



Epping Forest District Council

CONSTITUTION WORKING GROUP **Thursday 14th November 2024**

You are invited to attend the next meeting of **Constitution Working Group**, which will be held at:

Virtual Meeting on Microsoft Teams
on **Thursday 14th November 2024**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

G Woodhall & M Picking Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors A Lion (Chairman), J H Whitehouse (Vice-Chairman), R Bassett, C McCann, M Dadd, K Williamson, E Gabbett, H Kauffman and C C Pond

1. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

2. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

3. NOTES OF PREVIOUS MEETING (Pages 3 - 5)

To agree the notes of the meeting of the Working Group held on 11 July 2024.

4. TERMS OF REFERENCE & WORK PROGRAMME

To note the terms of reference and review progress with the achievement of the current work programme for the Working Group.

5. CONSTITUTION - REVISIONS & AMENDMENTS

(Monitoring Officer) To note that the following revisions or amendments have been made to the Constitution since the previous meeting of the Working Group:

Part 6	Members Allowance Scheme 2024-25	Approved by Council 19-Dec-23 Minute 52 refers.
Part 3 – Scheme of Delegation – Appendix 4 Portfolio Holder Responsibilities	Delegated decision under Local Govt Act 2000	LDR-002-2024/25 + Update to 2 Portfolios requested by Leader via email.
Article 17 – Access to Information	Revisions to incorporate current practices.	Approved by Council 9-Apr-24, minute 84 refers.
Article 10 – Planning Committees, plus Appendix 2 and 3 of the Scheme of Delegation	Abolition of existing Planning Committees and replacement with two new Planning Committees – A & B.	Approved by Council 8-Aug-24, minute 28 refers.

6. CONSTITUTION REVIEW (Pages 6 - 42)

(Monitoring Officer) To consider the attached report on progress to date with the review the Constitution.

7. DATE OF NEXT MEETING

To note that the next meeting of the Working Group will be held on 13 March 2025 at 19.00.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Constitution Working Group	Date:	Thursday 11 July 2024
Place:	Virtual Meeting on Microsoft Teams	Time:	7.00 - 8.58 pm
Members Present (Virtually):	Councillors A Lion (Chairman), J H Whitehouse (Vice-Chairman), R Bassett, C McCann, M Dadd, K Williamson, E Gabbett, H Kauffman and C C Pond		
Other Councillors (Virtual):	Councillors N Bedford and P Keska		
Officers Present (Virtually):	N Boateng (Service Manager / Solicitor - Legal Services (Shared Services)), G Courtney (Service Manager (Planning Development)) and G Woodhall (Team Manager - Democratic & Electoral Services)		

1. APOLOGIES FOR ABSENCE

It was noted that there were no apologies for absence for this meeting.

2. SUBSTITUTE MEMBERS

It was noted that there were no substitute members for this meeting.

3. NOTES OF PREVIOUS MEETING

RESOLVED:

That the notes of the Working Group held on 14 March 2024 be agreed as a correct record.

4. TERMS OF REFERENCE & WORK PROGRAMME

(a) Terms of Reference

The Working Group noted the Terms of Reference.

(b) Work Programme

The Working Group noted the Work Programme and there were no further comments.

5. CONSTITUTION - REVISIONS & AMENDMENTS

The Working Group noted that due to the General Election, there were a couple of revisions still to be made to the constitution, including Portfolio Holder responsibilities, Members' Allowances Scheme and changes to Article 17 as discussed at the last Constitution Working Group meeting and subsequently agreed by Council.

6. PAS REVIEW - RESTRUCTURE OF PLANNING COMMITTEES

Planning Service Manager, G Courtney outlined some of the details of the PAS report to the Working Group and went over what would be discussed at this meeting. The conclusion of the recently held PAS review workshop, which a majority of members had attended, concurred that this was the way forward.

It was highlighted that surrounding Councils' planning committees were structured in a similar way to how PAS were suggesting and that we were unique in the way ours were laid out. Members were reminded that the goal of the PAS review was to improve efficiency, make faster decisions and reduce costs. The Group noted that there might be some significant changes coming to planning legislation and policy within the tenure of the current government.

G Courtney provided some clarity on questions raised by members. Not all major applications would go to committee, they first needed to be qualified by officers. There would need to be 5 or more representations (not just objections) before an application would be determined by a planning committee. All applications before the committee would have a site visit arranged for Members unless the Chairman of the committee did not feel it necessary. It was noted however that these queries were procedural and did not need to be written in the constitution.

A point of concern for Members was the fact local Ward Councillors would have a lesser role in the decision making if they were only able to speak once the reports had been published in the agenda highlighting the importance of local knowledge. Members concurred that Local Ward Councillors should have early involvement in the process with officers and should be able to suggest conditions at committee.

Members discussed how Members should sit on each committee following the restructure, and whether the Council should adhere to PAS' recommendation of 9 with a quorum of 7. Councillors Kauffman and Pond raised concerns with only having 9 members on each committee highlighting the current government rapidly re-writing the NPPF as well as making some allowance for sickness, holiday and members being taken out due to the application being in their ward. Councillors Pond and Kauffman requested that their disapproval with the proposed recommendations were noted.

The Working Group agreed that there should be a 9-month review period (next municipal year) in which changes could be made depending on how the new restructured committees were performing subject to their being no urgent changes to the NPPF that would affect the Council's committees.

It was noted that the PAS workshop agreed that mandatory planning training be provided to all members on a planning committee as well as officer training to ensure high standards. A selection of members for each committee would be laid out within the procedural document resulting in there being no need for it to be written into constitution. The recommendations were agreed as below.

Resolved:

The committee agreed that the following recommendations should be made to Council.

- (1)
 - That the number of committees be reduced to two committees (titled Planning Committee A and Planning Committee B).

- That the committees are determined on the basis of agenda management, the definition of which is that the agenda will be compiled on the basis of 'complexity, timing and number of applications'.
- That the number of Members on each committee is nine, as laid out within the suggested amendments to Article 10 of the Constitution.
- That the whole structure of the reorganisation of planning committees be reviewed after a period of nine months after the changes are implemented.
- That all Members of the Planning Committee undertake mandatory planning committee training.
- That Local Ward Members have the right to speak at Committee, including having an opportunity to respond to points of information and points of clarification, at the discretion of the Chairman of the Planning Committee. However, Local Ward Members are unable to debate or vote on any planning application situated within their ward.

(2) That Constitution Working Group agree to the recommended amendments to the Constitution, including the changes to the scheme of delegation for planning.

