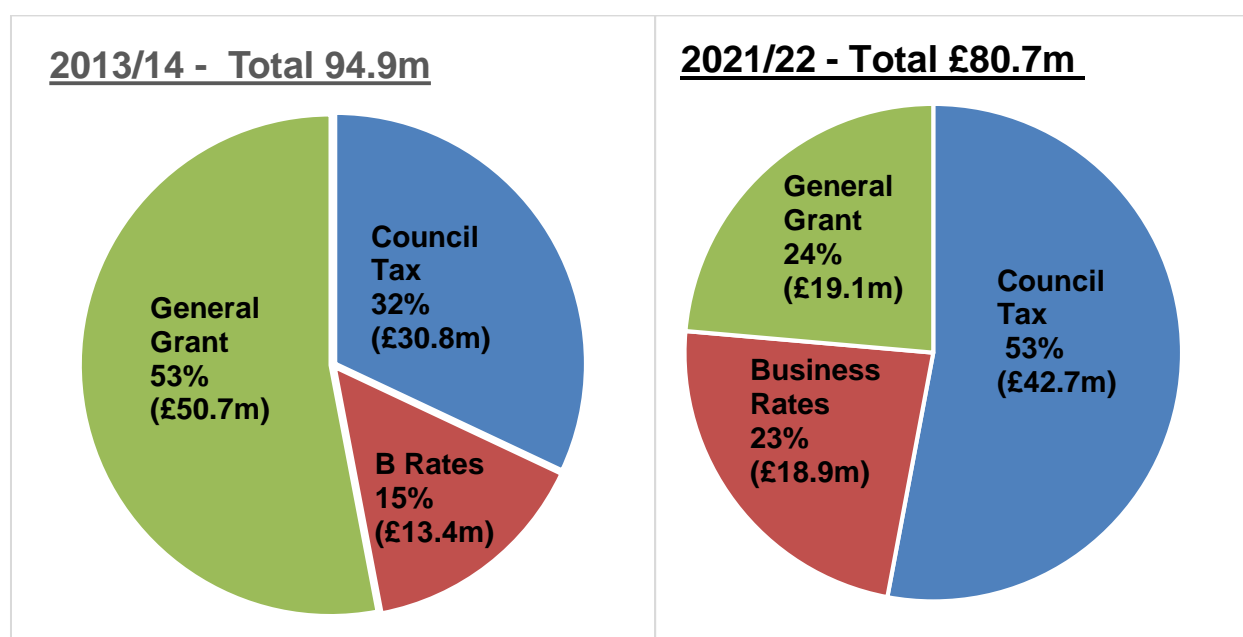
## 3. ISSUES CONSIDERED BY FINANCE AND POLICY COMMITTEE

- 3.1 To provide context to the financial challenges facing the Council over the period 2022/23 to 2024/25 it is important to consider where we are starting from and the significant changes that have occurred. The key issues are:

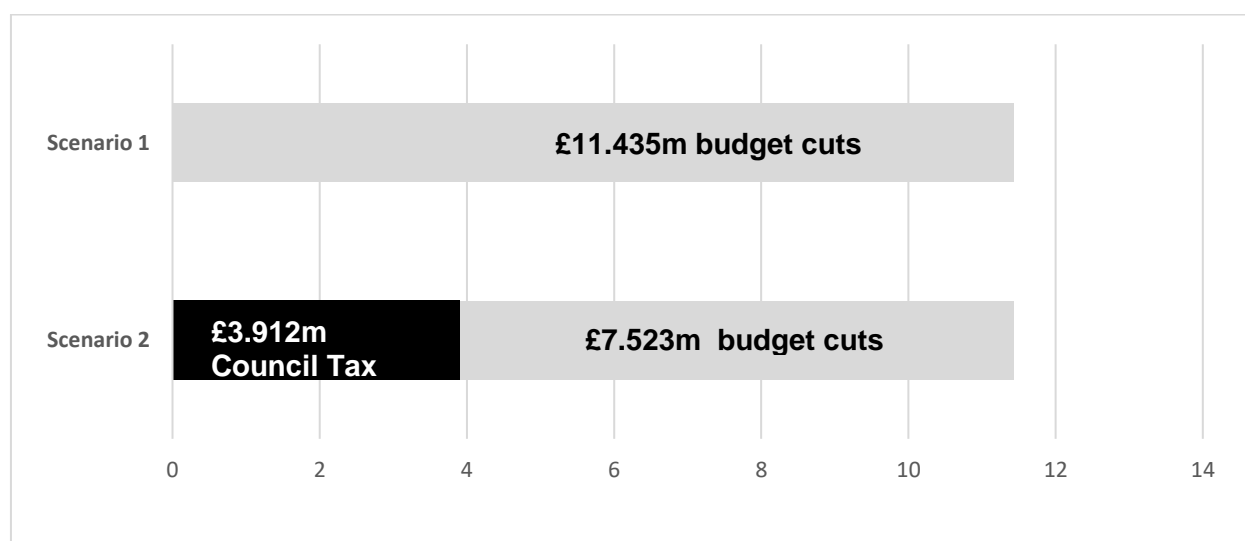
- Funding changes;
- Previous budget cuts;
- Recurring Budget pressures;
- Recovery from Covid pandemic;
- Strategy adopted for setting 2021/22 budget.

3.2 National funding changes have seen a significant shift in how local services are funded. This has shifted the cost of funding local service on to Council Tax, including the Adult Social Care precept, as highlighted below:

Core Funding Changes 2013/14 to 2021/22



- 3.3 Whilst, an understanding of the starting position is helpful, the reality of the situation is these issues are not going to change. Therefore, it is essential that a robust plan is developed to address the budget deficits facing the Council.
- 3.4 As detailed in the report to Finance and Policy Committee the Council faces a deficit of **£11.435m** over the next three years, which mainly reflects the impact of 2% forecast annual inflation and the deficit deferred from 2021/22. This deficit can be reduced to **£7.523m** if core Council Tax is increased and the deferred Adult Social Care precept is implemented in 2022/23, as summarised below:

Budget Deficit 2022/23 to 2024/25

- 3.5 The report indicated that not increasing Council Tax and the Social Care Precept would significantly increase the total deficit and element of the deficit falling in 2022/23. This position would be significantly more challenging to manage and lead to greater service reductions. The position is summarised below:

Deficit with and without Council Tax increase and Social Care precept  
(net of use of Budget Support Fund to phase deficit)

	22/23 £'m	23/24 £'m	24/25 £'m	Total £'m
Deficits <b><u>With</u> Council Tax increases</b>	2.654	2.412	2.457	7.523
Deficits <b><u>Without</u> Council Tax increases</b>	4.767	3.297	3.371	11.435

### 3.6 Robustness Advice

- 3.7 As indicated in previous years the Local Government Act 2003 introduced a statutory requirement on an Authority's Section 151 Chief Finance Officer to advise Members on the robustness of the budget forecasts and the adequacy of the proposed level of reserves. If Members ignore this advice, the Act requires the Authority to record this position. This later provision is designed to recognise the statutory responsibilities of the Section 151 Officer.
- 3.8 The robustness advice is detailed in paragraphs 11.1 to 11.12 of the Finance and Policy Committee report. Council also needs to consider this advice when making decisions on the recommendations referred by the Finance and

Policy Committee. This advice highlights the impact of increasing Council Tax in securing recurring Council Tax income – which makes the financial position of the Council more robust and sustainable.

- 3.9 The anticipated 2022/23 Core Council Tax Referendum limit and deferred Adult Social Care precept are year specific. Therefore, if these limits are not used in 2022/23 this income is permanently lost. This would impact on arguing for additional grant funding as the Ministry of Housing, Communities and Local Government (MHCLG) are unlikely to be sympathetic to authorities that have not used available Council Tax and Adult Social Care precept limits.

#### **4. MTFS RECOMMENDATIONS REFERRED BY FINANCE AND POLICY COMMITTEE FOR COUNCIL'S CONSIDERATION AND APPROVAL**

- 4.1 The Finance and Policy Committee carefully considered the detail report attached and determined to refer the following recommendations to Council.

- i) Note a national pay offer of 1.75% effective from 1<sup>st</sup> April 2021 has been made which will require funding from in-year savings / use of one off resources in 2021/22 and will increase the 2022/23 budget deficit by £875,000. This offer has not been accepted and if an increased offer is made this would increase the budget deficit.
- ii) Consider the initial robustness advice detailed in section 11 and if this advice is ignored record the reasons for this decision.
- iii) Approve a 2022/23 Core Council Tax increase of 1.9% (subject to confirmation of a 2% referendum limit by the Government) and a 3% Adult Social Care precept (approved Government limit that could either have been applied in 2021/22 or deferred to 2022/23);
- iv) Approve indicative 2023/24 and 2024/25 Core Council Tax increase of 1.9% (subject to confirmation of a 2% referendum limit by the Government);
- v) Note that recommendations (iii) and (iv) secure recurring Council Tax income of £3.912m and therefore reduce the budget deficit from £11.435m to £7.523m;
- vi) Note the phased use of the Budget Support Fund to support the budget and meet redundancy / early retirement costs will enable the deficit of £7.523m to be phased over three years. Note the Corporate Management Team will develop a draft savings plan and report these proposals to a future meeting to deliver the following annual savings:
  - 2022/23 £2.654m
  - 2023/24 £2.412m
  - 2024/25 £2.457m

- vii) The Committee noted the financial risks detailed in Appendix D to the report which could potentially increase the forecast deficits detailed in the report.
- viii) The committee approved the budget timetable detailed in section 10 of the report, which includes the development of a detailed savings plan.
- ix) The Committee resolved to invite Hartlepool's MP, Jill Mortimer, to meet the Committee ahead of the next Council meeting on 30 September to discuss the Council's financial situation and seek her support to bring additional money to Hartlepool.

## **5. BACKGROUND PAPERS**

The following background papers were used in the preparation of this report:-

- Finance and Policy Committee - Medium Term Financial Strategy (MTFS) 2021/22 to 2022/23 – 25<sup>th</sup> January 2021;
- Council - Medium Term Financial Strategy (MTFS) 2021/22 to 2022/23 – 28<sup>th</sup> January 2021;
- Local Government Association – Finance Health Check Report

## **6. CONTACT OFFICER**

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# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> September 2021



**Report of:** Director of Resources and Development

**Subject:** MEDIUM TERM FINANCIAL STRATEGY (MTFS)  
2022/23 TO 2024/25

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Budget and Policy Framework.

## 2. PURPOSE OF REPORT

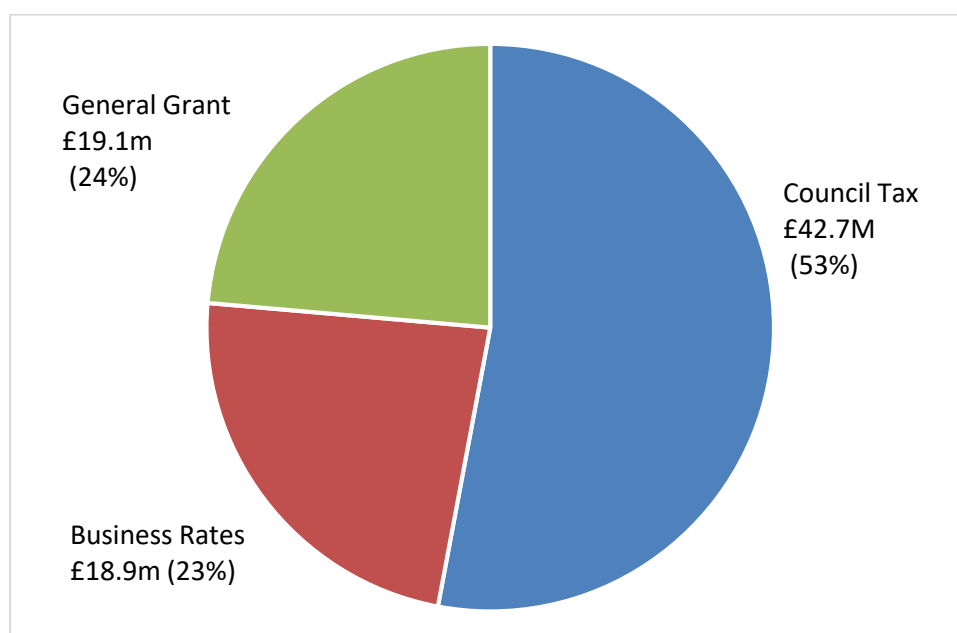
- 2.1 The purpose of this report is to provide an update on the Council's financial position and enable Members to approve a strategic direction for the MTFS, including the 2022/23 recommended Council Tax level to be referred to Council.

## 3. EXECUTIVE SUMMARY

- 3.1 To provide context to the financial challenges facing the Council over the period 2022/23 to 2024/25 it is important to consider where we are starting from and the significant changes that have occurred. The key issues are:
- Funding changes;
  - Previous budget cuts;
  - Recurring Budget pressures;
  - Recovery from Covid pandemic;
  - Strategy adopted for setting 2021/22 budget.
- 3.2 Further details on these issues are set out in **Appendix A**, which includes the following key issues:
- 2021/22 core grant **£31.7m (63%)** less than 2013/14
    - £22m less after new Adult Social Care grants
  - 2021/22 Council Tax income **£11.9m** more than 2013/14 , includes:
    - £4.3m Council Tax base growth; and
    - £3.8m Adult Social Care precept
  - Significant services cuts – including reduction of 500 jobs (20% reduction)

- Increased proportion of recurring resources coming from Council Tax, which is the funding the Council has most control over. This means increasing this funding from growing the Tax Base and increasing Council Tax up to national Referendum Limits is critical to securing recurring resources and the sustainability of services.

2021/22 Recurring Resources



3.3 Whilst, an understanding of the starting position is helpful, the reality of the situation is these issues are not going to change. Therefore, it is essential that a robust plan is developed to address the budget deficits facing the Council.

3.4 In broad terms the key issues facing the Council are highlighted below:

- The budget for 2021/22 was set on the basis of freezing Council Tax and the significant use of one off resources. It was recognised this is not sustainable and deferred a significant budget deficit 2022/23. The three year budget deficit currently stands at **£11.435m**.
- Members understand Council Tax is a major source of funding and maximising increases in line with national referendum limits protects services. Not increasing Council Tax will lead to more difficult decisions on service reductions and this will need to be explained to the public. There are no easy funding options that can mitigate this without adversely impacting on the Council's financial resilience.
- There remains considerable uncertainty over the level of future government funding and the level of economic uncertainty as the country continues its recovery from the Covid-19 pandemic.

- This report commences the 2022/23 planning cycle and the Council has recognised that it needs to take a longer-term approach to filling the gap over a number of years. This will require establishing a formal Transformation Programme that identifies measures to address the budget deficit and manages achievement of the programme.
- Reserves are low in comparison to other councils and only a limited amount is available to support the budget and achieve a sustainable financial position. The significant number of future financial challenges reinforces the need to retain reserves at an adequate level.

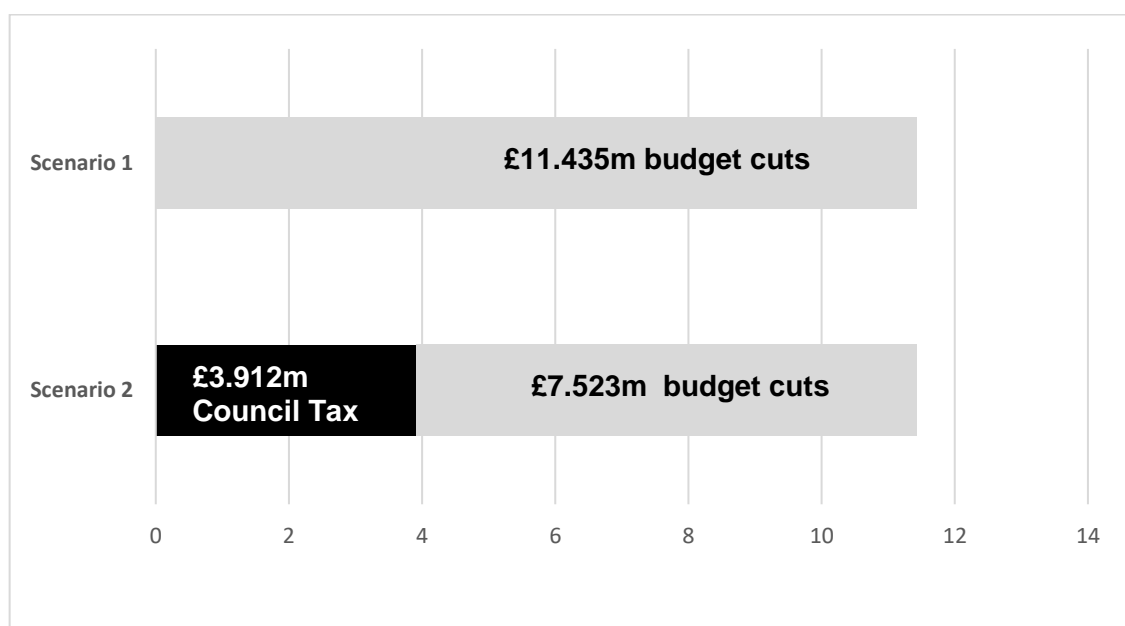
3.5 Against this background the financial sustainability of the Council and ability to survive as a unitary authority is critically dependant on developing a robust multi-year Transformation plan.

