

Mr S Hearse
Chief Executive
Torrige District Council
Riverbank House
Bideford
Devon
EX39 2QG



Tel : Bideford (01237) 428700

Date: 29 March 2024
Quorum: 18

FULL COUNCIL MEETING

On:	Monday 8 April 2024	At:	6.30 pm
Venue:	Caddstown Business Support Centre - Caddstown Bideford EX39 3BE		

The meeting will be able to watch through the Councils YouTube Channel
<https://tinyurl.com/TorrigeYouTube>

NOTICE OF MEETING

You are hereby summoned to the Meeting of the District Council at the aforementioned date and time

A handwritten signature in black ink, appearing to be "S. Hearse", written over a horizontal line.

Chief Executive

To:	Councillor D Bushby (Chair) Councillors: S Andrews, L Bach, A Brenton, D Brenton, C Bright, L Bright, C Cottle-Hunkin, J Craigie, A Dart, T Elliott, L Ford, S Gibson, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, S Inch, K James, T Johns, C Leather, W Lo-Vel, R Lock, S Newton, P Pennington, L Piper, P Shepherd, D Smith, H Thomas, C Wheatley and J Whittaker
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Members are requested to turn off their mobile phones for the duration of the meeting.

AGENDA

PART I - (OPEN SESSION)

1.	Apologies For Absence To receive apologies for absence from the meeting
2.	Council Minutes (Pages 4 - 18) Confirmation of the Minutes of the Meeting of the Council held on 19 February 2024, Budget Special and Extraordinary meeting on 11 March 2024
3.	Public Contributions 15 minute period for public contributions. The deadline for registering to speak is by 2pm Thursday 4 th April 2024. To register please email dem.services@torridge.gov.uk
4.	Declarations of interest Members with interests to declare should refer to the Agenda item and describe the nature of their interest when the item is being discussed.
5.	Agreement of Agenda Items Part I and II
6.	To consider correspondence or other business especially brought forward by the direction of the Chair
7.	Private Sector Leases (addition to capital programme) (Pages 19 - 29) To receive the report of the Deputy Section 151 Officer
8.	Public Space Protection Order - Antisocial Behaviour and Alcohol Consumption (Pages 30 - 38) To receive the report of the Public Health & Community Safety Manager.
9.	Local Government Association Model Councillor Code of Conduct (Pages 39 - 66) To receive the report of the Head of Legal & Governance (Monitoring Officer)
10.	Pay Policy Requirement of the Localism Act (Pages 67 - 72) To receive the report of the Leader of the Council and HR & Communications Manager.
11.	Appledore Maritime Innovation Centre Update To receive an update from the Chief Executive
12.	To answer questions submitted under Procedural Rule A9

13.	<p>Petitions</p> <p>To receive petitions (if any)</p>
14.	<p>Notices of Motion</p>
(a)	<p>Written Notice of Motion from Councillor Thomas</p> <p>Our current First Past The Post (FPTP) system originated when voting was restricted to property-owning men. Under FPTP, votes do not have equal weight and many are wasted. This leads to voter apathy and disconnection from national and local democracy.</p> <p>Proportional Representation (PR) ensures that all votes count, have equal value, and that seats won match votes cast.</p> <p>The Single Transferable Vote (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland.</p> <p>In 2021, the Welsh Assembly agreed to allow local authorities to choose to change their voting system to the STV system.</p> <p>The introduction of PR for local elections in Scotland led to an increase in turnout, which was 44.8% at the last elections, held in 2022. In contrast, turnout for Torridge was 33% in the 2023 local district elections.</p> <p>I propose that this Council resolves to:</p> <ol style="list-style-type: none"> 1. Request the UK Government brings forward legislation to allow local elections in England to be run by a proportionally representative voting system. 2. Write to the Leader of the Opposition asking them to support the government if legislation is brought forward for the introduction of PR.
(b)	<p>Written Notice of Motion from Councillor Hames</p> <p>Given this Council's support for a revival of the Bideford to Barnstaple railway link it is proposed that, in common with other local councils, we now help to further that aim by joining the North Devon Railway Development Alliance.</p>
15.	<p>Exclusion of Public</p> <p>The Chair to move:</p> <p>“That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972”</p>
16.	<p>PART II - (CLOSED SESSION)</p> <p>Items which may be taken in the absence of the public and press on the grounds that exempt information may be disclosed.</p>
	<p style="text-align: center;">Meeting Organiser: Democratic Services</p>