(3) That Constitution Working Group agree to the removal of the minority reference process.

7. CONSTITUTION REVIEW - SCHEME OF DELEGATIONS

The Monitoring Officer, N Boateng informed the working group of some of the revisions that had been made to the Scheme of Delegations that her and a small working group of officers had been working on. These changes would result in the Scheme of Delegations being reduced from 144 pages down to 37 without losing any of the important information. The Monitoring Officer intended to take the changes to be agreed to the next full council or the following one, depending on the progress of the document.

8. DATE OF NEXT MEETING

It was noted that the next meeting of the Working Group would be held on 14 November 2024 at 19:00.

Agenda Item 6

Report to Constitution Working Group

Date of meeting: 14 November 2024



**Epping Forest
District Council**

Subject: Constitution Review Update

Officer contact for further information: N Boateng (01992) 564323

Democratic Services Officer: G Woodhall (01992) 564243

Recommendations/Decisions Required:

- 1) **To update the Constitution Working Group on progress with the review of the Constitution.**
- 2) **To authorise referral of the amendments made to Constitution illustrated in this report to Council for approval.**

Background

The review of the Constitution started with the Scheme of Officer Delegation contained in Part 3 of the Constitution. The purpose of this report is to update members of the CWG on the progress made so far and to seek authority to refer the amendments made to Council for approval.

Scheme of Delegation Part 3 of the Constitution

The Council's current scheme of delegation is contained in part 3 of the Constitution. The scheme of delegation lists all officer delegations in alphabetical order which makes it difficult to find specific delegations. Following a comparison with other Councils it was considered that a simpler and more user-friendly way of presenting the delegations would be to list delegations under specific posts. For example, all the delegations related to the Chief Executive under that heading, rather than having to scan through hundreds of different delegations to find the one you require. Listing the delegations in alphabetical order requires that you know what you are looking for rather than seeing clearly all the delegations that relate to a particular post. Duplication has been removed, some of the appendices have also been removed together with a reduction in specific reference to legislation. The names of officers have been removed with instead reference to job title or Level 1, 2, 3 or 4.

The new officer scheme of delegation lists all the delegations under five headings focusing on statutory powers. The headings are: -

Chief Executive/Head of Paid Service
Strategic Director/S151 Officer
Strategic Director/Chief Operating Officer
Legal Service Manager/Monitoring Officer
Service Director of Planning
Level 2,3 and 4 Level Manager (General delegations applicable to any manager of these levels).

A note is presented under the delegations advising that the authorisations delegate down as necessary to Service Directors, Service Managers and Level 1 or 2 Managers.

The new style Scheme of Delegation was presented to the Senior Leadership Team on 1 July 24. The feedback was positive. It is therefore the intention to proceed with the new style Officer Scheme of Delegation for adoption by Council. The updated Officer Scheme of Delegation is provided at annex 1.

Council Management Structure Chart

With reference to Part 2, appendix 1 of Article 13 – ‘Officers’, currently this appendix contains 14 different structure charts. This level of detail is not necessary, it is proposed to remove the 14 structure charts and replace it with one EFDC Management Structure. This updated structure chart is attached at annex 2.

Local Government Association - Model Code of Conduct

Part 5 of the Councils constitution displays the current Councillor Code of Conduct. In 2020 the Local Government Association introduced an updated model Councillor Code of Conduct. It is proposed that the Model Code of Conduct is adopted by the Council. The updated Code is attached at annex 3.

Resource Implications:

The recommendation of this report seeks to ensure that the Council’s Constitution remains fit for purpose.

Legal and Governance Implications:

The Council’s Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council’s commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation:

The proposed revisions to the Constitution have been subject to consultation with the Monitoring Officer, SLT and the CWG.

Background Papers:

Draft Scheme of Delegation, attached at annex 1.
EFDC Management Structure, attached at annex 2.
LGA Model Councillor Code of Conduct at annex 3.

Risk Management:

The Council’s Constitution sets out procedures and rules for the operation of its functions and responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.

Officer Levels Key:

Level 4: Chief Executive
 Strategic Director/S151 Officer
 Chief Operating Officer

Level 3: Service Directors

Level 2: Service Managers

Level 1: Team Managers

Officer Scheme of Delegation

General Provisions

- (a) This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded and kept by the relevant Director/Service Manager.
- (b) All action taken under the terms of these delegations shall be properly documented.
- (c) It shall always be open to an officer either to consult with the appropriate Cabinet member on the exercise of delegated powers, or not to exercise delegated powers but to refer the matter to the Cabinet.
- (d) In exercising delegated powers, officers shall consult with other appropriate officers and shall have regard to any advice given.
- (e) In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.
- (f) **Officers may take any decision which:**
 - implements a policy or decision previously approved or taken by the Council, the Cabinet, or a Cabinet Member.
 - facilitates or incidental to the implementation of a policy or decision previously taken by the Council, the Cabinet, or a Cabinet Member.
 - relates to the management of human, material and financial resources made available for conducting the functions for which they are responsible.
 - Are matters delegated by the Council, the Cabinet, a Committee, or Sub-Committee from time to time under this scheme.
 - Are matters that are legally permissible and within that officer’s area of control.

Chief Executive

The following powers are delegated to the Council Chief Executive, which may be further delegated to officers of the Council as deemed appropriate by the Chief Executive.