3.6 To enable a sustainable plan to be developed Members need to consider the implications of the following scenarios and make a recommendation to Council:

- **Scenario 1** – Do not increase Council Tax in line with Government referendum limits and address all the deficit by making cuts to services.
- **Scenario 2** – increase Council Tax in line with Government referendum limits and reduce the scale of cuts to services.

3.7 As highlighted below, **Scenario 2** is recommended as this secures recurring Council Tax income which would reduce the deficit from **£11.435m** to **£7.523m**.

Budget Deficit 2022/23 to 2024/25



- 3.8 Both scenarios are extremely challenging and require significant transformation and cuts to service. A strategy based on increasing Council Tax provides a degree of protection for services. Communicating this message to the public is a key issue and a communications plan will be developed.
- 3.9 Once a Council Tax decision is made for 2022/23 there will be greater certainty over the size of the budget gap. This will then enable a Transformation and Savings Plan to be developed and reported to this Committee.
- 3.10 The gross deficit is front loaded to 2022/23 and the total scenario 1 figure includes a deficit of £7.267m in 2022/23 arising from the factors highlighted in the table below.

**Summary gross deficit of £11.435m – scenario 1**

	2022/23	2023/24	2024/25	Total
	£'m	£'m	£'m	£'m
2% Inflation forecast and forecast National Living Wage increase	2.497	2.644	2.628	7.769
Recurring impact of 21/22 unfunded pay offer	0.875	0	0	0.875
Deficit deferred from 21/22 - use of Budget Support Fund (includes £0.854m permanent loss of recurring 2021/22 Council Tax increase 1.9%)	4.047	0	0	4.047
Deficit deferred from 21/22 - use of non-recurring grant	0.882	0	0	0.882
Deficit deferred from 21/22 - use of other Reserves	0.253	0	0	0.253
Less forecast increase in Business Rates	(0.573)	0	0	(0.573)
Less forecast Council Tax base growth	(0.714)	(0.547)	(0.557)	(1.818)
<b>Deficit</b>	<b>7.267</b>	<b>2.097</b>	<b>2.071</b>	<b>11.435</b>

- 3.11 The above table highlights that just to meet moderate inflation pressures of 2% (£2.497m in 2022/23) the Council faces annual recurring deficits. In the absence of increased Government funding this means continued reliance on Council tax increases, housing growth and service cuts. To provide context to this figure each 1% Council Tax increase only raises around £0.430m.

#### **4. FINANCIAL RESILIENCE BENCHMARKING**

- 4.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Resilience Index is a tool to assist authorities assess financial risk. The index is made up of a set of indicators which use publicly available data and compare similar authorities across a range of factors. There is no single overall indicator of financial risk, so the index instead highlights areas where additional scrutiny may be needed in order to provide additional assurance.
- 4.2 The index consists of 11 factors detailed in **Appendix B**. Two of these factors are non financial indicators which record corporate / service performance. If these areas are assessed as weak this will adversely impact on financial resilience as additional spending would be required to achieve necessary improvements:

- External Auditors Value for Money (VfM) assessment

This is prepared annually and the most recent assessments were issued for 2019/20. The Council has always achieved an ‘unqualified’ VfM assessment – which is a positive result. New arrangements are being introduced for 2020/21 and it is anticipated external auditors will increasingly report on concerns regarding ongoing financial sustainability. Further details will be reported when details of the new approach are known.

- Ofsted Children’s social care assessment

This indicator is included as authorities assessed as ‘requiring improvement’ or ‘inadequate’ will have to increase spending to address these issues and improve services.

Hartlepool has consistently been assessed as ‘good’. Only three other North East councils are currently assessed as ‘good’ and Sunderland has recently moved from inadequate to outstanding. The other seven North East councils have either been assessed as ‘requires improvement’ or ‘inadequate’.

- 4.3 A comparison of key financial indicators is provided in **Appendix B**, which compares Hartlepool with the other eleven North East Councils and the CIPFA statistical neighbours (i.e. authorities similar to Hartlepool in terms of deprivation etc.) and highlights the following key issues:

#### Summary of the Financial Resilience index analysis

- Lower than average proportion of the budget funded from Council Tax
  - Hartlepool 48.6% - North East average 52.8%
- Continued reliance on Government grant funding
  - Risk if funding cuts recommence;
- The high proportion of the budget spent on Adult and Children’s Social Care – costs / services are difficult to reduce:
  - Hartlepool 67.9% - Other councils average 67.7%
- The finite nature of reserves.
  - Unallocated Reserves
    - Hartlepool 5.2% - Same as North East average
  - Earmarked
    - Hartlepool 23.7% - Other councils average 28%

**5. COUNCIL TAX OVERVIEW**

- 5.1 Council Tax raises significant income for councils, although the percentage of net expenditure raised by individual councils varies significantly. This is basically the result of differences in property values. Areas which raise a low percentage of resources from Council Tax have a higher proportion of properties in the lowest two Council Tax Bands, and fewer properties in band D and above. This is the opposite position in areas which raise a high percentage of resources from Council Tax.

<u>Percentage of properties in Bands A and B</u>
<ul style="list-style-type: none"> <li>• Hartlepool 70%</li> <li>• National Average 43%</li> </ul>



- 5.2 There are four fundamental problems with the Council Tax system:

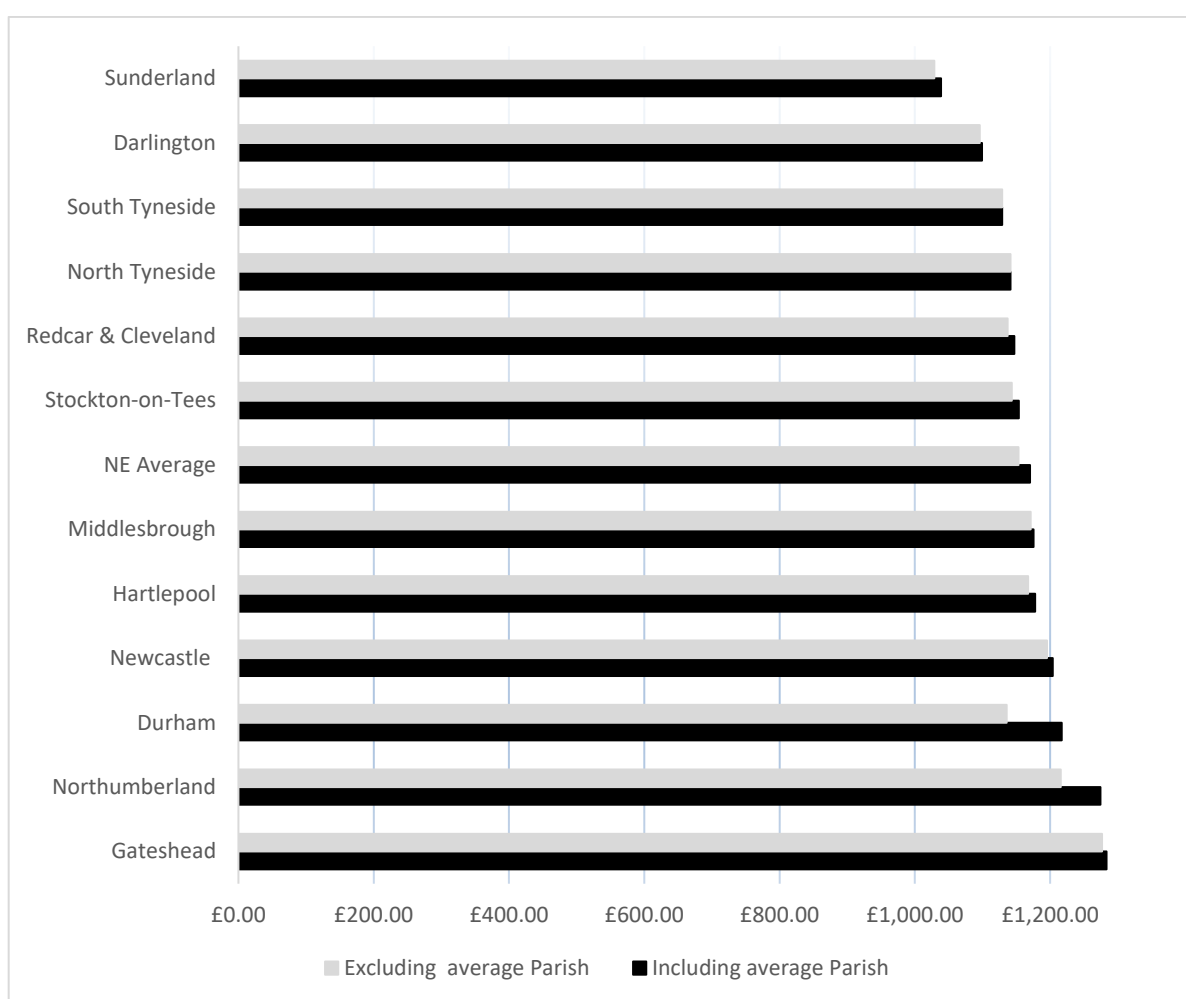
- Based on 1991 property values – which are out of date
- Only 8 Council Tax Bands – this links to the first point as the bandings do not adequately reflect changes in house values.
  - Band H property (the highest band) value is **eight times** the valuation of a Band A property (the lowest band).
  - Council Tax paid on a Band H property is **only three times** the amount paid by a Band A property.
- Government Council Tax policy – since 2015/16 Government Council Tax policy has shifted the burden for funding local services from Government grant on to Council Tax.
- Governance arrangements – local Government structures vary across England and this makes Council Tax comparisons more difficult between areas. From a households perspective the key comparator is the Council Tax bill they receive and not which tier of local government provides the service.

**5.3 2021/22 Council Tax levels (excluding Police and Fire precepts)**

- Government Referendum Limit **5%**
  - includes 3% Adult Social Care precept, for either 2021/22 or 2022/23
- National average increase 4.4%.

- Average increase for North East councils 4.2%
- Eleven North East councils implemented some element of the Adult Social Care precept in 2021/22 – including six authorities which implemented the full 3% Social Care precept.
- Hartlepool Band A - £1,167
- North East councils Band A ranges from £1,039 to £1,283

2021/22 Council Tax (excluding Police and Fire precepts)  
– Band A property (53% Hartlepool properties)



7 North East council have a separate Garden Waste charge - between £32 and £43

5.4 Further information in relation to Council Tax is provided in **Appendix C.**

## 6. THE CHANCELLOR MARCH 2021 BUDGET

6.1 The key issues detailed in the March 2021 Budget are as follows:

- **Spending cuts** - The Chancellor's budget included a £4 billion per year cut in public sector spending from 2022/23 and indicated "this is a purely mechanical" change as inflation was lower than forecast. Since March there has been an increase in inflation and it has not yet peaked. As the NHS, schools and the Ministry of Defence have protected budgets, this new cut will fall on unprotected services and the impact on councils will not be known until later in the year.
- **National Tax income** – The Chancellor is forecasting an increase in Income Tax arising from a freeze in personal allowance from April 2022 to April 2026. Additionally there is a forecast Corporation Tax increase from 19% to 25% from April 2023.
- **Council Tax** – The Chancellor is forecasting increasing Council Tax income, which assumes Tax Base growth returns to the pre-Covid level and 2% national core Council Tax Referendum limits from 2022/23 – actual limits will be determined annually.

### Chancellor's Tax Forecasts 2021/22 to 2025/26

	21/22 £'billion	Percentage	Forecast increase 21/22 to 25/26	
			£'billion	Percentage
Income Tax	198.2	27.1%	50.0	25.2%
National Insurance	146.8	20.0%	23.4	15.9%
Other Taxes	154.7	21.1%	29.8	19.3%
VAT	127.9	17.5%	31.3	24.5%
Corporation Tax	40.3	5.5%	44.6	110.7%
Business Rates	23.8	3.3%	11.8	49.6%
Council Tax	39.9	5.5%	5.7	14.3%
Total	731.6	100.0%	196.6	26.9%

**Council Tax most visible of all Taxes – but raises only 5.5% of all Tax paid**



6.2 The Chancellor's budget clearly set out the challenges facing the public sector and as outlined later in the report the best councils can hope for is a cash freeze in funding – which may be optimistic.

6.3 Councils will continue to face an uncertain financial position until four key issues are addressed by Government:

- The size of the funding pot for councils and the distribution basis – will Fair Funding be implemented?
- Introduction of a sustainable funding system for Adult Social Care;
- Recognition of Children's Social Care pressures and provision of funding;
- Government Council Tax Referendum limits 2022/23 to 2024/25.

## **7. 2022/23 to 2024/25 BUDGET**

7.1 The previous MTFS report advised Members that after reflecting the 2021/22 budget decisions and forecast inflation the Council faces a significant 2022/23 budget deficit – which includes

- **£4.047m** deferred from 2021/22 by using reserves;
- **2%** annual provision for inflation and national pay awards; and
- **£0.875m** recurring impact of the national April 2021 pay offer of 1.75% made in July 2021. The Unions have not accepted this offer and any further increase would increase the budget deficit.

The previous MTFS report advised Members that the Chancellor announced a pay 'pause' for public sector workers, with the exception of the NHS – initially offered 1%. On this basis no provision was made in the 2021/22 budget for a national pay award.

The pay offer compares to a revised offer of 3% for the NHS and the Government's continued stance of a pay pause for police and teachers.

The previous MTFS report highlighted the potential pay risk, which has now materialised. In 2021/22 a strategy will need to be developed to fund the pay award from either in-year managed budget underspends, or if these cannot be achieved from one off resources. The recurring impact increases the 2022/23 budget deficit.

7.2 The budget forecasts have been rolled forward to 2024/25 and reflect the planning assumptions and risk assessment detailed in **Appendix D**. These issues will be kept under review.

7.3 The forecast budget deficits for the next three years are summarised below:

2022/23 to 2024/25 Forecast Deficits

	2022/23	2023/24	2024/25	Total 22/23 to 24/25
	£'m	£'m	£'m	£'m
Cost of services	107.460	110.104	112.732	
Less previous years' deficit (assumes budget is balanced each year)	n/a	(7.981)	(10.625)	
<u>Less Forecast Resources:</u>				
- Council Tax income (before forecast Tax base growth and Council Tax increases)	(42.736)	(42.736)	(42.736)	
- Business Rates	(18.909)	(18.909)	(18.909)	
- General Government Grant	(19.056)	(19.056)	(19.056)	
- Specific Government Grants	(18.778)	(18.778)	(18.778)	
<b>Deficit <u>BEFORE</u> Council Tax increase and forecast Tax Base Growth</b>	<b>7.981</b>	<b>2.644</b>	<b>2.628</b>	<b>13.253</b>

7.4 There are two critical factors in reducing the budget deficit:

- Achieving the forecast Tax base increase – i.e. housebuilding and reduction in LCTS claimants. Over three years this provides forecast recurring resources of **£1.818m**;
- Implementing annual Council Tax increases of 1.9%, plus in 2022/23 implementing the deferred 3% Adult Social Care precept. Over three years these proposals potentially provide forecast recurring resources of **£3.912m**.