Agenda Item 2

1

TORRIDGE DISTRICT COUNCIL

FULL COUNCIL MEETING

Caddsdow Business Support Centre - Caddsdow Bideford EX39 3BE

Monday, 19 February 2024 - 6.30 pm

PRESENT Councillor D Bushby (Chair)
Councillors S Andrews, L Bach, A Brenton, D Brenton, C Bright, L Bright, C Cottle-Hunkin, J Craigie, T Elliott, J Gubb, P Hackett, P Hames, S Harding, R Hicks, C Hodson, S Inch, K James, T Johns, C Leather, W Lo-Vel, R Lock, P Pennington, L Piper, D Smith, H Thomas, C Wheatley and J Whittaker

ALSO PRESENT S Hearse - Chief Executive
G Bryant - Finance Manager (S151 Officer)
S Hearse - Chief Executive
S Dorey - Head of Legal & Governance (Monitoring Officer)
S Kearney - Head of Communities & Place
P Hudson - Senior Capital Accountant
T Vanstone - Senior Electoral & Democratic Services Officer
S Cawsey - Democratic Services Officer
G Batten - Principal Accountant

243. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Hawkins, P Shepherd, S Newton, K Hepple, S Gibson, P Christie, L Ford and A Dart.

244. PUBLIC CONTRIBUTIONS

Mr Jonathan Richards addressed the meeting regarding the issue of potholes in both the urban and rural areas.

Mr Richards was of the opinion that the problem with potholes was being approached from the wrong direction and that prevention is better than cure. Many of the potholes are caused by excess water eroding the carriageway and there is a need to ensure drains, ditches and culverts are kept clear throughout the year. Devon County Council is responsible for the roads and have now acknowledged the issues and are budgeting a further £1.5m to be spent on drainage and potholes.

Mr Richards explained how, at present, the clearance of drains etc is undertaken. He believed it would be more cost effective for someone local to look after a number of parishes and to deal with unblocking drains etc. on the minor roads. Major work and major roads will require larger equipment as currently used.

Mr Richards regularly clears ditches and drains in his area to ensure there is little road damage as possible.

In conclusion, Mr Richards suggested that Torridge District Council and Devon County Council consider the appointment of local lengths men to cover a number of parishes. It would make financial sense to put local knowledge to good use and enable prompt action when the need arises.

245. DECLARATIONS OF INTEREST

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

246. AGREEMENT OF AGENDA ITEMS PART I AND II

There is one Part II item. Due to sensitive and confidential information an A9 question will be presented in Part II.

It was proposed by Councillor James, seconded by Councillor Hackett and –

Resolved:

That the Agenda as circulated be agreed.

(Vote: For 22, Against 5)

247. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

There was no other correspondence or business brought forward by the Chair.

248. BUDGET 2024/25, MEDIUM TERM FINANCIAL STRATEGY 2024/25 - 2028/29

The purpose of the report, presented by the Finance Manager & S151 Officer, was for Members to consider the recommendations from Community & Resources Committee on the 29th January 2024 as scrutinised by Internal Overview and Scrutiny on the 6th February 2023, in relation to the draft budget 2024/25 and to approve a budget and level of Council Tax level for 2024/25.

The Medium Term Financial Strategy (MTFS) indicates the possible extent of the budget and funding shortfall that the Council will face in the future. It is an aid in identifying the extent of service changes that the Council will need to make to achieve a balanced budget in each financial year up to 2028/29.

The slide presentation highlighted the salient points in the report and the challenges faced by Torridge Council. Members were also provided with reasons and rationale to support the recommendations in the report.