1. **Access to Information:** To act as the Proper Officer for the purpose of the Local Government (Access to Information) Act 1985. (CLA1)
2. **Appraisal of Top Management:** To implement the Council's scheme for staff performance development reviews. (CLA2)
3. **Attendance Allowance for Officers:** To authorise attendance of such officers at any function or meeting and to grant payments on rates applicable for weekend working. (CLA5)
4. **Chairman of Council – Casual Vacancy:** To act as the Proper Officer for the purposes of Section 88(2) of the Local Government Act 1972 (Convening of special Council meeting to fill casual vacancy in the office of the Chairman of the Council). (CLC2)
5. **Council Meetings – Notice as to addresses for delivery of summons to attend:** To act as Proper Officer in accordance with Schedule 12 (paragraph 4(3) of the Local Government Act 1972 as to the receipt of these notices. (CLC9)
6. **Council Meetings – Signature of summons to attend:** To act as Proper Officer in accordance with Schedule 12 (paragraph 4(2)(b) of the Local Government Act 1972 as to the signing of the summons. (CLC11)
7. **Councillors – Acceptance of Office:** To act as Proper Officer under Section 83(1) to (4) of the Local Government Act 1972 in respect of the witness and receipt of declarations and acceptances of office by councillors; and in the absence through unavailability, incapacity or vacancy, undertake the functions specified in the delegation. Any Level 4 Officer in the absence of the Chief Executive may execute this function. (CLC12)
8. **Councillors – Resignation from office:** To act as Proper Officer for the purposes of Section 84 of the Local Government Act 1972, in respect of the receipt of notices of resignation from office by councillors. (CLC13)
9. **Documents – Inspection and supply for councillors:** To determine requests by members of the Council to inspect or to be provided with copies of Council documents. Any Level 3 or 4 Officer may also execute this function. (CLD8)
10. **Electoral matters:**
 - a) Registration Officer under Section 8(2)(a) of the Representation of the People Act (RPA) 1983
 - b) Section 28 of the RPA, Acting Returning Officer for the purpose of UK Parliamentary elections. (Duties: responsibility for the electoral register)
 - c) Counting Officer for the purposes of Section 61E of the Town & Country Planning Act 1990 and the Localism Act 2011 (Section 116) (Duties: responsibility for the local referendums on Neighbourhood Plans)
 - d) District Returning Officer for the Epping Forest District under Section 35(1) of the RPA 1983. (Duties: responsibility for the conduct of District Council/Parish Council elections, through and 113 of the Local Government Finance Act 1992, Proper Officer for local referendums in connection with Council Tax precepts).
 - e) Proper Officer under Sections 34, 35 and 105(2) of the Local Government Act 2000. (Duties: responsibility for petitions and referendums in consultation with the Executive Constitution of the Council). Nominated Deputy County Returning Officer under Section 35(1) of the RPA 1983. (Duties: responsibility

for County Council elections as appointed by and under the direction of the County Returning Officer).

- f) Nominated Local Returning Officer under Section 54 of the Police & Social Responsibility Act 2011. (Duties: conduct of elections for Police & Crime Commissioners under the direction of County Returning Officer)
- g) The office(s) designated as the Deputy Registration Officer may also execute these functions. (CLH2)

11. Returning Officer

- (a) **Elections – Discretionary fees and charges:** to determine annually the scale of discretionary fees and charges, for which there is no statutory amount, by allowing for inflation and rounding up to the nearest whole number. (CLE2)
- (b) **Elections – Fees and expenses:** to determine the scale of fees and expenses payable by the Returning Officer at elections of District and Parish Councils, adjusting the schedule for inflation and rounding up to the nearest whole number. (CLE3)
- (c) **Parish Polls:** to act as Returning Officer for the purposes of a Parish Poll in the District in accordance with the Parish and Community Meetings (Polls) Rules 1987. (CPL1)

12. Chief Executive/Electoral Registration Officer

Electoral registration – Prosecutions: to institute and pursue proceedings in relation to electoral registration offences. (CLE4)

13. Head of Paid Service:

Designated as Head of the Authority's Paid Service in accordance with Section 4 of the Local Government and Housing Act 1989. In the absence of the Chief Executive, a nominated Level 4 or Level 3 Officer has the authority to execute this function. (CLH2)

14. Staff – Appointments Procedure: to make all appointments to each service in respect of posts graded Level 3 except appointments where, in the opinion of the Head of Paid Service, member involvement is considered desirable. Strategic and Service Directors also have the authority to execute this function. (CLS1)

(a) **Staff – Miscellaneous Delegations:** to determine staff issues in terms of grading, structure, and local conditions of service (subject to consultation with staff representatives) within the budget and policy framework. Strategic and Service Directors within their areas of management responsibility also have the authority to execute this function. (CLS2)

(b) **Staff – Retirement:** to offer early retirement and redundancy under the terms of the superannuation scheme or gratuity scheme to appropriate staff where the resultant vacated posts can be made available for redeployment of otherwise redundant employees. (CLS3)

15. Health and Safety at Work – Implementation:

- a) To be responsible on behalf of the Council for the general policy for the safety, health and welfare of employees as set out in the Council's statement of policy.
- b) To be responsible for the implementation in each Directorate for the Council's general policy for safety, health, and welfare.
- c) To ensure that adequate budgetary provision is made to meet the cost of any safety programme; and
- d) To be responsible in the work area under their control for:
 - (i) implementation of general policy for health, safety, and welfare
 - (ii) annual review of work areas to assess training needs and priorities for improvements
 - (iii) identification of hazards for employees and the public

- (iv) consultation with employee representatives on safety matters
- (v) setting an example of safe behaviour

All Level 4, 3, 2 and 1 Officers who are responsible for one or more staff members also have the authority to execute this function. (CLH3)

16. **Maladministration – Power to make payments or provide other remedies:**
The power to make payments or provide other remedies in cases of maladministration, or in cases brought by individuals which amount to or could amount to maladministration by the Council. Level 4 and 3 Officers may also execute this function, or any Level 2 Officer nominated by them. (CLM2)
17. **Ombudsman – Notices:**
To act as Proper Officer for the purposes of Section 30(5) of the Local Government Act 1974 (refers to the publication of notice on receipt of a report from the Local Ombudsman). The Monitoring Officer also has the authority to execute this function. (CLO2)
18. **Regulation of Investigatory Powers Act (RIPA) 2000:**
Designation of Senior Responsible Officer, to ensure compliance with the Act and associated Codes of Practice. To liaise with Commissioners and Inspectors and implement any post-inspection actions.
19. **Re-use of Public Sector Information Regulations 2005:**
To be responsible in accordance with the Council's policy for administering requests for information under the Re-use of Public Sector Information Regulations 2005, including the level of fees and charges to be made if information supplied is to be re-used. To be responsible for administering requests under the 2005 Regulations regarding the use of CCTV data, taking into account of the Council's policy and charging arrangements. (CLR5)
20. **Assets of Community Value – Localism Act 2011 Sections 87-92:**
To determine appeals made by applicants on determinations regarding assets of community value. (Leader Decision – 20 December 2019) (EXA6)
21. **Compulsory Competition – Authority for the Council to submit bids for work inside the District:**
To submit bids for work inside the district, utilising spare capacity/manpower only. (EXC6)
22. **Compulsory Competition – Authority for the Council to submit bids for work outside the District:**
To refer to the Management Board and through them to the Cabinet any proposal involving the authorisation of bids for work outside the District but only in the context of agreed policy for shared services. (EXC7)
23. **Securities:**
To act as Proper Officer for the purposes of Section 146(1)(a)(b) of the Local Government Act 1972 (declarations and certificates under the Policy & Resources Committee. (EXS5)
24. **Commercial Tenancies:**
To sign notices and provide answers to original applications for new tenancies under Part II of the Landlord and Tenant Act 1954 under the Policy & Co-ordinating Committee (EXC4)
25. **Tax Base:**
To declare the Council's Domestic and NNDR Tax Bases in accordance with the Local Government Finance Act 1992 and the Local Authorities (Calculations of Tax Base) (England) Regulations 2012 and any subsequent legislation (EXT1)