7.5 On the basis of these planning assumptions the forecast budget deficit can be reduced significantly from **£13.253m** to **£7.523m**, as summarised below.

2022/23 to 2024/25 Forecast Deficits net of forecast housing growth  
and forecast Council Tax increases

	2022/23	2023/24	2024/25	Total 22/23 to 24/25
	£'m	£'m	£'m	£'m
Deficit <u>BEFORE</u> Council Tax increase and forecast Tax Base Growth	7.981	2.644	2.628	13.253
Less Forecast Tax Base Increase	(0.714)	(0.547)	(0.557)	(1.818)
Deficit <u>AFTER</u> Council Tax forecast Tax Base Growth	7.267	2.097	2.071	11.435
Less 3% Deferred 2021/22 Adult Social Care precept	(1.259)	0.000	0.000	(1.259)
Less 1.9% Core Annual Council Tax increase	(0.854)	(0.885)	(0.914)	(2.653)
Deficit <u>AFTER</u> Council Tax increase and forecast Tax Base Growth	5.154	1.212	1.157	7.523

- 7.6 As highlighted in the above table the majority of the deficit is in 2022/23. Addressing this amount will be challenging, particularly during the Covid recovery period.
- 7.7 To help manage this position Reserves were reviewed as part of the 2021/22 budget and a Budget Support Fund established of **£7.691m**. This one off funding is available to support the implementation of a Transformation Strategy and the budget while this plan is implemented.
- 7.8 At this stage it is recommended that the Budget Support Fund reserve is split on a 50:50 basis between:
- Direct support of the budget to phase savings evenly over three years;
  - To meet one off investment needed to achieve service transformation recurring savings and to meet redundancy / retirement costs of reducing the workforce.
- 7.9 Using reserves to balance the budget is not sustainable. However, using reserve to phase cuts over three years provides a more manageable position – **provided the Council commits to a robust plan to balance the budget and fully removes reliance on the use of reserves.**
- 7.10 This plan is based on using the highest level of the Budget Support Fund in 2022/23, then reducing this temporary support in 2023/24 and eliminating it in 2024/25.
- 7.11 On this basis the net deficit of **£7.523m** could be phased more evenly as summarised below:

Impact of using Budget Support Fund to re-phase  
2022/23 to 2024/25 Forecast Deficits

	2022/23	2023/24	2024/25	Total 22/23 to 24/25
	£'m	£'m	£'m	£'m
Deficit <u>AFTER</u> Council Tax increase and forecast Tax Base Growth	5.154	1.212	1.157	7.523
Deficit deferred from 22/23 to 23/24 by using Reserves to phase deficit	(2.500)	2.500	0.000	0.000
Deficit deferred from 23/24 to 24/25 by using Reserves	0.000	(1.300)	1.300	0.000
<b>Revised Deficit <u>AFTER</u> Council Tax increase and forecast Tax Base Growth and use of reserves</b>	<b>2.654</b>	<b>2.412</b>	<b>2.457</b>	<b>7.523</b>

- 7.12 As summarised below the proposed use of the Budget Support Fund will fully commit these resources, which underlines the finite nature of this funding and highlights the need to develop a sustainable savings plan before this money runs out.

Planned use of Budget Support Fund 2022/23 to 2024/25

	2022/23 £'m	2023/24 £'m	2024/25 £'m	Total £'m
Opening Balance 1st April	7.691	3.734	1.228	7.691
Less allocated to Support Budget	(2.500)	(1.300)		(3.800)
Less allocated to fund service transformation and redundancy / pension strain costs arising from budget cuts	(1.457)	(1.206)	(1.228)	(3.891)
<b>Balance 31st March</b>	<b>3.734</b>	<b>1.228</b>	<b>0</b>	<b>0</b>

## 8. IMPACT OF LOWER COUNCIL TAX INCREASES 2022/23 TO 2024/25

- 8.1 The proposals detailed in the previous section are based on implementing the 2021/22 deferred 3% Adult Social Care precept in 2022/23 and the assumption the Government will set annual core Council Tax limits of 2%. Without this additional income the budget deficit increases from **£7.523m** to **£11.435m**.
- 8.2 As Reserves are finite the permanent reduction in recurring Council Tax income would mean a significant increase in the cuts required, **particularly in 2022/23**, as highlighted in the following table:

2022/23 to 2024/25 Deficits WITH and WITHOUT

Adult Social Care precept and Council Tax increases

	2022/23	2023/24	2024/25	Total 22/23 to 24/25 £'m
	£'m	£'m	£'m	
Deficit <u>AFTER</u> Council Tax increase and forecast Tax Base Growth but no Adult Social Care precept	7.267	2.097	2.071	11.435
Deficit deferred from 22/23 to 23/24 by using Reserves to phase deficit	(2.500)	2.500	0.000	0.000
Deficit deferred from 23/24 to 24/25 by using Reserves	0.000	(1.300)	1.300	0.000
<b>Phased Deficit <u>WITHOUT</u> ASC Precept and Council Tax increase - Scenario 1</b>	<b>4.767</b>	<b>3.297</b>	<b>3.371</b>	<b>11.435</b>
Phased Deficit <u>WITH</u> ASC Precept and Council Tax increase - Scenario 2	2.654	2.412	2.457	7.523
<b>Permanent loss of funding from freezing Council Tax i.e. additional budget cuts required for Scenario 1 compared to Scenario 2</b>	<b>2.113</b>	<b>0.885</b>	<b>0.914</b>	<b>3.912</b>

**9. OTHER CONSIDERATIONS****9.1 Legal Considerations**

9.2 The following issues are relevant in relation to this report:

- the Local Government Finance Act 1992 requires local authorities to set a balanced budget – this report starts the budget process and further reports will enable budget proposals to be approved and then referred to Council to meet this requirement;
- the Local Government Act 2003 requires local authorities to consider the advice of their Section 151 Chief Finance Officer (the Director of Resources and Development) when making budget decisions. This advice must include details of the robustness of the estimates made for the purposes of the calculations and the adequacy of the proposed financial reserves. These requirements will be addressed in future reports and initial advice is detailed later in the report.

**9.3 Child and Family Poverty**

9.4 Increasing Council Tax will impact on all households. The proposal to maintain a 12% Local Council Tax Support Scheme (separate report on agenda) will mitigate the impact on low income working age households.

**9.5 Asset Management Considerations, Equality and Diversity, Consultation**

- 9.6 There are no specific issues in relation to these areas from the proposals in this report. Issues will be identified as individual savings are developed and will be reported to future meetings.

**9.7 Staff Considerations**

- 9.8 The scale of the budget deficit means there will be staffing consideration and details will be reported when detailed savings proposal are developed.

**10. BUDGET TIMETABLE**

- 10.1 The following table details the key tasks and initial reporting timescales

Task	Timescale
MTFS update and determination of 2022/23 Council Tax level to be recommended to Council.  Separate supporting report on 2022/23 Local Council Tax Support (LCTS) scheme options	Finance and Policy Committee – this report
MTFS update and consideration of 2022/23 Council Tax level recommended by Finance and Policy Committee  Separate supporting report on 2022/23 Local Council Tax Support (LCTS) scheme options	Council – 30 September 2021
Review of income and potential options to increase income generation	Finance and Policy Committee – 11 October 2021
Consideration of initial savings proposals 2022/23 to 2024/25	Finance and Policy Committee – October 2021
Consideration of initial savings proposals referred from Finance and Policy Committee	Individual Policy Committees – Late October to November 2021
Feedback from Individual Policy Committees and determination of budget and LCTS proposals to be referred to Council	Finance and Policy Committee – 13 December 2021
Consideration budget and LCTS proposals to be referred from Finance and Policy Committee	Council – 16 December 2021

- 10.2 The budget timetable will also include Members briefings, consultation with the Trade Unions and Businesses Sector representatives, and statutory consultation as required in relation to detailed budget proposals as these are developed.

**11. CONCLUSIONS AND INITIAL ROBUSTNESS ADVISE**

- 11.1 As outlined in section 3 the reports focuses on determining a strategic direction to balance the budget over the next three years. To enable a sustainable plan to be developed Members need to consider the level of Council Tax for 2022/23, as this will have a significant impact on the cuts that need to be made.
- 11.2 By law as the Council's Section 151 Officer I am required to provide advice on the robustness of the budget forecasts. This advice will be provided later in the year when all the relevant information is available. The Council has robust financial management arrangements and a track record of delivering multi-year savings plans in previous years. The risks of achieving further cuts together with the uncertainties outlined within this report, including future uncertainty on government funding and recovery from the Covid-19 pandemic, puts the financial sustainability of the Council at risk.
- 11.3 There continues to be increased scrutiny on Council Finances nationally, including the issuing of Section 114 notices and the Government providing capitalisation directives (i.e. authority to treat revenue expenditure as capital) where councils have requested this support to deal with specific financial challenges. The Government has imposed strict conditions on councils receiving capitalisation directives to:
- undergo an external assurance review focusing on the plan to deliver medium-term sustainability;
  - where capitalised expenditure is not funded from capital receipts, any increased borrowing must be obtained from the PWLB (Public Works Loan Board), and is subject to an additional 1% premium on the interest rate.
- 11.4 Members will recognise the need to ensure the Council avoids such an outcome and a planned approach is needed.
- 11.5 The level of Council Tax is a decision for Members. However, in reaching this decision Members need to consider the implications on the financial sustainability and resilience of the Council in the medium term.
- 11.6 In my professional opinion not increasing Council Tax in line with Government referendum limits (including the deferred Adult Social Care precept) will not be robust until a savings plan to address the increased budget deficit is approved. This plan will need to be reviewed to ensure it is robust and the savings will be delivered.
- 11.7 When considering the level of Council Tax the Finance and Policy Committee and full Council need to consider the following key issues:
- The impact of the national Council Tax policy on available funding for local services;

- The impact on arguing for additional grant funding, as the Ministry of Housing, Communities and Local Government (MHCLG) are unlikely to be sympathetic to authorities that have not used available Council Tax limits;
  - The permanent reduction in recurring Council Tax income as Council Tax referendum limits apply for a defined period. This means limits are either used within the defined period, or the income lost permanently.
- 11.8 Replacing reduced Council Tax income would significantly increase the budget cuts that need to be made and increase the risk we reach a point whereby a section 114 report is unavoidable.
- 11.9 There are two potential scenarios where a section 151 officer is required to issue a section 114 report. Firstly, where an authority has, or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful. Secondly, it appears to the section 151 officers that expenditure in a financial year is likely to exceed resources available.
- 11.10 It is the second situation where there is a potential risk of a future section 114 report if a robust savings plan is not developed to address the forecast budget shortfalls. We are not at that point for 2022/23 and need a robust plan to avoid this occurring in 2023/24 or 2024/25.
- 11.11 Responding to a section 114 report would be significantly more challenging than a managed approach based on a combination of Council Tax increases / budget cuts and result in some form of intervention from MHCLG.
- 11.12 The financial position beyond 2024/25 will remain extremely challenging and it is therefore important that the budget is balanced on a recurring basis by 2024/25. Key issues for 2025/26 include:
- **Waste Disposal Contract** – there will be a significant recurring budget pressure from July 2025 when the existing waste disposal contract terminates. This contract was put in place by the previous County Council and the four successor councils have benefitted from this arrangement for over 25 years. The new contract, which will cover the five Tees Valley councils, Durham and Newcastle, will increase costs and details will be reported once a new contract has been awarded.
  - **Power Station** - is scheduled to close in 2024/25 and this currently accounts for **24% (£4.5m)** of the Business Rates income retained by the Council. Closure will result in the Council becoming eligible for Business Rates Safety Net grant. However, this does not cover the full income reduction and the Council will have to manage a recurring annual shortfall of **£1.1m** until such time as the funding baseline is reset. Timing of such resets are currently unknown. A reserve has been established as part of the 2020/21 closure and this will avoid this



risk impact before 2025/26. This will provide longer lead time to develop a strategy to manage this recurring income reduction.

## **12. RECOMMENDATIONS**

### **12.1 It is recommended that Members:**

- i) Note the report;
- ii) Note a national pay offer of 1.75% effective from 1<sup>st</sup> April 2021 has been made which will require funding from in-year savings / use of one off resources in 2021/22 and will increase the 2022/23 budget deficit by £875,000. This offer has not been accepted and if an increased offer is made this would increase the budget deficit.
- iii) Consider the initial robustness advice detailed in section 11 and if this advice is ignored record the reasons for this decision.
- iv) Recommend to Council a 2022/23 Core Council Tax increase of 1.9% (subject to confirmation of a 2% referendum limit by the Government) and a 3% Adult Social Care precept (approved Government limit that could either have been applied in 2021/22 or deferred to 2022/23);
- v) Recommend indicative 2023/24 and 2024/25 Core Council Tax increase of 1.9% (subject to confirmation of a 2% referendum limit by the Government);
- vi) Note that recommendations (iv) and (v) secure recurring Council Tax income of £3.912m and therefore reduce the budget deficit from £11.435m to £7.523m;
- vii) Note that phased use of the Budget Support Fund to support the budget and meet redundancy / early retirement will enable the deficit of £7.523m to be phased over three years. Note the Corporate Management Team will develop a draft savings plan and report these proposals to a future meeting to deliver the following annual savings:
  - 2022/23 £2.654m
  - 2023/24 £2.412m
  - 2024/25 £2.457m
- viii) Note the financial risks detailed in Appendix D which could potentially increase the forecast deficits detailed in the report.
- ix) Approve the budget timetable detailed in section 10, which includes the development of a detailed savings plan.

**13. REASON FOR RECOMMENDATIONS**

- 13.1 To enable the Finance and Policy Committee to approve the proposals to be referred to full Council to provide a strategic direction for the development of a robust three year savings plan.

**14. BACKGROUND PAPERS**

The following background papers were used in the preparation of this report:-

- Finance and Policy Committee - Medium Term Financial Strategy (MTFS) 2021/22 to 2022/23 – 25<sup>th</sup> January 2021;
- Council - Medium Term Financial Strategy (MTFS) 2021/22 to 2022/23 – 28<sup>th</sup> January 2021.

**15. CONTACT OFFICER**

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Sign Off:-

Managing Director	<input checked="" type="checkbox"/>
Director of Resources and Development	<input checked="" type="checkbox"/>
Chief Solicitor	<input checked="" type="checkbox"/>

## APPENDIX A

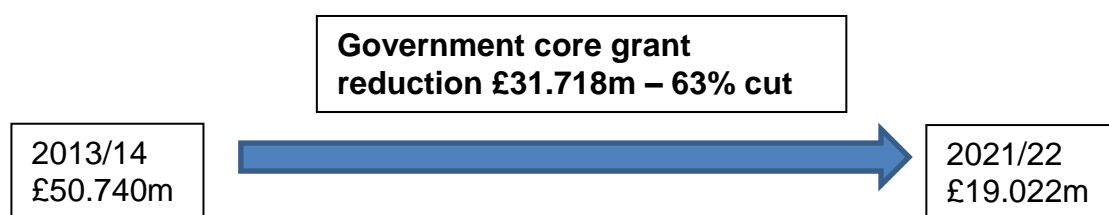
**OVERVIEW OF FINANCIAL CHALLENGES AND CONTEXT**

1.1 The following sections provide detailed information to help understand the financial environment the Council is operating within.

**1.2 National funding changes – reduction in Government grant**

1.3 Councils faced nine years of austerity up to 2019/20. This includes the period since 2013/14 when significant changes to the national funding system were made, including transferring responsibility for Local Council Tax Support to councils. Nationally these changes significantly reduced Government grant and increased reliance on Council Tax, including the introduction of the Adult Social Care precept in 2016/17.

1.4 For Hartlepool the cut in recurring core Government grant is £31.718m. This is the cash reduction and when account is taken of inflation and budget pressures the real term reduction was even greater:



**1.5 Funding Changes – increase in Council Tax**

1.6 Over the period 2011/12 to 2015/16 Government policy supported authorities to freeze Council Tax by paying additional grant. This policy only covered 50% of the recurring income lost by freezing Council Tax.

1.7 Hartlepool was the only Council in the Tees Valley which froze Council Tax for five years (2011/12 to 2015/16).

1.8 In 2016/17 Government Council Tax policy shifted as the Government stopped providing grant to freeze Council Tax and expected Council Tax to increase. There was a further fundamental change in 2016/17 when the Adult Social Care precept was introduced by the Government.