It was proposed by Councillor Bushby, seconded by Councillor James that the recommendations set out in the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
ANDREWS, S	X		
BACH, L	X		
BRENTON, A	X		
BRENTON, D	X		
BRIGHT, C	X		
BRIGHT, L	X		
BUSHBY, D	X		
CHRISTIE, P			
COTTLE-HUNKIN, C	X		
CRAIGIE, J	X		
DART, A			
ELLIOTT, T	X		
FORD, L			
GIBSON, S			
GUBB, J	X		
HACKETT, P	X		
HAMES, P			X
HARDING, S	X		
HAWKINS, C			
HEPPLE, K			
HICKS, R	X		
HODSON, C	X		
INCH, S	X		
JAMES, K	X		
JOHNS, T	X		
LEATHER, C	X		
LO-VEL, W	X		
LOCK, R	X		
NEWTON, S			
PENNINGTON, P	X		
PIPER, L	X		
SHEPHERD, P			
SMITH, D	X		
THOMAS, H	X		
WHEATLEY, C	X		
WHITTAKER, J	X		

Resolved:

- a) That Torridge's Band D Council Tax for 2024/25 be increased by (2.99%) from £184.00 to £189.50 per year
- b) That Torridge's Net Revenue Budget 2024/25 be £12.194m
- c) That the contributions to the Council's reserves as outlined in paragraph 11.4 be approved.
- d) That in light of the risks to the Council's finances identified within the report that the Member Working Group continue its work to bring the Council's budgets back into balance.

(Vote: For 27, Abstentions 1)

In addition to the above, Members noted the following:

The Chief Finance Officer (s151 Officer) assurance of the robustness of the budget 2024/25 set out in section 13 of the report.

Note the assumptions and forecast applied to develop the MTFS outlined in section 9 of the report.

Note the risks associated with the Budget 2024/25 and MTFS outlined in section 10 of the report.

249. CAPITAL PROGRAMME 2024/25 - 2028/29

The Deputy Section 151 Officer presented the report, the purpose of which was for Members to update the Capital Programme 2023/24.

The Capital Programme includes authorised projects which require updating due to inflationary pressures, along with new PIDs (Project Initiation Documents) which require authorisation from Members before inclusion.

A slide presentation highlighting the key points in the report was given.

Following discussion it was proposed by Councillor Bushby, seconded by Councillor Hodson and –

Resolved:

That the Capital Programme be updated to include:

- Wyse Thin Client PCs
- Community Land Trust (CLT) Revolving Loan Fund

(Vote: For 25, Abstentions 2)

250. TREASURY MANAGEMENT REPORT AND CAPITAL STRATEGY

This item was introduced by the Deputy S151 Officer who explained that the purpose of the report was for Members to consider the Treasury Management Strategy, Prudential Indicators and Minimum Revenue Provision Policy for 2024/25.

It was proposed by Councillor Bushby, seconded by Councillor Lock and –

Resolved:

- That the Treasury Management and Investment Strategy and Counterparty List, Prudential Indicators and Minimum Revenue Provision Policy be approved.
- That the Capital Strategy be approved.

(Vote: For – Unanimous)

251. COUNCIL TAX RESOLUTION 2024/25

The purpose of the report, presented by the Finance Manager & S151 Officer, was to enable Members to calculate and approve the Council Tax requirement for 2024/25.

It was proposed by Councillor Bushby, seconded by Councillor James that the recommendation as set out in the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
ANDREWS, S	X		
BACH, L	X		
BRENTON, A	X		
BRENTON, D	X		
BRIGHT, C	X		
BRIGHT, L	X		
BUSHBY, D	X		
CHRISTIE, P			
COTTLE-HUNKIN, C	X		
CRAIGIE, J	X		
DART, A			
ELLIOTT, T	X		
FORD, L			
GIBSON, S			
GUBB, J	X		

HACKETT, P	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, G			
HEPPLER, K			
HICKS, R	X		
HODSON, C	X		
INCH, S	X		
JAMES, K	X		
JOHNS, T	X		
LEATHER, C	X		
LO-VEL, W	X		
LOCK, R	X		
NEWTON, S			
PENNINGTON, P	X		
PIPER, L	X		
SHEPHERD, P			
SMITH, D	X		
THOMAS, H	X		
WHEATLEY, C	X		
WHITTAKER, J	X		

Resolved:

That the formal Council Tax Resolution for 2024/25 as set out in Appendix 1 attached to the report be approved.

(Vote: For – Unanimous)

252. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

A Question had been submitted by Councillor Hames under Procedural Rule A9.