General Officer Delegation by Level

Level 4 and 3 Officer – General Authorisations

1. **Common Seal of the Council:** Attestation of the Common Seal of the Council, when not the initiation Officer for the subject matter. (CLC6)
2. **Attendance Allowance:** To authorise attendance of such officers at any function or meeting and to grant payments on rates applicable to weekend working.
3. **Compassionate Leave:** To grant staff up to five days leave (with pay) per year for compassionate reasons. (CLC7)
4. **Disturbance Compensation:** To grant disturbance allowances following home loss in appropriate cases and subject to the budgetary provision of the Council, in any one year, not being exceeded and in accordance with the Land Compensation Acts. (CLD4)
5. **Documents – Deposit:** To act as the Proper Officer for the purposes of Section 225(1) of the Local Government Act 1972 in relation to the deposit of documents. Or any duly nominated Officer.
6. **Head of Paid Service:** A Level 3 or 4 Officer may be nominated to act as Head of Paid Service in the absence of the Chief Executive.
7. **Agenda and Minutes – Charges to Subscribers:** To approve charges. (EXA1)
8. **Complaints and Compliments Procedure:** To make payments up to £250 in respect of upheld complaints at Stages 1 & 2. (EXC6)
9. **Conferences - Attendance by Officers:** to approve the attendance of officers at annual conferences, considering the subject matter of the conference and the budgetary provision made. (EXD1)
10. **Ex-Gratia Payments:** to consider and approve the making of appropriate ex-gratia payments to staff at all levels for temporarily undertaking significant additional duties and responsibilities subject, in case of emergencies where payments are not covered by the approved salary budget, to a report being made to the Cabinet. (EXE2)
11. **Offices – Use Of:** to determine applications to use Council Offices. (EXO1)
12. **Staff – Travelling Allowances:** to consider and adjudicate on any request to make an exception to policy for reimbursement of travel expenses in pursuance of an officer's duties, being limited to second class rail fares. (EXS9)
13. **Subscriptions – Outside Organisations:** to pay subscriptions in respect of organisations on which the Council is represented at member level. (EXS12)
14. **Temporary Staff:** to engage temporary staff and/or part time staff and subject to the overall estimated salaries bill for the service concerned not being exceeded in any one year. (EXT2)
15. **Proper Officer:** to act as Proper Officer under the Access to Information Act 1985. Customer Services Service Director, or any Level 3 Officer or above also have the authority to execute this function. (CLA1)
16. **Councillors – Substitutes:** to receive notices from Group Leaders regarding the appointment of substitute members, subject to certain conditions, or any Level 2 Officer nominated by them. (CLC14)

Strategic Director – Chief Financial Officer

These authorisations may be delegated to the appropriate Service Directors reporting to this Strategic Director and onwards to the appropriate Level 2 Officer reporting to the Service Director to perform the functions listed.

1. **Chief Financial Officer:** designated as Chief Financial Officer, being the officer having responsibility under Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985, and Section 114 of the Local Government Act 1988. (CLC4)
2. **Borrowing Determination:** to discharge all powers regarding sources of borrowing available to the Council under Section 43(2) of the Local Government and Housing Act 1989 subject to regular monitoring reports to the Cabinet, and to compile and maintain a register of loan instruments. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLB1)
3. **Cheques – Signing:** to sign cheques on behalf of the Council. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer (or other duly authorised signatory) also have the authority to execute this function. (CLC3)
4. **Collection Fund:** to calculate the surplus or deficit on the Collection Fund in accordance with the Local Authorities (Funds) (England) Regulations 1992. Any appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLC5)
5. **Direct Debiting:** to execute a direct debiting indemnity on behalf of the Council. (CLD3)
6. **Local Government and Housing Act 1989 – Proper Officer Designations:** Proper Officer designations made for the purposes of the Sections of the Local Government and Housing Act 1989 indicated: Section and Purpose, Section 2 (preparation and maintenance of lists of politically restricted posts) and Section 37 (deposit and preparation of statements as to the provision of financial assistance). The People Team Manager also has the authority to execute this function. (CLL6)
7. **Officers – Receipts of money due:** to act as Proper Officer for the purposes of Section 115 of the Local Government Act 1972. (CLO1)
8. **Treasury Management:** (a) to have control of the aggregated monies under Section 151 of the LGA 1972. (b) to be responsible for all executive decisions on borrowing, investment, or financing under Section 151 subject to requirement to act in accordance with the CIPFA Code for Local Authorities. Appropriately qualified staff members within Accountancy Services nominated by the Chief Financial Officer also have the authority to execute this function. (CLT2)
9. **Regulation of Investigatory Powers Act (RIPA) 2000**
Strategic Director (Level 4 or 3 Officer): To act as Authorising Officer, to consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source if confidential material is likely to be captured. To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)

Chief Operating Officer - Strategic Director

These authorisations may be delegated to the appropriate Service Directors reporting to this Strategic Director and onwards to the appropriate Level 2 Officer reporting to the Service Director to perform the functions listed.

1. Appropriations of Land

- (a) To seek the consent of the Secretary of State for Communities and Local Government, pursuant to Section 19 of the Housing Act 1985, to appropriate land held for housing purposes and identified for Council housebuilding for planning purposes.
- (b) Subject to the receipt of such consent, to advertise the Council's intention to make the appropriation in accordance with provisions of Section 122(A) of the 1972 Act (EXA5)

2. Agricultural Dwellings:

To accept applications for rehousing and offer suitable alternative accommodation where the Agricultural Dwelling House Advisory Committee advises that the property is required for occupation by an agricultural employee in the interest of efficient agriculture. (EXA2)

3. Buy-Back of Former Council Housing:

To decide, in consultation with the relevant Portfolio Holder, whether the Council would wish to exercise its pre-exemption rights to purchase former Council properties previously sold under the Right to Buy (RTB). (EXB5)

4. Development Agreements:

To enter into Development Agreements with private developers, and agree terms for the purchase of, for affordable rented housing required to be provided by developers in accordance with Section 106 Agreements, subject to the value being no more than the value considered by the Council to require a key decision. (EXD2)

5. Garages:

To sell isolated garages in accordance with the Council's policy. (EXG1)