Summary of the impact of Government Council Tax policy 2015/16 to 2021/22

- Shift from national funding on to Council Tax
- 2021/22 Government Council Tax Referendum limit 5%
- 2021/22 Average Council Tax increase 4.4%
- Nationally Adult Social Care precept will raise £2.8 billion in 2021/22
  - £2.8 billion is the same as 1.4% increase in income tax
  - £2.8 billion includes £610 million for 2021/22 – highest annual amount

1.9 For Hartlepool the Adult Social Care precept now accounts for **£3.7m** and funds **12%** of the amount the Council spends on Adult Social Care.

#### 1.10 **Funding Changes – Tax base growth**

1.11 The budget also benefits from Tax Base growth, which consist of two main components. Firstly the impact of housing growth – including the mix of properties. Secondly, a reduction in households eligible for Local Council Tax Support (LCTS). Prior to the pandemic this reduction reflected improving economic condition – the economic impact of Covid has reversed the majority of this reduction.

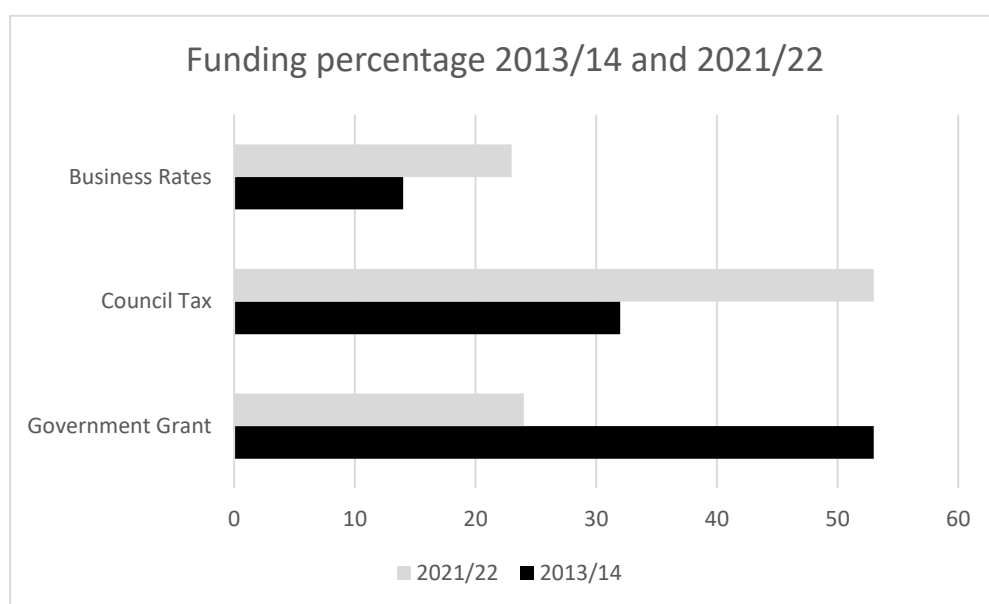
2015/16 to 2019/20 Tax Base Changes

- Hartlepool **11%** - National increase **8.7%**
- Additional local growth reflected
  - increase in properties in Council Tax Bands E and F
  - reduction in LCTS claimant numbers

#### 1.12 **Summary of changes in recurring cash resources 2013/14 to 2021/22**

1.13 The following table highlights:

- the significant shift in resources - in 2013/14 Government grant was **53%** of resources and in 2021/22 is only **24%**;
- Conversely in 2013/14 Council Tax was **32%** of resources and in 2021/22 is **53%** ( Includes impact of tax base growth and Adult Social Care precept)
- Business rates was **15%** of resources in 2013/14 and **23%** in 2021/22.



#### 1.14 Previous Budget cuts

1.15 To address recurring cuts in funding the Council has made significant efficiencies and cuts. Over the nine years up to 2019/20 the Council removed **500** jobs - a reduction of **20%**. The cuts and efficiencies made in previous years cannot be repeated, which means balancing future budgets will be even more challenging. Increasingly future measures will have a visible impact on the services the Council can deliver.

#### 1.16 Recurring Budget Pressures

1.17 Alongside cuts in recurring funding the Council has also faced recurring budget pressures. This means the resources available for services are significantly squeezed from two sides. Major pressures included:

- Annual increases in National Living Wage – impact on Adult Social Care contracts

Over the period 2017/18 to 2021/22 increases in the National Living Wage have increased recurring costs by approximately £1.6m.

- Increases in Children's Social Care

Councils have seen sustained increases in the number of vulnerable children requiring care and support. Demand for children's social care has continued to increase due to significant adult related issues such as domestic abuse, substance misuse and parental mental ill health. These issues have impacted on Hartlepool and over the period 2017/18 to 2021/22 the number of children in our care has increased from 278 to

360 – a 30% increase. To provide some context this is broadly the number of children in a typical primary school.

In financial terms the recurring cash budget increase is approximately £7m – a 43% increase, as investment has been required across the whole system to manage the volume of demand for children's social care and reflects the significant increase in the complexity and number of vulnerable children needing support. This includes more children requiring support at the highest levels of intervention, i.e. subject to child protection plans or in the care of the local authority.

## **1.18 Recovery from Covid Pandemic**

1.19 The economic impact of Covid on councils was significant and impacted in many different ways, including:

- Increased costs;
- Reduction in service income from the closure of facilities during lockdown periods;
- Reduction in Council Tax income from lower house building;
- Increase in the cost of Local Council Tax Support arising from higher unemployment;
- Increase in Business Rates risks arising from potential increase in business failures.

1.20 In 2020/21 the Government provided significant financial support to mitigate the impact of these issues. In 2021/22 the Government is providing significantly less funding and they expect the funding provided to be focused on Covid pressures impacting on adult social care, children's services, public health services, households waste services, shielding the clinically vulnerable, homelessness and rough sleeping, domestic abuse, managing excess deaths, support for re-opening the country and the additional costs associated with the local election in May 2021. As reported to Finance and Policy Committee on 25<sup>th</sup> January 2021 guidance to use this funding to support adult social care was reinforced strongly in a letter from the Department for Health and Social Care on 21<sup>st</sup> January 2021.

1.21 Nationally the Government is providing £1.55 billion and Hartlepool has been allocated £3.2m for 2021/22. The Council has committed support Care Home providers and other commitments include income shortfalls. An update will be reported to a future meeting when the position is clearer.

1.22 No Government Covid funding has been announced for 2022/23 as the Government expects that councils will have returned to 'normal'. This was also local planning assumption adopted at the start of 2021 when the budget was prepared. The position will be updated later in the year when the recovery position will be more certain as the extended lockdown has means some income streams will not return to the pre-Covid level within the current

year and shortfall will continue into 2022/23. Additionally, some services are continuing to experience higher demand, for example Children's Social Care.

**1.23 Strategy adopted for setting 2021/22 budget.**

1.24 In recognition of the financial uncertainty caused by the pandemic a review of reserves enabled a Budget Support Fund to be established to support the budget over the period 2021/22 to 2023/24. This reserve was designed to provide one off resources to enable budget cuts to be phased over more than one year, including avoiding any cuts in 2021/22 to help support the recovery.

1.25 The final budget decisions, including not implementing a core Council Tax increase and deferring the Adult Social Care precept, committed £4.312m of the Budget Support Fund and deferred a budget deficit from 2021/22 to 2022/23 of £4.047m.

## APPENDIX B

**CIPFA FINANCIAL RESILIENCE FACTORS**

<b>Factor</b>	<b>Purpose of factor</b>
<ul style="list-style-type: none"> <li>• Reserves sustainability</li> <li>• Reserves level</li> <li>• Change in Reserves</li> </ul>	<p>These factors measure reserves and how quickly they are being used and flag where an authority is using reserves to support recurring expenditure. Where reserves are being used a sustainable strategy to address this position needs to be developed as reserves are finite and cannot be relied upon on a recurring basis.</p>
<ul style="list-style-type: none"> <li>• Interest payable as percentage of net revenue expenditure</li> <li>• Gross external debt</li> <li>• Social care to revenue expenditure</li> </ul>	<p>These costs are either fixed or take a long time to change as they relate to ongoing expenditure commitments. Authorities with a higher percentage for these costs have less flexibility to reduce expenditure and therefore face greater potential risk to their financial resilience.</p>
Fees and charges to external expenditure ratio	<p>This factor compares the level of fees and charges. A low percentage could indicate where there is scope to generate more income to support services, or may reflect higher levels of deprivation and the lower ability of residents to pay fees and charges.</p> <p>A high percentage was previously considered to demonstrate greater financial resilience. However, the Covid pandemic has highlighted the vulnerability of some income streams and the adverse impact reductions in this income has on financial resilience.</p>
Council Tax to net expenditure ratio	<p>This factor measures ability to fund services from Council Tax income and authorities with a high ratio have more resilience as they control more of their income and are less dependent on Government grant funding.</p> <p>This ratio has become more important in recent years as Government grant funding continued to be cut and Government policy continued to be based on annual Council Tax increases, including the Adult Social Care precept.</p>
Growth above baseline	<p>This indicators compares growth in business rates income and council tax income against the baseline funding level.</p>



Auditors Value for Money (VFM) Assessment	The current External Auditors assessment of VfM includes examining the arrangements an authority has in place for preparing the annual budget, implementing savings plans and identifying future saving plans. Where a 'qualified' opinion is issued by the Auditor they will highlight the areas of concerns resulting in this conclusion. If these issue are not addressed by an authority this is likely to impact adversely on financial resilience.
Children's social care assessment	The Ofsted assessment has a critical impact on financial resilience as authorities assessed as 'requires improvement' or 'inadequate' will have to spend additional resources to address these concerns and improve services.

## APPENDIX B

## FINANCIAL RESILIENCE BENCHMARKING

The key financial indicators are provided below and compare Hartlepool with the other eleven North East Councils and the CIPFA statistical neighbours (i.e. authorities similar to Hartlepool in terms of deprivation etc.).

**Council Tax** - only **48.6%** of the Council's resources are raised from Council Tax, compared to a North East Average of **52.8%** and CIPFA statistical neighbours' range of 39.9% to 59.8% (figures based on CIPFA analysis of resources).

This highlights the continued risks to financial resilience if Government grant is not increased in 2022/23 to help fund increased service costs.

It also highlights the lower ability to raise additional income from increasing Council Tax compared to authorities which raise a higher percentage of resources from Council Tax – for example Northumberland 65.9%, Windsor and Maidenhead 75% and Woking 94%.

**Adult and Children's Social care** – the Council spend **67.9%** of the budget on these service, which is in line with the CIPFA statistical neighbours average of **67.7%**. For all authorities continued service pressure in these areas are a risk to financial sustainability and resilience.

If future Government funding settlements, including a long term funding strategy for Adult Social Care costs, do not recognise need and the different ability of individual authorities to fund these services from Council Tax many authorities will become financially unsustainable.

This index does not reflect the significant additional recurring funding provided in the Council's 2021/22 base budget for Children's Social Care pressures – which has increased the percentage of the budget spent on these services. This underlines the continuing services and financial pressures facing the Council – which were not addressed in the 2021/22 Government grant allocation. This factor was a major driver on the use of reserves in setting the 2021/22 budget, which in turn is reflected in the 2022/23 forecast deficit as use of reserves is not sustainable.

**Unallocated Reserves as percentage of net revenue budget** - These reserves are generally referred to as the General Fund Reserve. The Council holds this reserve to meet emergency expenditure and any use would then need to be repaid. The Council's long standing policy is to retain the current level of reserve.

The Council's unallocated reserves are 5.2%, which is the average for the CIPFA statistical neighbours and a range of 1.4% to 9.5%.

**Earmarked Revenue Reserves as a percentage of net revenue budget** - comparisons between Earmarked Reserves of individual authorities are very difficult as these reserves will be held for different purposes and the whole of these reserves

may be fully committed. However, as a general rule the higher the level of these reserves the more financial resilience an authority should have.

The Council's earmarked reserves are 23.7%, compared to the CIPFA statistic average (excluding one authority with unusually higher reserves) of 28% and a range of 10.4% to 66.3%.

	Hartlepool	12 North East Councils (includes Hartlepool)			16 CIPFA statistical neighbours (includes Hartlepool)	
		Average	Range		Range	
			Lowest	Highest	Lowest	Highest
<b>Council tax to net expenditure ratio</b>	<b>48.6%</b>	52.8%	42.0%	65.9%	39.9%	59.8%
Authorities which fund a lower percentage of spending from Council Tax are more exposed to financial risks from reductions in Government funding AND have less ability to raise additional income from increasing Council Tax as each 1% increases raises less income than in more affluent areas. As highlighted above Hartlepool raises 48.6% on resources from Council Tax - this is slightly below the North East Average and around mid table for the CIPFA statistical neighbours. Other authorities raise a much higher percentage of resources from Council Tax e.g. Windsor and Maidenhead 75%, Working 94%.						
<b>Children's Social Care spending as percentage of net revenue budget</b>	<b>29.3%</b>	23.4%	17.1%	38.7%	20.4%	40.4%
<b>Adult Social Care spending as percentage of net revenue budget</b>	<b>38.6%</b>	38.1%	33.3%	46.7%	33.4%	48.6%
Higher spending on Children's and Adult Social Care can adversely impact on financial resilience as this expenditure is difficult to reduce if resources are cut as these services support vulnerable people. Therefore, the need to maintain this expenditure puts additional pressure on other Council services when resources are restrained.						
<b>Interest Payable as percentage of net revenue budget</b>	<b>3.0%</b>	6.2%	2.6%	17.4%	3.0%	17.4%
Higher spending on interest cost is generally a long term commitment arising from borrowing to fund capital expenditure. This also reduces resources available to spend on other services.						
<b>Unallocated Reserve as percentage of net revenue budget</b>	<b>5.2%</b>	8.1%	1.4%	28.7%	1.4%	9.5%
These reserves are generally referred to as the General Fund Reserve. This Council holds this reserve to meet emergency expenditure and any use would then need to be repaid. The Council's long standing policy is to retain the the current level of reserve.						
<b>Earmarked Reserve as percentage of net revenue budget</b>	<b>23.7%</b>	30.7%	10.4%	61.3%	10.4%	100.4%
Comparisons between Earmarked Reserves of individual authorities are very difficult as these reserves will be held for different purposes and the whole of these reserves may be fully committed. However, as a general rule the higher the level of these reserves the more financial resilience an authority should have.						
CIPFA Statistical Neighbours - Blackpool, Gateshead, Halton, Kingston-upon-Hull, North Tyneside, South Tyneside, Sunderland, Walsall, Wolverhampton, St Helens, Stoke-on-Trent, Middlesbrough, North East Lincolnshire, Stockton, Redcar and Cleveland.						

## APPENDIX C

**COUNCIL TAX OVERVIEW**

1.1 Council Tax raises significant income for councils, although the percentage of net expenditure raised by individual councils varies significantly. This is basically the result of differences in property values. Areas which raise a low percentage of resources from Council Tax have a higher proportion of properties in the lowest two Council Tax Bands, and fewer properties in band D and above. This is the opposite position in areas which raise a high percentage of resources from Council Tax.

1.2 There are four fundamental problems with the Council Tax system:

- Based on 1991 property values – these valuation are now 30 years old and over this period there have been significant regional variances in property values. If regular revaluations had been completed this would have captured these changes and resulted in a fairer distribution of Government grants and Council Tax charges.
- Only 8 Council Tax Bands – this links to the first point as the bandings do not adequately reflect difference in house values.
  - Band H property (the highest band) value is **eight times** the valuation of a Band A property (the lowest band).
  - Council Tax band on a Band H property is **three times** the amount paid by a Band A property.

A greater number of property bands would help address this position and make the tax less regressive.

- Government Council Tax policy – since 2016/17 Government Council Tax policy has shifted the burden for funding local services from Government grant on to Council Tax. This included introduction of the Adult Social Care precept in 2016/17.
- Governance arrangements – local Government structure vary across England and this makes Council Tax comparison more difficult between areas. From a households perspective the key comparator is the total Council Tax bill they receive. Governance arrangement fall into three broad categories:
  - Single purposes Metropolitan and Unitary authorities – with very limited Parish councils.