In accordance with the Constitution a written answer to the question had been circulated to Members.

Question from Councillor Hames

Given the size of the Middle Dock site in Appledore, its proximity to the estuary and a residential area and a number of public concerns about the proposed demolition why wasn't the demolition considered as part of the planning application for the Clean Maritime Centre?

Answer

On site demolition was arranged in advance of the determination of the planning application for the Clean Maritime Innovation Centre in order that the project can progress to the timeline dictated by the Levelling Up funding agreement. Demolition work needs to be complete before the nesting season and waiting until April, when the full planning application will be considered at committee, would have meant that demolition would not have been able to commence until September or October when the nesting season has ended. That length of delay would have compromised the deliverability of the entire project and, in any case, as the demolition work was considered permitted development it was logical that it could progress in advance of the determination of the future proposal for the site.

Councillor Hames asked the following Supplementary Question:

“Why was it not considered, when the decision was taken to go straight to demolition under permitted development, that public transparency should have been given full potential, so people within the community and Councillors on the Planning Committee could have raised concerns about the effects of the demolition on wildlife, possibly on asbestos and the implications of transport from the demolition site and also the impact on historic buildings on the site”.

The Chair advised Councillor Hames that a separate response would be provided.

A Question had been submitted by Councillor Pennington under Procedural Rule A9.

In accordance with the Constitution a written answer to the question had been circulated to Members.

Question from Councillor Pennington

How much is in the Members training budget.

Answer

The last two full years

21/22 – Budget £6000

22/23 – Budget £4000

23/24 – Budget £14,000

253. PETITIONS

There were no petitions.

254. NOTICES OF MOTION

(a) Written Notice of Motion from Councillor Pennington

I propose Torridge District Council exercises its planning functions according to the policy document.

PROBITY IN PLANNING. Planning Committee Code of Practice.

Particularly focusing on section 13. SITE VISITS

I further propose this apply to the Planning Committee meeting listed for the 7th March.

Background : Visits were suspended during Covid from March 2020 and not reinstated.

They are a vital tool to allow committee members to visit a site where it has been called in by elected members for a committee decision.

Torridge is at risk of challenge by an applicant or objector if it is shown it has not followed it's own policy

2. 2 of the code states " It could result in a decision being judicially reviewed or allegation of a breach of the Code of Conduct or a complaint of maladministration made to the Local Government Ombudsman"

Councillor Pennington withdrew his Notice of Motion stating that he had received advice from the Chair of Plans Committee prior to the meeting.

(b) Written Notice of Motion from Councillor Pennington

I propose:

1. That when an elected member holds a seat on the board of Active Torridge (AT) and is a chair on any committee on Torridge, when an agenda item which affects AT comes before any committee the relevant Chair steps down for any affected agenda item.
2. The Chair to remain as a member of the relevant committee to bring insight on the business being transacted.

In bringing forward this motion I seek to better implement 3 Nolan principles. Objectivity, Accountability and Openness.

Councillor Pennington presented his Notice of Motion.

It was proposed by Councillor P Pennington, seconded by Councillor D Brenton.

(Vote: For 5, Against 18, Abstentions 4).

The motion was lost.

(c) Written Notice of Motion from Councillor Piper

This council raises concern with Devon County Council over the level of maintenance of the highways, especially our 'A' routes and footpaths, across Torridge District. This goes beyond potholes, but into wider issues such as surface water drains, road markings, cats eyes and general pathway maintenance.

We have concerns over the apparent lack of response to issues reported via DCC reporting systems, and the lack of clarity on maintenance levels across both our urban and rural areas. Here in Torridge the poor state of our roads and footpaths is resulting in considerable worry from residents over safety, even in regular weather conditions. This is leaving people feeling isolated and disconnected from vital services. At our budget meeting tonight, we hear that 72% of our council tax goes to DCC and we are concerned that we are not getting the highways we need and pay for.

I propose we send a letter to DCC Highways raising our concerns and invite them to come to our External O&S committee to explain the policies and organisation they have in place for the maintenance of roads and footpaths in Torridge and explore options to overcome admitted service shortfall.

Councillor Piper presented his Notice of Motion.

Councillor D Brenton proposed suspending standing orders. This was seconded by Councillor A Brenton.