6. Hardstanding – Council Houses:

- (a) To approve, subject to satisfactory works to boundary walls, hedges and fences and other necessary works and Essex County Council being satisfied as to the standard of footpath crossings, applications by tenants to construct car hard standings in front gardens.
- (b) To apply the above policy to hard standings provided by tenants without permission. (EXH1)

7. Homes and Communities Agency – Short Form Agreements:

That the Service Director (Housing and Property Services) be authorised to enter into Short Form Agreements with the Homes and Communities Agency for all (Council housing) developments, to enable affordable rents to be charged for the properties built under the Housebuilding Programme, and that the "Provider Representative" named in the Agreements be a senior figure at East Thames Group. (EXH2)

8. Housebuilding Programme – Allocation of Funding to Schemes:

That, once the Cabinet Committee has authorised the use and provisional level of subsidy required for individual developments and/or development packages, the Service Director (Housing and Property Services) be authorised to allocate funding from the sources listed in Minute 5(1) of the Housebuilding Cabinet Committee held on the 10th July 2013 to individual developments and/or development packages – utilising the most appropriate source of funding for the development(s), having regard to the time limits within which they must be utilised – up to and in excess of the provisional level approved

by the Cabinet Committee, once tenders to undertake the works have been received from contractors, subject to:

- (a) The amount allocated being no more than 15% of the level provisionally approved by the Cabinet Committee.
- (b) Sufficient funds being available at the time of allocation.
- (c) The Cabinet Committee receiving a report to its next meeting on the amount of subsidy allocated, and its source of funding. (EXH3)

9. Housing Accommodation – Allocation:

To allocate accommodation in accordance with the Housing Allocations Scheme. (EXH4)

10. Housing Accommodation – Designation for Elderly:

To cancel designations (EXH5)

11. Housing Accommodation – Tenancies for ‘Live In’ Carers:

To grant requests to provide or extend joint tenancies to ‘live in’ carers where such requests are justified. (EXH6)

12. Housing Defects – Planning Applications for Reinstatement Works:

To submit applications for deemed planning consent in connection with the reinstatement of all Council owned designated defective dwellings. (EXH7)

13. Housing Land – Use for Community Events:

To grant licenses for community events to be held on housing land in the future, subject to consultation with Ward Members and local residents (where residential properties are located nearby) and all health and safety insurance requirements being met by the organisation staffing the event. (EXH8)

14. Housing Land – Surplus Plots:

To negotiate, agree terms and dispose of surplus plots of garden land (in consultation with the relevant Portfolio Holder and appropriate Ward Members) as identified by the Council. (EXH9)

15. Housing Options Consortium:

To exercise the Cabinet’s functions in respect of the Housing Options Consortium, a partnership of Local Authorities of which the Council is a member.

16. Housing Register Rules – Waiving:

To waive Housing Register Rules where the Service Director (Housing and Property Services) considers there are good grounds for doing so. (EXH12)

17. Housing – Mutual Exchanges:

To approve applications under the Mutual Exchange Scheme. (EXH13)

18. Off-Street Parking Schemes:

To submit planning applications for future off-street parking schemes at the appropriate time after the resident consultation exercise. (EXO2)

19. Renewal of Leases with NACRO:

To renew leases (and any subsequent leases) on expiry for a further 5 years on the 12 properties currently lease to NACRO, provided there is a continuing need to accommodate vulnerable younger homeless applicants. (EXR2)

20. Rent Arrears – Deceased Tenants:

To write off rent arrears in respect of deceased tenants, where there is no means of recovering the debt. (EXR3)

21. Sale of Council Houses – Discounts:

To determine, under Part V of the Housing Act 1985, applications for discounting or entitlement periods where a potential purchaser lives with their parents. (EXS2)

22. Sale of Council Houses – Restrictive Covenants, Minor Extensions and Alterations:

To deal with applications for minor extensions or alterations in sold Council houses in accordance with the terms of the house sales agreement. To agree, in consultation with

the Portfolio Holder, future requests for the release of restrictive covenants to allow development within the curtilage of former Council properties, prior to planning permission being obtained. To negotiate terms for the release of covenants agreed by the Service Director (Housing and Property Services), subject to the outcome being reported to the Portfolio Holder for approval. (EXS3)

23. Sale of Council Houses – Valuations:

To conduct all valuations in respect of the sale of Council houses. (EXS4)

24. Supporting People – Signing of Contracts:

To sign the Supporting People “Block Subsidy” and “Block Grants” contracts with Essex County Council for 2003/03, and subsequent years, to receive funding from the Essex Supporting People Commissioning Body for the provision of support services. (EXS13)

25. Tenancies – Council Houses:

To allocate tenancies in accordance with the Housing Allocation Scheme. (EXT3)

26. Tenancies – Demoted Tenancy Orders:

- (a) To serve demoted tenancy notices in appropriate cases
- (b) To apply to the County Court for Tenancy Demotion Orders and subsequent Possession Orders in appropriate cases. (EXT4)

27. Tenancies – Service:

To accept any application for priority Council housing in cases where a tenant of service accommodation reaches retirement age after having occupied the accommodation for a minimum of 15 years. (EXT5)

28. Use of Open Space on Land Held Under Housing Act Powers:

To agree or refuse (in consultation with Ward Members), events managed by Town and Parish Councils or other organisations on any land held under Housing Act powers; provided the Council enters into an agreement with the organisation meeting the Council's required conditions. (EXU1)

29. Warrants of Distraint:

To issue warrants of distraint in housing cases. (EXW1)

30. Possession Orders (rent arrears/gas safety inspections and other related actions):

- a) To serve notices of seeking possession (NSP) for any of the grounds contained in Schedule 2 of the Housing Act 1985, or on the grounds of a breach of tenancy conditions including for not allowing the Council access to undertake required repairs and maintenance.
- b) To serve notices to quit (NTQ) in cases where the tenant is not a secure tenant as defined in the Housing Act 1985.
- c) To institute proceedings associated in the County Court action follow NTQ or NSP including granted execution of warrants for possession
- d) To undertake the actions in respect of nonsecure tenancies and licences at the Council's Homeless Persons Hostel (Norway House) including the eviction of any homeless person who defaults in the payment of accommodation charges for four successive weeks or more.
- e) Initiate proceedings in the County Court for possession or to provide access for the purpose of undertaking the statutory annual Gas Safety Inspection in accordance with the relevant legislation. (EXP5)

31. Authority for Right to Buy (RTB) Sales and Post Completion Related Matters:

To sell the freehold or leases of properties and all related transactions in accordance with the current legislation. (EXR5)

32. Regulation of Investigatory Powers Act (RIPA) 2000

Strategic Director (Level 4 or 3 Officer): To act of Authorising Officer, to consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source if confidential material is likely to be captured. To consider and give

initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)

33. Building Control – Vetting of Applications:

To enter working arrangements with other Local Authorities within East Anglia for the checking of one another's building regulation activities on a consultancy basis. (EXB4)

34. Commercial Tenancies – Service of Notice:

To sign notices for new tenancies under Part II of the Landlord and Tenant Act 1954. (EXC4)

35. Debts:

To take steps to enforce a debt following the commencement of bankruptcy proceedings, subject to action being reported to the Cabinet. (EXD1)

36. Energy Management and Conservation:

To implement the Council's policy. (EXE1)

37. Nuisances:

Authority to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to give notices of cancellation of closure orders under Section 41.