In these areas, which locally includes Tees Valley and the Tyneside/Wearside areas, the single purpose authority provides most services and there is either no, or very limited, service delivery by parish councils;

- Single purposes Metropolitan and Unitary authorities – with greater Parish council service delivery.

In these areas, which locally includes Durham and Northumberland, the town/parish councils deliver significant services, such as parks, cemetery, local sports pitches and set their own additional Council Tax. These are services this Council provides;

- County and District area

In these areas there are two main authorities, plus significant town/parish council service deliver. Each individual authority sets its own Council Tax for the services they provide.

### 1.3 The following paragraphs provide details of Council Tax base comparisons and Council Tax levels for the North East Councils.

#### • Tax Base Comparisons

To reflect the significant difference in size of Authority (i.e. Hartlepool population 93,663, Durham 530,094) the Band D Tax bases have been expressed as a value per 100 head of population to enable like for like comparison to be made. On this basis:

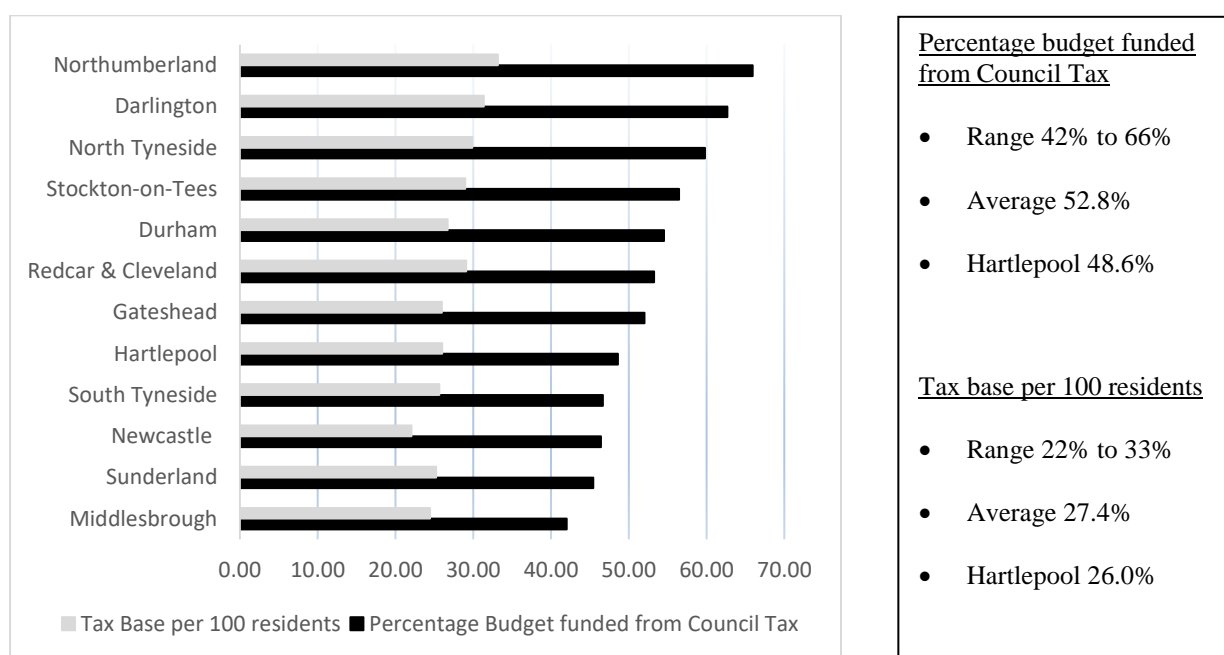
- Hartlepool's Council Tax base is the 8<sup>th</sup> lowest in the North East and less than the North East average.

This position reflects the higher proportion of Hartlepool properties in Band A and B. If Hartlepool's Tax Base was in line with the North East average the additional recurring Council Tax income would be nearly **£2.5m**. This underlines the continued financial importance of encouraging more housing development of higher value properties and attracting people to live in Hartlepool.

- To underline the importance of the housing mix the analysis shows Darlington (population 106,803 – **14%** higher than Hartlepool) has the second best Council Tax base per 100 head of population in the North East. Darlington's Council Tax base is **20%** greater than Hartlepool.

As a result of the differences in Council Tax Base Darlington's financial position is more resilient than Hartlepool as they raise more income from Council Tax. This position also means Darlington is less reliant on Government grant, so face less risks in relation to Government grant in 2022/23 and future years.

- As highlighted in the following table authorities with a low Council Tax base fund a lower percentage of their budget from Council Tax. This makes these authorities less financially resilient.

Tax base per 100 residents / percentage of budget funded from Council Tax**COMPARISON OF BAND A COUNCIL TAX 2021/22 (excluding Police and Fire)  
(53% of Hartlepool properties)**

The table in paragraph 5.3 of the report compares the amount of Band A Council Tax residents pay for the 12 North East Councils, including the town / parish amount where service provision is split between the unitary council and the town / parish council.

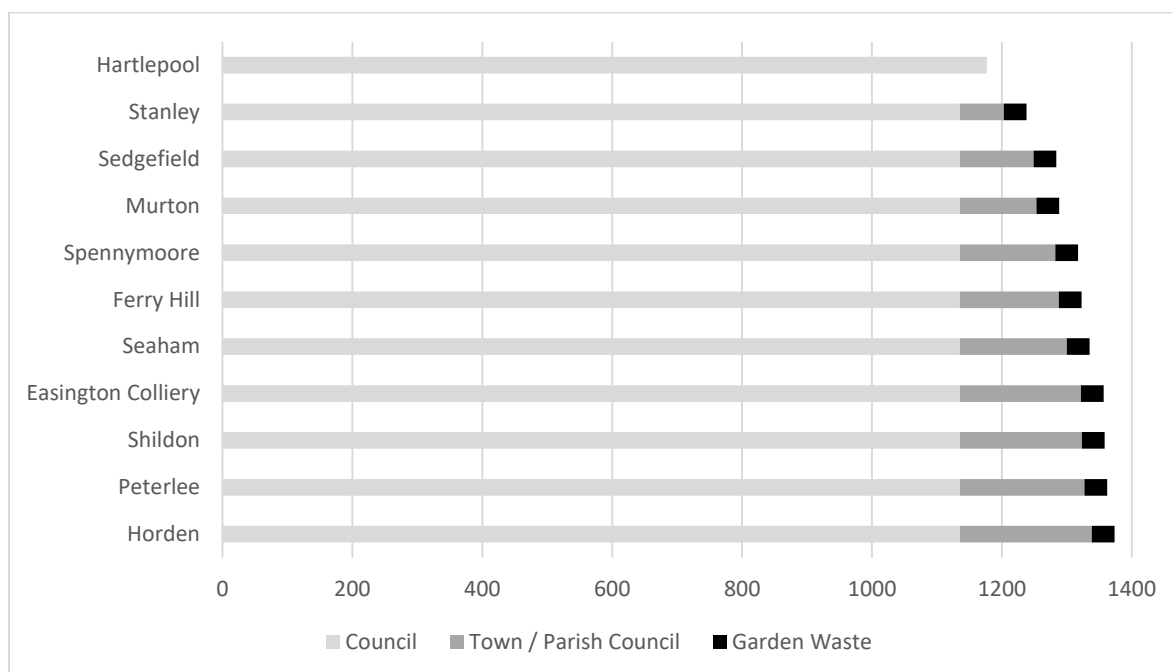
Within Hartlepool the majority of residents do not have a town / parish council – which means all service are provided by the Council and 53% of residents in Band A property pay Council Tax of £1,167.34.

Within Durham service provision is split. This means Durham residents pay Band A Council Tax of £1,135.72 for services provide by Durham unitary council – plus an additional charge for the town / parish councils – the table below shows the top 10 charges for the Durham area which add between £67.39 and £202.71 to overall Council Tax bills.

Durham Residents also pay a separate annual Garden Waste Charge of £35.00 – Hartlepool does not charge.

Parish councils only cover 10% of Hartlepool and for six areas the additional Band A Council Tax is between £2.31 and £13.87. Dalton Parish Band A has a precept of £50.20

**Comparison of Band A Council Tax and Garden Waste Charges**  
**(excludes Police and Fire)**



## APPENDIX D

**2022/23 TO 2024/25 KEY PLANNING ASSUMPTIONS AND RISKS**

The budget forecasts have been rolled forward to 2024/25 and reflect the following key planning assumptions

- **Government core grants are frozen for three years**

In 2021/22 these grant total £19.022m, which is 19% of current resources. For planning purposes it is assumed there will be no cuts over the period 2022/23 to 2024/25.

**RISK 1** - cuts are made in this funding – each 1% cut equates to £0.190m;

**RISK 2** – there is a further delay in the Fair Funding review changes are again delayed from 2022/23 to 2023/24.

- **Specific Government Grants**

In 2021/22 these grant total £18.8m, which is 18.9% of current resources. This includes £8.576m Public Health Grant and £9.173m Improved Better Care Fund / Social Care Grants. For planning purposes it is assumed there will be no cuts over the period 2022/23 to 2024/25.

**RISK** – cuts are made in this funding – each 1% cut equates to £0.188m

- **Council Tax Referendum limits** – assumed to be 2% PLUS 3% deferred Adult Social Care precept from 2021/22.

**RISK 1** – Deferred 3% Adult Social Care precept is not implemented in 2022/23 – permanent loss of funding of £1.259m.

**RISK 2** – the Council does not approve 2% core annual increases – each 2% is permanent loss of funding of £0.854m.

- **Council Tax Base Growth** – over the period 2013/14 to 2020/21 the Council Tax base increased by 14.7%, a total increase of 3,181 – annual average of approximately 400. This reflected a reduction in LCTS eligible households – 36% of the total increase - and housing growth – 64% of the total increase.

The Covid Pandemic reversed a significant element of the reduction in LCTS eligible households and the 2021/22 Council Tax base of 24,384 is 498 less than the 2020/21 base of 24,882.

It is too early to estimate how long it will take for the LCTS caseload to reduce to the pre-Covid level as this is the first economic shock since councils became responsible for LCTS in 2013/14. The position will be reviewed later in the year before the 2022/23 Council Tax base needs to be set.



For planning purposes Tax Base growth of 1,000 over the period 2022/23 to 2024/15 is currently forecast - phased 400 for 2022/23, 300 for 2023/24 and 2024/25.

**RISK** - each shortfall in Tax base growth of 100 equates to approximately £180,000.

**UPSIDE** – the Covid impact on LCTS may reverse over a shorter timescale than forecast and therefore increase the overall Tax base and recurring Council Tax income. Any benefits would help mitigate other risks detailed in this report, which remain uncertain e.g. 2021 national pay award and business rates risks.

- **Business Rates income (includes section 31 grants)** – this income amounts to £18.909m (approximately 19% of resources). Government support is only provided when shortfalls in this income exceed the ‘safety net threshold’ – currently **£1.1m**. The Council must manage the shortfall up to this limit from its own resources. There are three areas of risk

**RISK 1** - following the purchase of the steel works by Liberty Steel there was a significant delay in the VOA splitting the Rateable Value for the site. As a consequence Liberty Steel made no business rates payments. Once the rateable value was split an instalment plan was agreed to clear the outstanding liability by 31.03.22.

The financial backers of Liberty Steel have recently gone into financial administration and this may potentially have a significant impact on Liberty Steel. This could potentially result in historic Business Rates income becoming unrecoverable and a reduction in recurring income. The potential impact on the Council is as follows:

- £861k – irrecoverable previous years Business Rates income;
- £273k – irrecoverable 2021/22 Business Rates income;
- £273k – reduction in recurring 2022/23 Business Rates income.

**RISK 2** - the Power Station accounts for **24%** of the Council’s Business Rate income and pays a total of £9.3m – of which **£4.558m** is retained by the Council. The station is scheduled to operationally close in **2024/25** – at that point the Council will either fully lose this income, or a significant proportion of it as the Rateable Value reflects the electricity generated. Assuming the current ‘Safety net threshold’ remains in place the Government will only provide additional grant funding for the loss above this limit – the Council will then have to address the remaining recurring reduction in resources of **£1.1m** by making budget cuts, until the next funding baseline reset, the timing of which is uncertain.

To manage this risk and the potential earlier impact if the operational closure date is brought forward a specific risk reserve has been established. This will not provide a permanent solution to a reduction in

recurring income. However, this approach will provide a slightly longer lead time until additional recurring Government funding is secured, or to identify further budgets cuts if additional funding is not forthcoming.

- **Pay awards do not exceed 2% for three years**

**RISK** - pay awards from 2022 are greater than 2% and each additional 1% equates to £0.5m.

- **National Living Wage (NLW)** – planned national increases have happened slower than previously indicated by the Government. The NLW will increase from £8.72 to £8.91 (a 2.2% increase) from 1<sup>st</sup> April 2021. To achieve a NLW of £10.50 by April 2025 (a year later than previously announced by the Government) will require annual average increases of 4.6% for four years from April 2022.

Annual increases at this level will be an annual budget pressure of approximately £400k i.e. £1.2m by 2024/25. At this stage this is a prudent planning assumption for the 2022/23 to 2024/25 MTFS and will be reviewed as more information becomes available.

- **Social Care Funding** – the Government has promised a sustainable funding model. Implementation of changes has been complicated by the continued reliance on the Adult Social Care precept.

**RISK 1** – the reform is again delayed;

**RISK 2** – the sustainable funding model relies on continuation of the Social Care precept.

- **Redundancy / Pension Strain costs** – the scale of the 2022/23 to 2024/25 budget deficit will mean that further reductions in staffing will be unavoidable. At this stage it is not possible to quantify what proportion of the deficit will be addressed by staffing reductions.

This risk will need to be assessed once detailed savings proposals are identified as these costs will need to be funded from the £3.891m of the Budget Support Fund it is recommended is allocated for Transformation costs. If costs exceed the available one off funding additional savings/ cuts will need to be identified. This is unlikely to be a risk a risk for 2022/23, but will be an increasing risk for 2023/24 and 2024/25.

- **Capital Programme** – the Council has an ambitious capital programme, funded from a combination for grants and borrowing. Financial risk will be mitigated by allocating uncommitted capital receipts to establish a capital contingency and details will be reported as part of the 2022/23 budget process.

**RISK** - Until contracts are let and projects are delivered there will remain a potential risks that costs exceed available resources. Each £1m shortfall would result in an unbudgeted revenue pressure of £40,000 for borrowing costs.

**APPENDIX E**

**HEALTH AND SOCIAL CARE FUNDING ANNOUNCEMENT 07.09.21** (circulated prior to Finance and Policy Committee as a separate document, owing to timing of Government announcement)

The Prime Minister presented proposals to Parliament and the key issues are:

- 1.25% increase in National Insurance (NI) for employees and employers from April 2022 as NI increase and from 2023 as separate Health and Social Care Tax – which will raise a net £11.4 billion per year
- 1.25% increase in dividend tax –which will raise £0.6 billion per year
- Total additional £12 billion average per year for next three years
- 22/23 to 24/25 majority allocated to NHS backlog / vaccine costs
- Council will not receive any of this funding in 22/23, payments will commence 23/24
- Intended more of the money then flows to Social Care from 24/25 as reforms are rolled out.

Further details were then provided in a document titled “Building Back Better: Our Plan for Health and Social Care”. This documents includes the following key paragraphs:

**Paragraph 35 -states**

The Government is committed to creating a sustainable adult social care system that is fit for the future, alongside its programme of wider healthcare reform. While there are different systems in Scotland, Wales, and Northern Ireland which are run by the devolved administrations, the Government will look to establish a programme of joint work to share best practice across the home nations. In England, the Government will work with leaders in Local Government and the social care sector, service users and carers, as well as the NHS Chief Executive and the NHS, to develop and publish a White Paper for reforming adult social care, which will commence a once in a generation transformation to adult social care.

- **Assessment of proposal** – the Government’s overall announcement is a positive step forward in addressing adult social care reform, although the proposals only relate to older people. At this stage there is insufficient information to comment on and the Council will respond to detailed consultations when they commence.