(Vote: For 3, Against 22, Abstentions 2)

Councillor Cottle-Hunkin proposed the following amendment to the Notice of Motion:

“To also invite the Leader and Chief Executive of Devon County Council to attend at Torridge District Council to see how comfortable they feel driving their own cars on our roads”.

A brief discussion took place.

It was proposed by Councillor Piper, seconded by Councillor Bushby that the Notice of Motion and the amendment as stated above be agreed.

(Vote: For – Unanimous)

255. EXCLUSION OF PUBLIC

It was proposed by Councillor Bushby, seconded by Councillor James and –

Resolved:

That under Section 100(a)(4) of the Local Government Act (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 3 of Part 1 and Paragraph 10 of Part 2 of Schedule 12A of the Local Government Act 1972.

(Vote: For 26, Abstentions 1)

256. PART II - (CLOSED SESSION)

257. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

A Question had been submitted by Councillor Thomas under Procedural Rule A9.

The Question and answer were presented.

During the discussion, the Chair clarified the reasons as to why the A9 question was in Part II.

It was proposed by Councillor Bushby, seconded by Councillor Inch and –

Resolved:

That the meeting return to Part 1 and that any press and public be readmitted.

(Vote: For 27, Abstentions 1)

The meeting commenced at 6.30pm and closed at 7.55pm

Chair:

Date:

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdow Business Support Centre - Caddsdow Bideford EX39 3BEMonday, 11 March 2024 - 6.30 pm

PRESENT Councillor D Bushby (Chair)
 Councillors S Andrews, L Bach, A Brenton, D Brenton, C Bright,
 C Cottle-Hunkin, J Craigie, A Dart, T Elliott, J Gubb, P Hackett,
 P Hames, S Harding, C Hawkins, R Hicks, C Hodson, S Inch,
 K James, T Johns, C Leather, W Lo-Vel, R Lock, S Newton,
 P Pennington, L Piper and D Smith

ALSO PRESENT S Hearse - Chief Executive
 S Dorey - Head of Legal & Governance (Monitoring
 Officer)
 S Kearney - Head of Communities & Place
 G Bryant - Finance Manager (S151 Officer)
 T Vanstone - Senior Electoral & Democratic Services
 Officer
 K Brown - Democratic Services Officer

Two members of the public.

Non-elected Members Mr S Dengate and Mr I Harper

258. APOLOGIES FOR ABSENCE

Prior to the commencement of the meeting a minutes silence as held for Councillor P Christie.

Apologies for absence were received from Councillors: L Bright, L Ford, S Gibson, K Hepple, P Shepherd, H Thomas and J Whittaker.

259. PUBLIC CONTRIBUTIONS

There was one public speaker, Mr Desmond Willetts. Mr Willetts addressed the Committee regarding the Levelling Up Partnership grant and raised concerns on how TDC are handling the grant. Concerns raised included the inequality of the distribution of the grant, revenue costs were unknown, Councillors had not been made aware of all the facts and implications of the project, effect on Torriddle's plans, the setting of future capital and revenue budgets and lack of government funding.

260. DECLARATIONS OF INTEREST

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

261. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

262. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

No items were brought forward.

263. DEVON & TORBAY DEVOLUTION DEAL PROPOSAL AND CONSULTATION

The Chief Executive presented the report, the purpose of which was to bring to the attention of Full Council the Devon County Council and Torbay Unitary Council Devolution Deal proposal that had been approved for consultation by their respective Cabinets/Executives on 2nd February. The consultation went live on 12th February 2024 and will run for 6 weeks.

The Chief Executive handed over to Keri Denton, Director of Performance and Partnerships at DCC and Maria Price, Director of Legal and Democratic Services at DCC.

A detailed slide presentation was delivered which included the following:

- What is devolution
- National and local context
- Devolution framework
- Ambitions and priorities
- Benefits
 - Economy and growth
 - Skills
 - Housing
 - Transport
 - Net zero and low carbon
- Impact
- Governance
- Proposed Devon and Torbay Combined County Authority (CCA)
- Voting rights
- Team Devon Joint Committee
- Proposed advisory boards
- Assurance
- Consultation, next steps and timescales

More information is available on the www.devontorbaydeal.org.uk website.