38. North Weald Airfield – Non-Commercial Lettings

- (a) To negotiate and produce agreements and licences for all regular bookings and single events (of a non-public character) which comply with the standard licence agreement and fees operated by the Council.
- (b) To negotiate in liaison with the Airfield Manager, any arrangements regarding the use of the Airfield (except those which fall under Item (a) above, and where appropriate, to draft and execute appropriate agreements or licences for all airfield uses including any negotiated under (a) above.
- (c) That are subject to compliance with the Council's policy to sanction the Concessionary Hire of Leisure Facilities by, or on behalf of, registered charities for fundraising events. (EXN2)

39. Pollution Prevention – Authority under the Road Traffic Vehicle Emissions (Fixed Penalty) (England) Regulations 2002:

To issue fixed penalty notices in respect of idling vehicles. (EXP3)

40. Restrictive Covenants – Housing in Multiple Occupation:

To agree requests to vary restrictive covenants on former Council houses, to grant permission for their use as privately rented shared accommodation, provided all the conditions have been met. (EXR4)

41. Environmental Health:

To exercise functions relating to the management and provision of the Environmental Health Service set out in relevant legislation, including where necessary, powers of entry by warrant. (EXS1)

42. Waste Disposal on Land:

To submit representations to Essex County Council on any proposed Licence. (EXW3)

43. Car Park Tariffs

To determine individual tariffs in off-street pay and display car parks within agreed policy. (EXC1)

44. Car Parks – Council:

To determine applications to use Council office car parks. (EXC2)

45. Car Parks – Public: to approve the use of Council car parks by charitable organisations or for other charitable purposes. (EXC3)

46. Fees and Charges – Leisure:

To approve the level of fees and charges within the parameters outlined within the Leisure Management Contract. To introduce individual pricing charges for Community Health and Wellbeing and Museum, Heritage, and Culture in line with the current level of

inflation, or in certain circumstances, at a rate which reflects the actual cost of providing the service. (EXF1)

47. Land Drainage and Flood Protection:

To act under the statutory provisions in the Epping Forest District Council Land Drainage Byelaws 2005, Land Drainage Act 1991 as amended by the Flood & Water Management Act 2010, Local Authorities Public Health Act 1936. Section 263 – Approval of plans to culvert or cover any stream or watercourse. Section 264 – Issue of notice requiring the repair or cleansing of culverts.

48. ASB Crime & Policing Act 2014 - Part 2 Criminal Behaviour Orders (CBO)

To act in cooperation with the Chief Officer of Police when conducting a review of a CBO on a person under 18 using existing ASB process. To issue Closure Notices of 24 and 48 hours.

49. Nuisances:

Have the authority to make closure orders under Section 40 of the Anti-Social Behaviour Act 2003 and to give notice of cancellation of closure orders under Section 41 or that Act. (EXN4)

50. Fees and Charges – Leisure:

To approve the level of fees and charges within the parameters outlined within the Leisure Management Contract. To introduce individual pricing charges for Community Health and Wellbeing and Museum, Heritage, and Culture, in line with the current level of inflation, or in certain circumstances, at a rate which reflects the actual cost of providing the service. (EXF1)

51. Health Protection Agency (HPA)/Any Consultant Staff Member

Aircraft – Proper Officer for the purposes of the Public Health (Aircraft) Regulations 1970. (EXA3)

52. Food Hygiene – Entry to Premises:

To act as a registered medical practitioner to the Council under the Public Health (Control of Disease) Act 1984 and thereby authorised to enter any premises, vessel, or aircraft for the purpose of regulations made under that Section. (EXF2)

53. Illness – Persons in Need of Care and Attention:

To act as Proper Officer to the Council for the purposes of Section 47 of the National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention or those suffering from grave, chronic illness). (EXI1)

54. Infectious and Communicable Diseases:

To act as Proper Officer to the Council for the purposes of the Public Health (Infectious Diseases) Regulations 1968, the Public Health (Control of Diseases) Act 1984 and Section 47 of the National Assistance Act 1948. (EXI2)

55. Notifiable Diseases:

To act as Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984. (EXN3)

56. Ships:

To act as Proper Officer to the Council for the purposes of the Public Health (Ships) Regulations 1970. (EXS6)

57. Landlord and Tenant – Management of Council Property:

To serve notice under Part II of the Landlord and Tenant Act 1954 as amended by Part I of the Law of Property Act 1969 in connection with negotiation of new rentals for Council properties.

To take immediate corrective management action (except the institution of legal proceedings) for breaches of covenant in leases of shops, industrial estates, and industrial land.

For all property transactions including acquisitions, disposals, new lettings, lease renewals, lease surrenders, rent reviews, sub-lettings/assignments, all licences (including change of use, alterations), Service Director - £25,001 to £100,000 per year. Capital Transactions: Level 2 Manager – up to £50,000 per transaction, Service Manager - £50,001 to £500,000 per transaction.

To approve licences to assign and licences for change in use in consultation with the relevant Portfolio Holder. (EXL2)

58. Naming of Streets:

To approve the names of new streets in accordance with the Town and Police Clauses Act 1847 where, following consultation, all parties agree one name. (EXN1)

59. Ordnance Survey:

To act as Proper Officer for the purposes of Section 191 of the Local Government Act 1972. (EXO2).

60. Gambling Act 2005 – Licensing Functions: See Annex A. Any Level 3 Officer or above within their management control has the authority to execute this function. (CLG1)

61. Growth and Infrastructure Act 2013: To determine applications received under Section 7 to modify, remove, or discharge affordable housing obligations, subject to:

(a) Prior consultation with the Chief Executive and the Monitoring Officer; the Chairman (or in their absence, the Vice-Chairman) of the relevant Planning Committee and local ward members.