**Paragraph 36 - states**

The Government will ensure Local Authorities have access to sustainable funding for core budgets at the Spending Review. We expect demographic and unit cost pressures will be met through Council Tax, social care precept, and long-term efficiencies; the overall level of Local Government funding, including Council Tax and social care precept, will be determined in the round at the Spending Review in the

normal way. We will invest £5.4 billion in adult social care over the next three years to deliver the funding and system reform commitments set out in this document.

- **Assessment of proposal** – the references to Council Tax and the social care precept suggest that councils will be expected to continue to implement further increases in 2022/23 and future years.

As the social care precept set for 2021/22 could either be used in 2021/22 or deferred to 2022/23 the Government will need to provide the same phasing flexibility if the Spending Review confirms an additional 2022/23 social care precept (i.e. to be phased over 2022/23 or 2023/24).

### **Paragraph 73 – states**

In England, from 2022/23 receipts from the Levy will be added to the existing NHS allocation. From 2023, receipts from the Levy will go to the Ministry of Housing, Communities and Local Government (MHCLG), NHS England and Improvement and the Department of Health and Social Care (DHSC). The Government will work closely with Local Government sector stakeholders on the implementation of the new social care reforms. Specific funding allocations for each Local Authority will be communicated by MHCLG in the usual way through the Local Government Finance Settlement process.

- **Assessment of proposal**

This paragraph makes it clear there is no additional funding for councils in 2022/23 and this reflects the fact that capping of social care costs does not commence until October 2023 (i.e. financial year 2023/24). It is not yet clear how this funding will be allocated to individual councils.

The impact of capping social care costs will have significant regional variances as more affluent areas have more 'self funders' who will benefit from the cap. This is likely to mean these areas may receive a greater proportion of this funding to compensate for the loss of contributions from individuals.

This is the most complex aspect of the proposals and updates will be provided when more information becomes available.

### **Paragraph 86 – states**

The Government intends to compensate departments and other public sector employers in England at the Spending Review for the increased cost of the Levy and provide Barnett consequential on this funding to the devolved administrations. If the Government did not take this step then the spending power of public services, including the NHS, would be reduced. This adjustment reduces the amount that is available from the Levy to spend on health and social care by around £1.8 billion per year.

- **Assessment of proposal** – this proposal is welcomed and MHCLG has indicated this covers the additional costs in relation to Council employed staff and external staff delivering adult social care. For our own directly employed staff the additional NI cost is approximately £625,000. This proposal should hopefully avoid a significant increase in the 2022/23 budget deficit, although this position will not be certain until we know the actual funding allocations.

This proposal will not cover the impact on other contracted services, including Children's Social Care, which councils will have to fund from within existing resources - which will increase the budget deficit. Details will be reported when the position has been assessed.

**Conclusions**

The national funding announcements set out the Government's broad strategy. However, significant details is still to be provided on how the new arrangements will operate and the additional costs which will need to be funded from the money allocated to councils.

In 2022/23 the only impact on councils is the 1.25% NI increase and the majority of the additional costs should be funded from additional grant.

The major impact on councils arises in October 2023 from the measures to cap the care costs individuals have to pay. This will transfer costs to councils, which will have to be funded from the new money provided. Therefore, the funding will begin to flow from 2023/24.

The cap will be impact on by regional property values, which is the main driver of the amount individuals pay. This means the new funding will not follow previous distribution patterns as more funding will be allocated to areas with a higher proportion of current self funders. Hartlepool has a comparatively low proportion of self funders.

An assessment of the impact from 2023/24 will be made when more information is available. For planning purposes it is assumed that the income reduction from the cap in personal contributions will be offset by the new grant – so the change will be budget neutral. There will also be potentially significant staffing implications for adult social care linked to additional assessments of needs for self-funders, additional financial assessments being required and the operation of care accounts for individuals.

There is also an expectation that an element of the new funding will be used to increase care fees paid to providers, but the detail of this is not yet known.

The change further complicates the funding of Adult Social Care, which from April 2023 will be funded from a combination of seven funding sources:

1. Share Core Council Tax
2. Share Core grant
3. Share of Business Rates
4. Existing specific social care grants (including Social Care precept equalisation funding)
5. Social Care precept
6. New social care grant from 2023/24
7. Cap personal contributions

# COUNCIL

30 September 2021



**Report of:** Finance and Policy Committee

**Subject:** LOCAL COUNCIL TAX SUPPORT 2022/23

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## 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to enable Members to consider the proposed 2022/23 Local Council Tax Support (LCTS) scheme recommended by Finance and Policy Committee.

## 2. BACKGROUND

- 2.1 In accordance with the Constitution, the Finance and Policy Committee is required to consider and recommend the LCTS scheme for the forthcoming financial year (2022/23) for consideration by Council.
- 2.2 A report was considered by Finance and Policy Committee on 13<sup>th</sup> September 2021 and is attached at **Appendix 1**.
- 2.3 The current LCTS scheme ensures that for working age claimants, those in receipt of full support will pay no more than 12% of their Council tax liability for the year. The report provided options as to increasing this headline rate up to 20%, outlining the additional income that could be generated should such an increase be implemented.
- 2.4 The consequential impact of such increases were also set out, including collection difficulty, the likelihood of increased and sustained arrears for those least able to pay, and that any increase would represent a significant percentage increase, e.g. an increase from 12% to 20% actually represents a 67% increase for those in full receipt of support.
- 2.5 There were no proposed changes to any of the principles, and therefore the parameters of the scheme, nor were there any changes to the support provided to low income pensioners, these being protected to full support as per Government regulations.

## 3. PROPOSALS

- 3.1 The report recommended no change to the LCTS scheme in 2022/23 and therefore, that it continue as a 12% scheme.

#### **4. RECOMMENDATIONS**

4.1 Finance and Policy committee approved the following recommendations for referral to Council:

- i) That the LCTS scheme continues as a 12% scheme for 2022/23.

#### **5. REASON FOR RECOMMENDATIONS**

5.1 To provide a period of stability for both low income working age households eligible for this support and the Council, whilst the economy recovers from the financial impact of the Covid pandemic.

#### **8. BACKGROUND PAPERS**

Local Council tax Support 2022/23 Report to Finance and Policy Committee  
13<sup>th</sup> September 2021.

#### **9. CONTACT OFFICER**

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Tel: 01429 523093

Sign Off:-

Managing Director



Director of resources and Development



Chief Solicitor





# **Finance & Policy Committee**

**13 September 2021**



**Report of: Director of Resources and Development**

**Subject: LOCAL COUNCIL TAX SUPPORT 2022/23**

## **1. TYPE OF DECISION / APPLICABLE CATEGORY**

1.1 Budget and Policy Framework Decision.

## **2. PURPOSE OF REPORT**

2.1 The purpose of the report is to:

- i) Update Members on the operation of the Local Council Tax Support (LCTS) scheme; and
- ii) Set out options for the operation of the LCTS scheme for 2022/23 for consideration.

## **3. BACKGROUND**

- 3.1 The former national Council Tax Benefit Scheme was abolished by the Welfare Reform Act of 2012 and was replaced with a requirement for Councils to determine and operate their own LCTS scheme with effect from 1 April 2013, thereby transferring responsibility for Council Tax support from central to local government.
- 3.2 Grant Funding transferred at the time was subject to a national 10% reduction (13.4% for Hartlepool). However, the requirement for Councils to fully protect low income pensioners eligible for LCTS support meant the funding reductions fell on working age households and effectively reduced funding for that cohort by 20%. Since 2014 LCTS funding has been included within core revenue grant allocations for individual councils and has therefore reduced further over the years.
- 3.3 Despite this reduction in funding the Council has operated a “12% scheme” in every year since 2014/15 (8.5% in 2013/14) ensuring that working age households with a full entitlement pay no more than 12% of Council Tax. Having a supportive LCTS scheme is consistent with the Councils determination to support vulnerable households and the Council Plan 2021/22 to 2023/24.

- 3.4 By way of comparison, within the Tees Valley for 2020/21 two Local Authorities operated a 20% scheme, one operated a 17.5% scheme and one a 15% scheme. However, Stockton is currently consulting on a banded LCTS scheme, which will reduce the overall Council Tax income they collect from eligible households, with a small number of the most vulnerable paying no Council Tax. Research by the Institute for Fiscal Studies (published January 2019) showed that for 2018/19 nationally 20% was the most common scheme operated, but a significant number of councils operated a scheme with a higher percentage i.e. less favourable to claimants.
- 3.5 The 12% scheme means that for 2021/22 a Band A household in receipt of full support will pay £167.76. The table below compares the annual Council Tax payment with the different Tees Valley scheme percentages and highlights the additional annual support the Council's 12% scheme provides.

LCTS Scheme	Annual Council Tax	Increase in Annual Council Tax
12%	£167.76	0
15%	£209.70	£41.94
17.5%	£244.65	£76.89
20%	£279.60	£111.84

### Claimant Numbers

- 3.6 There had been a general reduction in claimants over the period of the local schemes operation. An increase in claimants was experienced during 2020/21, peaking in August 2020 as the Covid pandemic impacted the economy before gradually reducing towards year end. Claimants were supported by the one-off hardship allocation provided by government which reduced LCTS accounts by up to £167. Additionally, the furloughing scheme undoubtedly ensured that numbers did not increase as much as would have been the case without this support. There remains a risk that when furlough ends in September 2021 the caseload may increase significantly and then take a period of time to reduce to the pre Covid level. As at July 2021 there were 13,632 LCTS claimants, of which 9,034 were working age and 4,598 pension age.

- 3.7 Forecasting future claimant numbers is difficult, especially given the current circumstances. At this stage it is anticipated that the impact of Covid will not be permanent with a steady reduction in the working age caseload back to pre-covid levels followed by stable numbers going forward. However, in addition to renewed Covid risks, there remains short to medium term risks that claimant numbers could increase linked to economic factors and the performance of the UK economy. The LCTS scheme may in future years be impacted by further national welfare reforms.

### **Collection Performance**

- 3.8 Collecting Council Tax from LCTS households is more resource intensive than non LCTS households. These households are less likely to pay by Direct Debit, instead choosing to make payment in different ways e.g. cash, either at the Civic Centre or via the Post Office and Paypoint network at local shops. In addition there is a greater likelihood that payment is ultimately obtained through Attachment of Benefit. All recovery action is managed sensitively, whilst seeking to maximise income collection.
- 3.9 Attachment of Benefits (AOB) can only be requested to the DWP following the Council securing a liability order via the Magistrates Court. Currently the highest attachment allowable is £3.70 a week, with only one AOB deduction active at any one time. Given in the best case scenario, such an attachment could only be secured 12 weeks into the financial year, thus allowing 40 weeks of collection, the maximum collectable in this scenario is £148 in total. The least amount payable for a Band A property is £167.76 as set out in section 3.5 above, therefore, unless individuals circumstances change, debt will continue to accrue year on year. Currently 5,826 Council Tax accounts have an Attachment of Benefits, though these will not all be current LCTS accounts. In addition there are 4,540 Attachments of Benefits pending. As at the end of July 2021 £3.128m of debt is outstanding to those with Attachment of Benefits. Collection levels remain high for this debt, albeit payment is not all received in the year the liability first became due.

### **Cost of Scheme**

- 3.10 The cost of the current LCTS scheme for 2020/21 was £13.508m in relation to Council Tax support provided to eligible low income households, including pensioners. Each year an estimate is made as to the forecast cost and this is included within the annual Council Tax Base calculation.

### **Core Principles**

- 3.11 In common with LCTS schemes established by many other Councils, the Hartlepool LCTS scheme has been centred on a number of core principles:

**Every working age household should pay something towards Council Tax** - All working age claimants will have their LCTS entitlements calculated to ensure an affordable and sustainable scheme.

**Everyone in the Household should contribute appropriately** - Hartlepool will implement Central Government changes to the value of non-dependant adult deductions from Council Tax Support entitlements.

**The LCTS scheme should encourage work** – claimants will be allowed to keep more of their earnings before they are taken into account in the LCTS award calculation. The Hartlepool scheme increases earnings disregards by £5 per week; to £10, £15 and £30 for a single person, couple and single parent households respectively.

**Streamline / Simplify the LCTS Scheme** – the Hartlepool scheme will continue to remove 2<sup>nd</sup> adult rebate, and restrict backdating of LCTS to a maximum of 4 weeks. The 2<sup>nd</sup> Adult rebate applies only to Working Age claims, Pension Age claims continue to be eligible for 2<sup>nd</sup> Adult rebate although current numbers are extremely small.

**Retain War Widows / War Pensions Local disregards framework** – under the national CTB regulations Local Authorities are required to disregard the first £10 per week of War Pension Scheme and Armed Forces Compensation Scheme payments. In addition Local Authorities have the discretion to top up the disregard to the full amount. Hartlepool have historically applied the discretionary top up and this continues to apply in the Council's LCTS scheme.

- 3.12 The Government considered the position of low income pensioners associated with the abolition of Council Tax Benefit and the introduction of LCTS. They determined that, unlike most other groups, pensioners cannot reasonably be expected to seek paid employment to increase their income. Therefore the Government determined that as a specific vulnerable group, low income pensioners should be protected from any reduction in support as a result of this reform. There is no indication that the Government will change its position on this core principle for 2022/23.

#### 4. PROPOSALS

- 4.1 The Council has the option to amend the LCTS on an annual basis subject to approval and relevant consultations. Given the budget position outlined elsewhere on today's agenda an increase in support (i.e. a reduction in rate payable) has not been included as an option for consideration – as this would increase the budget gap and mean more service cuts are required.
- 4.2 The table below details a number of potential options to reduce support (i.e. increase the rate payable) for consideration.

LCTS Scheme	Additional Potential Council Tax Income*	Impact on Households				
		Band A LCTS Liability	Council Tax Increase for LCTS - full entitlement	Amounted Collected via Attachment of Benefit In Year	Arrears at the end of Year 1	Arrears at the end of Year 2
12%	n/a	£168	n/a	£148	£20	£40
14%	<b>£0.168m</b>	£196	<b>17%</b>	£148	£48	£95
16%	<b>£0.337m</b>	£224	<b>33%</b>	£148	£76	£151
18%	<b>£0.505m</b>	£252	<b>50%</b>	£148	£104	£207
20%	<b>£0.673m</b>	£280	<b>67%</b>	£148	£132	£263

\*Figures are based on a 90% collection rate for LCTS households

4.3 An increase in the minimum amount payable would have a beneficial impact on the value of Council Tax collectable within the Borough. However, there would be a number of consequential outcomes that need careful consideration:

- Collection from LCTS households is generally more challenging and resource intensive for the Revenues Team. One of the proposals anticipated to be brought forward to close the budget gap is to increase the overall collection rate to 99% in the Council Tax Base. An increase to the LCTS amount payable would significantly increase the risk that a 99% overall collection rate becomes unachievable. This would mean this savings proposal would need to be reviewed.
- Whilst the headline increases may appear small, the percentage increase is more significant and impacts on those least able to pay. An increase from 12% to 20% represents a 67% increase for those in full receipt of LCTS i.e. from £168 to £280.
- Currently, in the best case scenario, Attachment of Benefits (AoB) from week 12 would result in a year end Arrears of £20. An increase in the scheme % rate would increase arrears for these low income households. In a 20% scheme scenario these arrears increase significantly to £132 for year one. As only one AoB can be in place at any one time, higher arrears will also become stacked, placing a significant financial burden on low income households.
- Despite best efforts, there would likely be an increase in arrears and Bad Debt write off in future years as a consequence of any increase. For those with Attachment of Benefits, arrears would grow year on year.
- The last public consultation on the LCTS was in Autumn 2019. Of the 333 respondents, 64% were in favour of retaining the 12% minimum payment. Of those who did favour an increase, 49% were in favour of the smallest possible increase, to 14%.