Following the presentation Members were invited to ask questions and a lengthy discussion and debate commenced.

In response to a query regarding Plymouth City Council's place on the CCA, Keri Denton advised that their seat could be a loss if they choose not to join and gave reasons for Plymouth not wanting to join, however the Government requested that the opportunity be given.

The Chief Executive provided further information on the proposed amendment to the policy for District Councils to have a greater voice, however this failed in the parliamentary process, therefore it is the legislation that stipulates the voting rights. However it is the intention of Team Devon to go back to the Governance Model for a greater level of representation from the District Councils.

The decision to have three appointed Members from DCC and three from Torbay was decided by the type of authority not by population.

Following a comment that the constitution has a form of appeal, Maria Price confirmed that the constitution still had to be written and she would take on comments made by Members to ensure there is a right of appeal.

In response to a comment regarding the lack of DCC representatives, Keri Denton apologised and said she would take back comments made. She also confirmed that her and her team are often in the area. The CCA would not have an office and would not be based in Exeter.

Throughout the debate it became clear that Members had concerns and were apprehensive about the Devolution deal.

Following a query regarding the Government document stating that no local authority functions are being removed from any local authority in any area apart from transport, Keri Denton confirmed it would be the transport planning function that would move into the CCA. Highways would stay with DCC.

Information was given by Keri Denton on funding received to set up the CCA and the model that would be used. Other sources of funding were detailed.

The re-assessment of the Governance could be added to the constitution for changes in the future.

Following a query regarding funding for this project, Keri Denton referred to the Government policy for reassurance on how the project would continue to be funded.

The table of powers is available to view on the website.

It was confirmed that TDC do not have to be part of the arrangement.

The Leader of the Council addressed the Committee and advised the comments heard tonight had been reflected at the Team Devon meetings already and expressed the need and reasons to be part of this deal. If TDC are part of this project, it will enable the Council to have their say and be involved rather than be ignored. He moved the recommendations in the report and suggested that

Members put forward their individual concerns/questions to himself and the Chief Executive and they would collate a response to the consultation. There was no seconder for this proposal.

Thanks was given to both Keri Denton and Maria Price for their presentation.

Councillor C Leather proposed that a response be sent which states that TDC regret the fact that there is very little involvement for District Councils in the CCA, Councillor A Dart seconded the proposal.

Councillor P Pennington proposed that a response be sent which states that TDC have concerns about the Governance and Scrutiny of the CCA, this was seconded by Councillor C Cottle-Hunkin.

Councillor C Cottle-Hunkin proposed that Councillor P Pennington's response also be sent to Central Government, this was seconded by Councillor J Craigie.

Keri Denton confirmed the District Council responses received to date.

It was proposed by Councillor C Leather, seconded by Councillor A Dart and –

Resolved:

That the recommendation to respond to the consultation stating that TDC regret the fact that there is very little involvement with District Councils in the proposed CCA be approved.

(Vote: For – 21, Against – 4, Abstentions – 2)

Motion was carried.

It was proposed by Councillor P Pennington, seconded by Councillor C Cottle-Hunkin and –

Resolved:

That the recommendation to respond to the consultation stating that TDC have concerns over the Governance and Scrutiny of the CCA be approved.

(Vote: For – 14, Against – 13, Abstentions – 0)

Motion was carried.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor J Craigie and –

Resolved:

That the recommendation for Councillor P Pennington's response also be sent to Central Government be approved.

(Vote: For – 20, Against – 7, Abstentions – 0)

The report was noted.

264. EXCLUSION OF PUBLIC

265. PART II - (CLOSED SESSION)

The meeting commenced at 6.30pm and closed at 7.57pm.

Chair:

Date:

REPORT OF Deputy Section 151 Officer

To: Full Council

Subject: Private Sector Leases (addition to capital programme)

Date: 08th April 2024

Reference:

PURPOSE OF REPORT: For Members to consider authorising the PID for Private Sector Leases (PSL)

The Capital Programme includes new PIDs (Project Initiation Documents) which require authorisation from members before inclusion.

1. Private Sector Leases (PSL)

The Council currently has 21 PSL (Private Sector Leases) relating to private rental accommodation which are used for temporary accommodation for homelessness.