(b) Details of the application and the resultant Determination being reported in the following issue of the Council Bulletin.

Any Level 3 Officer or above within their management control also has the authority to execute this function.

62. Insurance – Institution of legal proceedings:

To institute, defend, appeal, withdraw or agree a compromise in connections with any legal proceedings concerning the Council's insurance matters, subject to reporting on any significant issues to the next appropriate Cabinet meeting. Business Support Services or any appropriately qualified staff members within Accountancy Services nominated by them, also have the authority to execute this function. (CL12)

63. Land Charges:

To act as Proper Officer to the Council for the purposes of Section 212(1) and (2) of the Local Government Act 1972 (local registrar of land charges). Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL1)

64. Licensing:

To authorise suitably qualified Officers to exercise those functions relating to licensing set out in the attached list of environmental health legislation as set out in Annex B, subject to the policies from time to time agreed by the Licensing Committee. To delegate appropriate powers relating to the management and provision of service set out in the attached list of environmental health legislation as set out in Annex B. Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL2)

65. Licensing – Hackney Carriage and Private Hire Vehicle Licences:

To determine Licences in respect of Hackney Carriage and private hire licensing (as set out in Annex C) except in those circumstances where under the Council's policy they stand referred to the Licensing Sub-Committee. Any Level 3 Officer or above within their management control, Senior Licensing Officer or suitably qualified Officer authorised by them also has the authority to execute this function. (CLL3)

- 66. Licensing – Scrap Metal Dealers Act 2013:** to implement Annex D (Schedule of Delegations under the Act) insofar as they relate to matters to be undertaken by Officers. To authorise Officers to conduct inspections of the sites and vehicles used and conduct investigations and to issue and undertake prosecutions that may arise under the Act. Any Level 3 Officer or above within their management control also has the authority to execute this function. (CLL4)
- 67. Local Government and Housing Act 1989 – Determination under Part IV:** to make determinations under the following sections of the Local Government and Housing Act 1989: Section 42(2)(g) – Reimbursable expenditure and Sections 50(3)(b) and 60(2) – Usable capital receipts. Business Support Services or Chief Financial Officer also have the authority to execute this function. (CLL5)
- 68. Politically Restricted Posts:** (a) to notify all politically restricted post holders of their designations. (b) to incorporate the designation as to politically restricted status in contracts of employment. (c) to maintain and issue revised lists when necessary and notify the Independent Adjudicator. (CLP2)

Legal Services Manager

1. **Affidavits – Swearing Of:** to secure sworn affidavits from any member of Council staff where required by the Council. Any nominated legally qualified staff members within Legal Services also have the authority to execute this function. (CLA3)
2. **Byelaws – Certification:** to act as Proper Officer for the purposes of Section 238 of the Local Government Act 1972. Any Solicitor or fellow of the Chartered Institute of Legal Executives within Legal Services nominated by them also have the authority to execute this function. (CLB2)
3. **Byelaws – Parish & County Council Copies:** to act as Proper Officer for the purposes of Section 236(a) of the Local Government Act 1972. (CLB3)
4. **Court, tribunal, inquiry proceedings – Engagement of staff and advice:** to appoint appropriate staff and/or external Solicitors and/or Counsel to appear for, conduct and settle proceedings on behalf of the Council in Courts, tribunals, inquiries, and other similar venues. (CLC15)
5. **Data Protection Act 2018:** to act as Data Protection Officer or nominated an officer within their service area, for the purposes of the Data Protection Act 2018 and General Data Protection Regulation, or an Officer nominated by them. (CLD1)
6. **Documents – Authentication:** to act as Proper Officer for the purposes of Section 234(1) – (2) of the Local Government Act 1972 for the purposes of authentication of documents. (CLD5)
7. **Documents – Certification of photographic copies:** to act as Proper Officer for the purposes of Section 229(5) of the Local Government Act 1972 for the purposes of certifying photographic copies of documents. (CLD6)
8. **High Court Action:** to instigate High Court action in the following circumstances:
 - (a) appeals lodged in accordance with Sections 288 and 289 of the Town and Country Planning Act 1990 (as amended)
 - (b) applications for High Court injunctions to secure planning enforcement under the Town and Country Planning Act 1990 (as amended) or to deal with breaches of Abatement Notices under the Environmental Act 1995 or amendments thereof which shall be authorised by the Cabinet.
 - (c) any applications for High Court injunctions where immediate emergency action is required, to prevent serious distress to public safety or residential amenity which shall be authorised by the Legal Services Manager in consultation with the appropriate Portfolio Holder.
 - (d) any other category of High Court action which shall not admit or delay, resulting in a reference to the full Council – which shall be authorised by the Cabinet or any appropriate committee or sub-committee; and
 - (e) to make application in consultation with the appropriate members under High Court injunctions where immediate emergency action is required, to prevent serious distress to public safety or residential amenity.

Any legally qualified officer within the Legal Services Function also has the authority to execute this function. (CLH4)

9. **High Court Action:** to defend High Court Proceedings instituted against the Council (subject to reporting on action taken to the next Cabinet meeting). (CLH4)
10. **Insolvency – Enforcement of debts:** to issue statutory demands pursuant to Section 268(1)(a) of the Insolvency Act 1986. To take steps to enforce a debt following the commencement of bankruptcy proceedings. The relevant Level 4 or 3 Manager also has the authority to execute this function. (CLI1)

11. **Magistrates' and County Courts – Defence and Pursuit of Proceedings:** to institute, defend, pursue, and settle proceedings on behalf of the Council and to appear on the Council's behalf, in any proceedings before the Magistrates' and County Courts. In their absence, any appropriately qualified officer nominated by them also has the authority to execute this function. (CLM1)
12. **Monitoring Officer and Deputy:** to act as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989 and Sections 26 – 37 of the Localism Act 2011 for the purpose of performing the duties imposed by those sections. To be responsible for any Parish or Town Councils which are affiliated for the time being to the Epping Forest Standards Committee under Chapter 7 of the Localism Act. (CLM3)
13. **Physical Assaults on Staff:** in the event of the Crown Prosecution Service not proceeding after physical assault on a Council employee, to give instructions to prosecute where they consider that the Attorney General's guidelines for prosecution in a private prosecution for assault are satisfied. (EXP2)
14. **Squatters – Eviction:** to take such urgent action as necessary to secure the vacation of any Council properties, which are occupied by squatters. (EXS7)
15. **Warrants for Entry:** to make applications to the Magistrates Court for entry pursuant to the Environmental Protection Act 1990, Public Health Acts 1936-61, Control of Pollution Act 1974, Clean Air Acts 1956-68, Food Safety Act 1990, Building Act 1984, Housing Acts 1957-85 and Local Government and Housing Act 1989. (EXW2)
16. To make applications to the Magistrates' Court for warrants of entry in accordance with the Building Act 1984 and the Town and Country Planning 1990. (EXW2)
17. **Sunday Trading – Car Boot Sales:** to institute proceedings in respect of such sales where complaints have been received and satisfactory evidence is available. (EXS12)
18. **Orders – Mortgage Arrears:** to obtain and execute in the case of mortgage arrears where an Order for Possession is granted by the Courts, a warrant for the possession of the property. To offer for sale on the open market any property subsequently repossessed. (EXP4)
19. **Regulation of Investigatory Powers Act (RIPA) 2000**
 Service Manager for Legal: To consider and give initial authorisation of covert surveillance, whether directed or covert human intelligence source. (CLR3)
 RIPA Coordinator: To maintain a central record of refusals, authorisations and cancellations as directed by the SRO. (CLR3)