- 4.4 Given the factors listed above, the economic uncertainty regarding the ending of furlough and the economic recovery from Covid, a period of stability is needed. Therefore, it is recommended that the Council continues to adopt a 12% LCTS scheme for 2022/23.
- 4.5 The core principles set out in section 3.11 underpin the Council's LCTS scheme and have been in place from the outset. It is proposed that these principles are carried forward into the 2022/23 scheme without amendment.
- 4.6 LCTS entitlements are determined using a complex means tested calculation. Hartlepool continue to apply within its LCTS schemes, those changes applied by the DWP to the national Housing Benefit scheme. It is proposed that this continues for 2022/23 to mirror national changes to promote consistency and simplify administrative processes.
- 4.7 However, a growing number of Councils are moving to a "banded scheme" which creates income bands that determines a level of Council Tax Support, rather than specific income. Such an approach whilst creating cliff-edges in support does simplify the scheme and has clear administrative benefits.
- 4.8 As Universal Credit continues to be rolled out, those households transferring no longer receive housing benefit from the Council but instead receive housing financial support as part of their Universal Credit. This has a consequential impact on the level of Housing Benefit Administration Grant received by the Council and therefore the size and structure of the Benefits team within the Council.
- 4.9 Given the continued reduction in administration grant, future consideration of a banded scheme may be required, in order to ensure enough capacity is retained within the benefit team for other core work. This will require significant and complex financial modelling. Experience from councils which have adopted this approach indicates that the changes either increase the cost to the council, which would increase the budget gap, or reduce support to low income households. Neither outcome would be appropriate during the Covid recovery period. Therefore, it is not proposed to progress a banded scheme for 2022/23.

## **5. RISK IMPLICATIONS**

- 5.1 Any increase in the level of Council Tax payable by recipients of LCTS will increase the risk of collection performance dropping for LCTS recipients but also the wider collection position given the increased administrative burden that will result. Continuing with a 12% scheme will mitigate that risk.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The cost of the LCTS scheme is included within the annual Council Tax Base calculations. The MTFS allows for a base increase over the period, reflecting both the anticipated cost of LCTS, but also other factors such as housing growth. The MTFS will be updated when the Base position is calculated based on latest available information in November.
- 6.2 The proposals set at section 4, outline the potential increased Council Tax that could be achieved with a reduction in support. Continued effort will be made to engage with and increase the collection rate for those in receipt of LCTS.

## **7. LEGAL CONSIDERATIONS**

- 7.1 Councils are required to determine and operate their own LCTS scheme for each financial year. Once a LCTS scheme has been set for a financial year it cannot be altered until the following financial year.

## **8. CONSULTATION**

- 8.1 There is a requirement to consult on any proposals that amend the current LCTS scheme. Therefore, if Members determine they wish to consider alternative LCTS schemes the necessary consultation will need to be undertaken and a further report then brought back to this Committee to determine the recommended scheme to be referred to Council.

## **9. CHILD / FAMILY POVERTY**

- 9.1 An Impact Assessment covering LCTS has been reviewed and is included at Appendix A, which reflects continuation of a 12% scheme. This will need updating if Members wish to consult on alternative options and the implications then considered alongside the consultation outcome before a final decision is made.

## **10. EQUALITY AND DIVERSITY**

- 10.1 An Impact Assessment covering LCTS has been reviewed and is included at Appendix B. As detailed in paragraph 9.1 this is based on a 12% scheme and would also need to be updated should alternative options be considered.

## **11. STAFF CONSIDERATIONS**

- 11.1 There are no direct staffing implications of the proposals.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

12.1 There are no asset management considerations.

## **13. RECOMMENDATIONS**

13.1 It is recommended that Members:

- i. Note the current costs and administration impact/risks associated with the LCTS scheme; and
- ii. Approve the 2022/23 scheme continues as a 12% scheme, to be referred to full Council.

## **14. REASON FOR RECOMMENDATIONS**

14.1 To update Finance and Policy Committee on the latest position with regard to the LCTS scheme.

14.2 The recommendation to refer continuation of a 12% LCTS scheme for 2022/23 to full Council is designed to provide a period of stability for both low income working age households eligible for this support and the Council, whilst the economy recovers from the financial impact of the Covid pandemic.

## **15. BACKGROUND PAPERS**

15.1 Local Council Tax Support Scheme 2020/21 – Finance and Policy Committee, 9<sup>th</sup> December 2019.

## **16. CONTACT OFFICER**

James Magog  
Assistant Director (Finance)  
01429 523093  
[James.magog@hartlepool.gov.uk](mailto:James.magog@hartlepool.gov.uk)

Sign Off:-

Managing Director



Director of Resources and Development



Chief Solicitor





## Poverty Impact Assessment Form

## (11) (a) (ii) Appendix A

<b>1. Is this decision a Budget &amp; Policy Framework or Key Decision? Yes</b> If YES please answer question 2 below				
<b>2. Will there be an impact of the decision requested in respect of Child and Family Poverty? YES</b> If YES please complete the matrix below				
GROUP	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Young working people aged 18 - 21	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those who are disabled or suffer from illness / mental illness	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those with low educational attainment	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those who are unemployed	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those who are underemployed	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Children born into families in poverty	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those who find difficulty in managing their finances	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Lone parents	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Those from minority ethnic backgrounds	✓			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.

Poverty is measured in different ways. Will the policy / decision have an impact on child and family poverty and in what way?				
Poverty Measure (examples of poverty measures appended overleaf)	POSITIVE IMPACT	NEGATIVE IMPACT	NO IMPACT	REASON & EVIDENCE
Low Income Individuals, Families and Households	Yes			The operation of a Local Council Tax Support Scheme means that those meeting the eligibility criteria will receive a reduction to Council Tax payable.
Overall impact of Policy / Decision				
POSITIVE IMPACT		Yes	ADJUST / CHANGE POLICY / SERVICE	N/A
NO IMPACT / NO CHANGE		N/A	STOP / REMOVE POLICY / SERVICE	N/A
ADVERSE IMPACT BUT CONTINUE		N/A		
Examples of Indicators that impact of Child and Family Poverty.				
Economic				
Children in Low Income Families (%)				
Children in Working Households (%)				
Overall employment rate (%)				
Proportion of young people who are NEET				
Adults with Learning difficulties in employment				
Education				
Free School meals attainment gap (key stage 2 and key stage 4)				
Gap in progression to higher education FSM / Non FSM				
Achievement gap between disadvantaged pupils and all pupils (key stage 2 and key stage 4)				
Housing				
Average time taken to process Housing Benefit / Council tax benefit claims				
Number of affordable homes built				

Health
Prevalence of underweight children in reception year
Prevalence of obese children in reception year
Prevalence of underweight children in year 6
Prevalence of obese children in reception year 6
Life expectancy

## Equality Impact Assessment Form

## (11) (a) (ii) Appendix B

Department	Division	Section	Owner/Officer
Resources and Development	Finance	Benefits	James Magog
Service, policy, practice being reviewed/changed or planned	<b>Local Council Tax Support Scheme 2022/23</b>		
Why are you making the change?	At this stage no change is proposed.		
<b>How might this impact (positively/negatively) on people who share protected characteristics?</b>			
<i>Please tick</i>		<b>POSITIVELY</b>	<b>NEGATIVELY</b>
<b>Age</b>			
The Government considered the position of low income pensioners associated with the abolition of Council Tax Benefit and the introduction of LCTS. The Government determined that unlike most other groups, pensioners cannot reasonably be expected to seek paid employment to increase their income. Therefore the Government determined that as a specific vulnerable group, low income pensioners should be protected from any reduction in support as a result of this reform. The Government has not changed its position on this core principle for 2022/23. A neutral relative impact is therefore envisaged.			
<b>Disability</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Gender Re-assignment</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Race</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Religion</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Gender</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Sexual Orientation</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			

<b>Marriage &amp; Civil Partnership</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Pregnancy &amp; Maternity</b>			
The 2022/23 proposed scheme continues with the core principle that every working age household should pay something towards Council Tax. The Council endeavours to minimise the impact of LCTS. The scheme does not provide protection of detriment to any specific working age group. A neutral relative impact is therefore envisaged.			
<b>Has there been consultation /is consultation planned with people who will be affected by this policy? How has this affected your decision making?</b>		<p>The existing scheme has been consulted upon previously. Consultation would be undertaken should an amendment be proposed.</p> <p>It is not envisaged that any scheme change will impact the Equality Impact Assessment, the same relative impact is anticipated.</p>	
<b>As a result of your decision how can you mitigate negative/maximise positive outcomes and foster good relationships?</b>		By applying the scheme fairly and consistently across all households within Hartlepool.	
<b>Describe how you will address and monitor the impact</b>		<b>1. No Impact - No Major Change</b>	
		No new impact expected.	
		<b>2. Adjust/Change Policy</b>	
		N/A	
		<b>3. Adverse Impact but Continue as is</b>	
		N/A	
		<b>4. Stop/Remove Policy/Proposal</b>	
		N/A	
Initial Assessment		Reviewed	19/08/21
Completed	19/08/21	Published	13/09/21



**Report of:** Managing Director

**Subject:** BUSINESS REPORT

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## **1. RESIGNATIONS**

Elected Members will be aware that on 17 August, Councillor Young tendered his resignation from the following roles with immediate effect:-

- Vice Chair Council
- Deputy Leader

As a consequence of Councillor Young's resignation as Deputy Leader, the seat allocated for the Deputy Leader on Finance and Policy Committee is vacant until the replacement Deputy Leader is appointed.

Councillor Young has advised that he has resigned also from the following:-

Appointments Panel  
Constitution Committee

National Association of Councillors - English Region  
North East Regional Employers Organisation  
North Tees and Hartlepool NHS Foundation Trust  
Tees Valley CCG Primary Care Commissioning Committee  
Hartlepool Power Station - Community Liaison Committee  
Victoria and Jubilee Homes (Term of Office 2018 - 2022)  
River Tees Port Health Authority

Full Council is requested to appoint to the above vacancies.

## **2. SPECIAL URGENCY**

In accordance with the requirements of the Access to Information Procedure Rules included in the Council's Constitution, Full Council is informed that no special urgency decisions were taken in the periods set out below:-

May – July 2021

Council is requested to note the report.

### 3. COVID UPDATE

Hartlepool continues to see high numbers of COVID-19 cases. At the time of writing this report, we had a case rate per 100,000 of 409. This has remained reasonably constant over the last 14 days or so and suggests that at the moment we are not seeing a significant increase in numbers of cases, however we currently are ranked within the 10th highest number of cases in the Country. I will provide an update on the evening of Council. The highest numbers of cases are in the 11 -18 age group and this reflects the successful roll out of the vaccination programme, however we are starting to see an increase in the over 25's.

The vaccination programme has been very successful however we are still working to reduce inequalities. The 40+ age groups have high numbers of uptake however in the younger groups we are seeing fewer people take up the vaccination. The council's public health team are working with the Primary Care Networks and other partners to facilitate the uptake of vaccinations in those groups where the uptake is lower through the implementation of pop up clinics, going out to where people are. Recent successes included a pop up at Middleton Grange which saw over 400 vaccinations administered as well as attending the Waterfront Festival with the vaccine bus. In Hartlepool, 81% of eligible residents have had their first dose and 76% have had the second.

Because of the higher rates recently, Hartlepool was designated as part of the North East Enhanced Response Area (ERA). This saw additional support given to the region in the form of additional communications support and access to resources such as additional staff to support the vaccination programme. This was utilised over the Bank Holiday Weekend to distribute flyers and information in those wards where there was a low uptake of vaccinations and high case rates. Thousands of leaflets promoting the programme were distributed and additional staff also attended the Waterfront Festival to talk to festival goers about the vaccination. Further support has been provided to a vaccination event at Hartlepool United's home game on the 18<sup>th</sup> September.

Members will be aware of the Prime Ministers Winter plan that has three priorities for the COVID-19 vaccination programme in England for the autumn and winter:

- a. Maximising uptake of the vaccine among those that are eligible but have not yet taken up the offer.
- b. Offering booster doses to individuals who received vaccination in Phase 1 of the COVID-19 vaccination programme (priority groups 1-9).
- c. Offering a single dose of vaccine to 12-15 year olds.

The CCG and Primary Care Networks have been planning for this and are working secondary schools to roll out the vaccination programme within schools in line with the Governments timetable. Data continues to show that the link between cases,

hospitalisations, and deaths has weakened significantly since the start of the pandemic. In England, the number of deaths and hospital admissions due to COVID-19 has remained relatively stable over the last month, and although hospital admissions and deaths sadly increased at the beginning of the summer, they have remained far below the levels in either of the previous waves. I am saddened to report that over the last month there have been a further 9 Covid related deaths in Hartlepool.

The Test, Trace, and Isolate system remains critical to the Government's plan for managing the virus over the autumn and winter. It helps to find positive cases and make sure they and their unvaccinated contacts self-isolate, breaking chains of transmission. This helps reduce pressure on the NHS, as well as enabling individuals to manage their own risk and the risk to others. Testing is also crucial to enable genomic sequencing that can identify potentially dangerous variants.

The Government will continue to expect everyone with COVID-19 symptoms to self-isolate and take a polymerase chain reaction (PCR) test. The legal requirement to self-isolate for 10 days if an individual tests positive for COVID-19 will remain in place in order to prevent those who are infected from mixing in the community and passing on the virus.

#### 4. **FULL OFSTED INSPECTIONS OF EXMOOR GROVE AND ST DAVID'S WALK CHILDREN'S HOMES**

A full inspection of St David's Walk took place on 25<sup>th</sup> and 26<sup>th</sup> May 2021 and the service was judged as **Good** overall. The report of the inspection was submitted to the Children's Services Committee on 7 September.

A full inspection of Exmoor Grove took place on 8<sup>th</sup> and 9<sup>th</sup> June 2021 and the service was judged as **outstanding** overall. Therefore meeting the criteria that 'The children's home provides highly effective services that consistently exceed the standards of good. The actions of the children's home contribute to significantly improved outcomes and positive experiences for children and young people who need help, protection and care'. The report of the inspection was submitted to the Children's Services Committee on 7 September.

I am sure elected members will wish to join me in conveying their congratulations and appreciation to all those involved.

#### 5. **LOCAL GOVERNMENT FUNDING**

Following the agreement of Full Council to a Motion on Notice submitted to the February meeting of Full Council, a letter was sent to the Secretary of State for Housing Communities and Local Government. Appended to this report is the response which has been received from the Minister for Regional Growth and Local Government.





Ministry of Housing,  
Communities &  
Local Government

**Luke Hall MP**

*Minister for Regional Growth and Local  
Government*

**Ministry of Housing, Communities and Local  
Government**

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Our Ref:12038089

Cllr Shane Moore  
Cllr Mike Young  
Cllr Brenda Harrison  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
County Durham  
TS24 8AY

13 SEP 2021

*Dear Shane, Mike, Brenda,*

Thank you for your letter dated 30 July, to the Rt Hon Robert Jenrick MP, regarding the funding of local government. I appreciate how important this matter is to you and I am grateful to you for contacting my department with your concerns.

Your letter highlights that Hartlepool has a relatively high proportion of properties in council tax bands A and B and reflects that this impacts on Hartlepool's ability to raise funds through council tax. The Government recognises that authorities across the country have differing abilities to generate income from council tax and ensures that the Local Government Finance Settlement takes these into account when the distribution of funding to local authorities is determined each year. You also suggest that the Government should carry out a revaluation of all domestic properties. A revaluation would be expensive to undertake and could result in increases in bills for many households. As such, the Government does not have any plans for a revaluation.

I note your concerns regarding the development of a long-term funding strategy for adult social care. The Government is directly levelling the playing field between authorities by taking account of varying abilities to raise funding through the adult social care precept, through equalisation. The Government is committed to allocating funding in line with our assessment of where relative need is. In 2021/22, Hartlepool has received an additional £700,000 through the Social Care Grant and we are providing councils with access to over £1 billion of additional funding for social care in 2021/22. This will support councils to maintain care services while keeping up with rising demand and recovering from the impact of the Covid-19 pandemic. More broadly, the Government is committed to reforming the adult social care system and will bring forward proposals later this year. Funding decisions on social care beyond 2021/22 will of course be decided at the next Spending Review.

You express concern over how the settlement grant is currently distributed across authorities. Funding baselines for every authority are determined by an assessment of the relative needs of areas, including measures of deprivation. Councils in the most deprived areas of the country (the upper decile of the Index of Multiple Deprivation) receive 16% more in Core Spending Power than the least deprived areas. Through the Local Government Finance Settlement, the Core Spending Power made available to Hartlepool has increased from just over £85 million to above £94 million in the last two years alone. This annual increase of

6.2% from 2019/20 to 2020/21 and 4.1% from 2020/21 to 2021/22 demonstrates that we are ensuring councils across the country, such as Hartlepool, have the resources they need to deliver the key services they provide.

Once the pandemic is through, we will take stock of the demands faced by councils and the resources available to meet them and will decide on the timetable for future funding reform. Final decisions will be taken in the context of this year's Spending Review.

Once again, thank you for writing in on this important matter and sharing your concerns.

*Yours ever,*

A handwritten signature in blue ink, appearing to be 'LH' followed by a long horizontal stroke.

**LUKE HALL MP**

**COUNCIL**  
30 September 2021



**Report of:** Managing Director

**Subject:** BUSINESS REPORT 2

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## **6. AFGHAN CITIZENS RESETTLEMENT SCHEME (ACRS)**

Hartlepool Borough Council like so many local authorities have come forward and offered support for Afghan citizens and their families who are seeking to rebuild their lives in the UK. There are many thousands of Afghan families who in recent weeks arrived as part of the Government's Afghanistan relocation programme, many of whom have found homes and a warm welcome from local authorities across the UK. However, many are in interim hotel accommodation, unable to settle, find jobs and send their children to school.

The ACRS will welcome up to 5,000 people in the first year, up to a total of 20,000 over the coming years, leading the way in the global response to the humanitarian situation in Afghanistan. The scheme will provide vulnerable refugees from Afghanistan and those put at risk by recent events in Afghanistan with a route to safety.

The scheme will prioritise:

- those who have assisted the UK efforts in Afghanistan and stood up for values such as democracy, women's rights and freedom of speech, rule of law (for example, judges, women's rights activists, journalists); and
- vulnerable people, including women and girls at risk, and members of minority groups at risk (including ethnic and religious minorities and LGBT+).

Some of those who arrived in the UK under the evacuation programme, which included individuals who were considered to be at particular risk – including women's rights activists, prosecutors and journalists – will be the first to be resettled under the ACRS.

This ACRS is separate from, and in addition to, the Afghan Relocations and Assistance Policy (ARAP), which offers eligible current or former locally employed staff who are assessed to be under serious threat to life priority relocation to the UK.

Since the first flight landed on 22 June, the UK have welcomed around 7,000 Locally Employed Staff and their families under the ARAP scheme, including around 5,000 people who were evacuated during August. Those arriving through either ARAP or ACRS will be granted immediate Indefinite Leave to Remain allowing them to benefit

from full rights and entitlements and providing them with the certainty and stability they need to build their life here. The integration packages for the ACRS and ARAP will be aligned, providing one comprehensive offer to individuals, local authorities and mainstream services. The Government will match the tariff for the successful Syrian Vulnerable Persons Resettlement Scheme (VPRS) to provide a complete package covering health, education and integration support costs.

We have a crucial role to play in the welcome and support of newcomers to the UK, and have notified the Home Office of our pledge to help immediately and that we would take 9 households up to January 2022 and then review thereafter. The review will be based on ongoing council agreement to support the programme(s), housing availability and staff resources (bearing in mind we also have our usual throughput of other resettled families). We currently have five Afghan households in Hartlepool whom are receiving HBC support including four families with a total of 9 children and one single adult household. To date everyone has settled in well.

Elected Members are requested to note the report

## **7. APSE AWARD FINALISTS**

I am pleased to inform Members that Hartlepool Borough Council's Facilities Management & Building Cleaning team's efforts over the past year in response to the COVID19 pandemic and how we built up capacity particularly in the early days to respond to requests for infection control work has been recognised at a national level.

The Building Cleaning team found itself at the forefront of the response to COVID-19 during 2020/21. From the earliest days of the pandemic, Government advice was that the virus could survive on surfaces and therefore increased and enhanced cleaning regimes would be required to 'stop the spread'. Following several meetings with the Council's Director of Public Health, our COVID-19 Infection Control Service (CICS) was launched in March 2020 and soon became an integral part of Building Cleaning team's work.

The aims of this initiative were principally to keep people safe and healthy. We also wanted to make an effective contribution to the work of those tasked with broader responsibilities in relation to achieving Covid secure buildings and schools. In particular, we wanted to deliver the best possible service to our Head Teacher client group who were wrestling with their own unique challenges such as managing class bubbles, reorganising lunchtime provision and setting up isolation rooms.

Five distinct strands to the CICS element of the Building Cleaning service were introduced as part of our overall strategic approach. These are summarised below:

- Infection Control Measures – systematic regime of disinfecting frequently touched surfaces and sanitising well used communal areas such as toilets and kitchens. Within our schools and public buildings, some 15,000 hours of new infection control work were requested by clients in 2020/21 because of COVID-19.

- Rapid Response Service – fast, responsive service to deep clean buildings where a positive case had been reported.
- Classroom Sanitisation – provision and regular ‘top up’ of spray bottles containing disinfectant to school staff for use in classroom settings. This support meant teaching/caretaking staff had no worries about sourcing suitable supplies or diluting chemicals appropriately.
- Lunchtime Cleaning – new equipment purchased and introduced into our schools to more quickly sanitise dining tables and chairs and support a speedy turnaround of lunch sittings for individual bubbles.
- Expert Support – provision of advice to those Council departments who found themselves with new responsibilities for sanitising their own equipment and machinery, for example within residential homes or in fleet vehicles such as school buses.

The initial challenges and barriers to launching CICS were mostly around resource levels. Demand for the infection control service was immediate and far outstripped the capacity that existed within Building Cleaning early in 2020. This was further exacerbated by employees who were required to shield or isolate. During 2020/21, there were 196 instances of COVID-19 related cleaner absences to deal with. Goalposts were continually moving, particularly within the education sector, as schools closed and re-opened and then had to introduce new control measures and different operational and management arrangements. A further challenge for us was in sourcing suitable equipment and supplies as a result of increased demands both nationally and internationally

I am sure Members will wish to join me in congratulating the Team on this achievement.

#### 8. THE NORTHERN STUDIOS (HARTLEPOOL) LIMITED - DIRECTOR APPOINTMENTS

I have been invited to be appointed as this Authority’s representative on the above organisation as a Director appointment. Full Council is requested to approve this appointment and that the Outside Body Schedule, included in the Constitution, be updated accordingly.

## Member questions for Council

Meeting: 30 September 2021

1.	From: Councillor Hargreaves
	To: Councillor Stokell Chair of Neighbourhood Services Committee
	Question: “Can the Chair of Neighbourhood Services tell us how many road safety schemes are currently on the waiting list for implementation in Hartlepool?”

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# CLEVELAND FIRE AUTHORITY

## MINUTES OF ANNUAL MEETING

4 JUNE 2021

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### **PRESENT:**

#### **CHAIR**

Cllr Paul Kirton – Stockton on Tees Borough Council

#### **HARTLEPOOL BOROUGH COUNCIL**

Cllrs Tom Cassidy, Ben Clayton

#### **MIDDLESBROUGH COUNCIL**

Cllrs Teresa Higgins, Naweed Hussain, Jon Rathmell, Ashley Waters

#### **REDCAR & CLEVELAND BOROUGH COUNCIL**

Cllrs Billy Ayre, Adam Brook, Cliff Foggo, Mary Ovens

#### **STOCKTON ON TEES BOROUGH COUNCIL**

Cllrs Luke Frost, Lynn Hall, Steve Matthews, Jean O'Donnell,

#### **AUTHORISED OFFICERS**

Chief Fire Officer, Assistant Chief Fire Officer - Strategic Planning & Resources, Legal Adviser and Monitoring Officer, Treasurer

### **APOLOGIES:**

Councillor Tim Fleming, Hartlepool

### **1. INTRODUCTION**

The Chair welcomed new Members Councillors Tom Cassidy, Ben Clayton and Steve Matthews to the meeting and placed on record thanks to Councillor William Woodhead from Stockton Borough Council for his valued support and commitment to Cleveland Fire Authority over many years.

### **2. APPOINTMENT OF CHAIR FOR THE ENSUING YEAR**

The Legal Adviser and Monitoring Officer (LAMO) sought nominations for the position of Chair of Cleveland Fire Authority for 2021/22.

Councillors Paul Kirton and Lynn Hall were subsequently proposed and seconded. A vote was taken and Councillor Kirton received eight votes to Councillor Hall's seven.

**RESOLVED – that Councillor Paul Kirton be appointed Chair of Cleveland Fire Authority for 2021/22.**

### **3. DECLARATIONS OF MEMBERS INTEREST**

It was noted no Declarations of Interests were submitted to the meeting.

**4. APPOINTMENT OF THE VICE CHAIR FOR THE ENSUING YEAR**

The Chair sought nominations for the position of Vice Chair of Cleveland Fire Authority for 2021/22. Councillors Jean O'Donnell and Luke Frost were proposed and seconded with Councillor O'Donnell receiving eight votes to Councillor Frost's seven.

**RESOLVED – that Councillor Jean O'Donnell be appointed as Vice Chair of Cleveland Fire Authority for 2021/22.**

**5. MINUTES**

**RESOLVED – that the minutes of the Ordinary meeting of 16 April 2021 (adjourned from 26 March 2021) be confirmed.**

**6. MINUTES OF MEETINGS**

**RESOLVED - that the Minutes of the Executive (Appeals) Committee meeting on 22 March 2021 and Executive (Appointments) Committee on 26 April 2021 be confirmed.**

**7. COMMUNICATIONS RECEIVED BY THE CHAIR**

LGA

- NJC Circulars
- Core Code of Ethics for Fire And Rescue Services

**RESOLVED – that the communications be noted.**

**8. REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER**

**8.1 Member Code of Conduct**

Members received details of the LGA Model Councillor Code of Conduct 2020 which had been considered by the Audit and Governance Committee at its meeting on 26 February 2021.

The Legal Adviser and Monitoring Officer (LAMO) reported that the Authority's existing Code of Conduct referenced all ten general principles of conduct in public life and made reference to the LGAs earlier Template Code and Guidance Note on Conduct. However, the Audit & Governance Committee recommended the adoption of further sections of the LGAs Model Code pertaining to: bullying, harassment and discrimination; and the area of dispute. These additions would be included under the General Obligations Section of the CFA Code of Conduct.

The LAMO confirmed that the revised CFA Code of Conduct would be incorporated into the Authority's Constitution and referenced in the Member Development Plan for 2021/22.

**RESOLVED: -**

- (i) **That the adoption of parts of the LGA Model Code, as detailed at paragraph 4.1 of the report, be approved.**
- (ii) **That Members' receive Ethical Governance Training, alongside the Independent Persons, during the municipal year 2021/22.**



## 8.2 Business Report 2021-22

The LAMO referred Members to The Constitution at Appendix A which included:

- CFA Membership 2021/22
- Calendar of Meetings 2021/22
- Terms of Reference
- Scheme of Delegation
- Financial Procedure Rules
- Code of Corporate Governance
- Ethical Governance Framework
- Standing Orders of the Authority Regulation of Proceedings & Business
- Contract Procedure Rules
- Members Allowance Scheme

Voting took place on the nominations received for Committees and outside bodies. At the Chairs request and with the consensus of the Members present, the appointment of the Chair and Vice Chair for the Audit & Governance (A&G) Committee was also undertaken. Councillor Waters was nominated for Chair of A&G and received seven votes to Councillor Foggo's six votes. Councillor Hussain and Councillor Foggo were both nominated as Vice Chair of the A&G Committee and tied with seven votes each. In accordance with Standing Order No.15 (2) the Chair had the casting vote and Councillor Hussain was appointed as Vice Chair.

### **RESOLVED:-**

- (i) That the Constitution as outlined at paragraph 3 and Appendix A be approved.
- (ii) That Member appointments to committees and outside bodies (as nominated and outlined in the table below) be approved.

#### **EXECUTIVE COMMITTEE**

LAB	KIRTON (Chair)	STOCKTON ON TEES
LAB	O'DONNELL (Vice Chair)	STOCKTON ON TEES
LAB	HIGGINS	MIDDLESBROUGH
CONS	HALL	STOCKTON ON TEES
CFAIG	FROST	STOCKTON ON TEES
CFAIG	FLEMING	HARTLEPOOL
LIB DEM	OVENS	REDCAR & CLEVELAND

#### **AUDIT AND GOVERNANCE COMMITTEE**

MIG	WATERS (Chair)	MIDDLESBROUGH
LAB	HUSSAIN (Vice Chair)	MIDDLESBROUGH
LAB	CLAYTON	HARTLEPOOL
CONS	CASSIDY	HARTLEPOOL
CFAIG	RATHMELL	MIDDLESBROUGH
LAB	AYRE	REDCAR & CLEVELAND
CFAIG	BROOK	REDCAR & CLEVELAND
IND	FOGGO	REDCAR & CLEVELAND
CONS	MATTHEWS	STOCKTON ON TEES

#### **REPRESENTATIVES FOR OUTSIDE BODIES 2021/22**

LGA FIRE COMMISSION REPRESENTATIVE	Cllr KIRTON
Substitute:	Cllr O'DONNELL
REDCAR & CLEVELAND COMMUNITY SAFETY PARTNERSHIP	Cllr AYRE
STOCKTON SAFER PARTNERSHIP REPN	Cllr KIRTON

### **8.3 Appointment of Independent Persons**

The LAMO informed Members that the term of office for the current Independent Persons was due to end on 30 June 2021. He reported that following a recruitment campaign, only three suitable candidates were identified: the two existing Independent Persons plus a third who was unable to attend the Executive (Appointments) Committee on 26 April 2021. Executive Members recommended the re-appointment of the two existing Independent Persons for a two year term with effect from 1 July 2021.

**RESOLVED – That as recommended by the Executive (Appointments) Committee, Mr Paul McGrath and Mr Steve Harwood be re-appointed as the Independent Persons to Cleveland Fire Authority from 1 July 2021 for a two year term of office.**

### **8.4 Member Development Plan**

The LAMO presented the Member Development Plan 2021/22, as detailed at Appendix 1 of the report, and informed Members that all training needs should be directed to Bev Parker, Democratic and Administration Manager.

**RESOLVED – that the Member Development Plan 2021/22, at Appendix 1, be approved.**

## **9. REPORT OF THE CHIEF FIRE OFFICER**

### **9.1 COVID 19 – update**

The Chief Fire Officer (CFO) provided Members with a detailed presentation on the latest position of the Covid-19 pandemic which covered:-

- National infection / death / hospital admission rate over last 7 days
- North East Authorities – infection rate over last 7 days
- National / Regional Vaccinations to date
- CFA Strategic Objectives
- COVID-19 Staff Wellbeing
- Performance April 2020 – March 2021
- Additional Broader Support

Councillor Ayre referred to recent news reports of violence to emergency services staff and asked what the age profile of offenders was. The CFO confirmed that this tended to be those at the younger end of the scale delivering both verbal and physical abuse and that the Brigade would not tolerate this behaviour.

Members expressed their thanks to all staff on behalf of the Authority for their exceptional efforts and continued support throughout the pandemic.

**RESOLVED – that the presentation be noted.**

### **9.2 Information Pack**

- 9.2.1 National Joint Circulars
- 9.2.2 Campaigns

**9.2 Information Pack cont.**

Councillor Hall asked for an update regarding the number of hoax calls received and how the Authority would ensure staff safety going forward. The CFO confirmed that Fire Control utilise a 'call challenge' approach which allows them to establish if the caller is genuine, resulting in a dramatic reduction of hoax calls. The CFO confirmed that a risk based approach has been taken on the road to recovery and agile working measures were in place with approximately 40% of support staff present at the Training and Administration Hub.

**RESOLVED – that the information pack be noted.**

- 10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006**  
**RESOLVED - “That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 4 and 5 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to any individual; information that is likely to reveal the identity of an individual; information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority; and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.”**
- 11. CONFIDENTIAL MINUTES OF MEETINGS**  
**RESOLVED – that the Confidential Minutes of the Executive (Appeals) Committee on 22 March 2021 and Executive (Appointments) Committee on 26 April 2021 be confirmed.**
- 12. CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER**  
**12.1 Age Discrimination Remedy**  
Members received details on the current position of the implementation of the Age Discrimination Remedy and immediate detriment cases, in relation to Firefighters Pension Schemes.

**COUNCILLOR PAUL KIRTON**  
**CHAIR**