Monitoring Officer

1. **Conduct of Councillors:** In accordance with Sections 26-37 of the Localism Act 2011: (A-J) In the absence of the Monitoring Officer, the Deputy Monitoring Officer also has the authority to execute this function. (CLC8)
2. **Constitution – Minor Amendments:** to make amendments to the Constitution as set out in the Article relating to Revision, Amendment and Suspension of the Constitution. (CLC10)
3. **Ombudsman – Notices:** to act as Proper Officer for the purposes of Section 30(5) of the Local Government Act 1974 (publication notice on receipt of a report from the Local Ombudsman). The Chief Executive also has the authority to execute this function. (CLO2)
4. **Registration of Interests – District Council:** receipt, custody, and public deposit of registration of interests of District Councillors under the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR1)

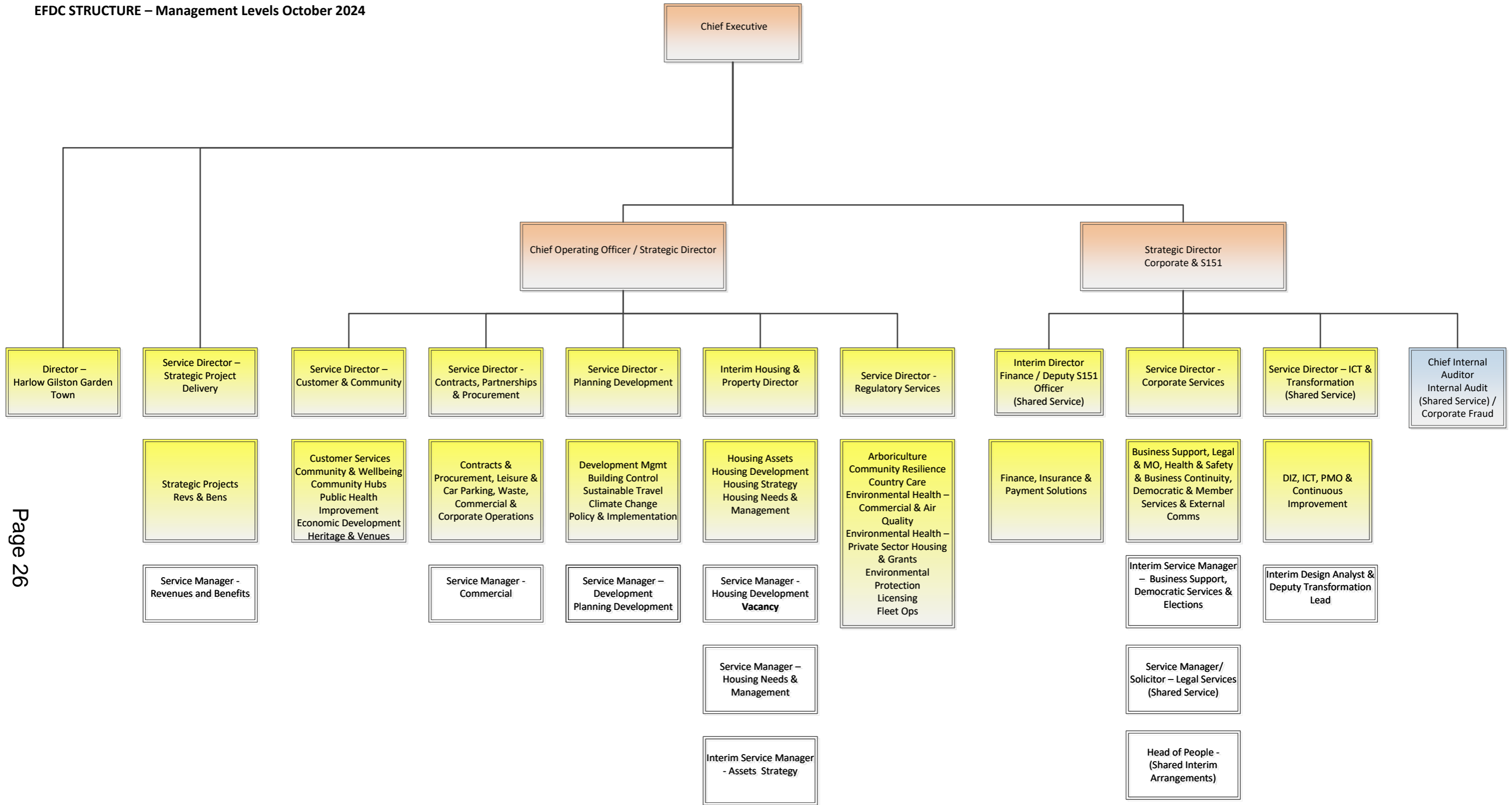
5. **Registration of Interest – Town and Parish Councils:** receipt, custody, and public deposit of registration of interests of Parish and Town Councillors in accordance with the Local Government Acts 2000 and 2007 and regulations made thereunder. (CLR2)
6. **Resolutions** – Certification: to act as Proper Officer for purposes of paragraph 25 of Schedule 4 to the Local Government Act 1972 (certification of resolutions). (CLR4)

Democratic and Electoral Services Team Manager:

To act as Deputy Monitoring Officer(s) with the power to act in the absence or during any illness of the Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989. (CLM3)

Service Director for Planning

As agreed by Council on 8 August 2024





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 Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

Table 1: Disclosable Pecuniary Interests

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

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

	<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>
Land and Property	<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>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</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>
Securities	<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.