These are short term leases for an average of 3 years.

Due to the implementation of IFRS16 (international financial reporting standard) from the 1st April 2024 such leases are to be treated as capital items.

This results in any new leases, or extensions of existing leases will need to be added to the capital programme.

The PID (see appendix 1) is to authorise £750K of PSL lease commitments (over 3 years) recurring.

This is to accommodate the current annual cost for 21 properties (£205K, with headroom for general inflation going forward, and a few extra leases due to the fluctuating demands of the service), over the average of 3 years (i.e. £250K x 3 = £750K).

Note, there is no additional funding required, as each lease is paid on a monthly basis, the accounting change means that future spend has to be treated as capital which was previously revenue.

Implications

Legal Implications

No specific legal implications

Financial Implications

Included in the report

Human Resources Implications

There are no specific human resources implications.

Sustainability Implications

There are no specific sustainability implications.

Equality/Diversity

There are no specific equality/diversity issues.

Risk Management

Housing/Homelessness pressures have been identified within the Council's Corporate Risk Register as an area of significant risk.

Compliance with Policies and Strategies

This Report fits within the Council's Capital Strategy.

Lead Member Views

Councillor Bushby:

Date of Consultation – 23rd February 2024

“PSLs are a significant resource that the council uses to relieve homelessness pressure

The addition of PSLs to the Capital Programme is an accounting requirement, and therefore has no additional cost to the council”.

2 Recommendations:

That Members consider the recommendations by Community and Resources on the 4th March 2024 to Full Council

- a) The Capital Programme is updated to include:
 - o Private Sector Leases

SUPPORTING INFORMATION

Consultations: Date of Consultation – 22 February 2024

Officers Consulted –

Steve Hearse Chief Executive

Sean Kearney Head of Communities and Place

Staci Dorey Head of Legal & Governance

Gordon Bryant Finance Manager & Section 151 Officer

Contact Officer: Peter Hudson – Deputy Section 151 Officer



Service Development Bid for capital, ICT and asset enhancement projects

Please use this form for capital bids including ICT and asset projects over the next four years. When completed, please email to peter.hudson@torridge.gov.uk

Name of Project	PSL Leases	Project Score Out of 100	95
Service area	Housing/ Finance	Financial Score Between -20 and +20	+20
Applicant		Cost to Torridge over 20 years	Cost neutral
Project Start Date: Project End Date:	1 st April 2024	Contribution to Torridge over 20 years	Cost neutral

Section 1 – Project Details

Project Cost	£750,000 (3 year recurring cost)	External Funding	N/A
Project Summary			
A brief summary of the project for it to be understood by the uninitiated reader			
<p>The Council currently has 21 PSL (Private Sector Leases) relating to private rental accommodation which are used for temporary accommodation for homelessness.</p> <p>Due to the implementation of IFRS16 (international financial reporting standard) from the 1st April 2024 such leases are to be treated as capital items.</p>			

Risks (Description of significant risks:)
Note: Include financial risks, health and safety, insurance risk, etc.
Significant financial risk of not adding PSLs to the capital programme, as no new leases, or extensions to existing leases would be authorised. This would put pressure on the councils finances, as alternative accommodation would need to be sourced (i.e. B&B)

Climate Statement (see Section 4)	
Climate Statement completed	Y/N
Project Carbon Neutral?	Y/N
Project works towards carbon neutral 2030?	Y/N

Project detailed description

The project should be described in sufficient detail for it to be understood by the uninitiated reader

The Council currently has 21 PSL (Private Sector Leases) relating to private rental accommodation which are used for temporary accommodation for homelessness.

These are short term leases for an average of 3 years.

Due to the implementation of IFRS16 (international financial reporting standard) from the 1st April 2024 such leases are to be treated as capital items.

This results in any new leases, or extensions of existing leases will need to be added to the capital programme.

Therefore this PID is to authorise £750K of PSL lease commitments (over 3 years) recurring.

This is to accommodate the current annual cost for 21 properties (£205K, with headroom for general inflation going forward, and a few extra leases due to the fluctuating demands of the service), over the average of 3 years (i.e. £250K x 3 = £750K).

Note, there is no additional funding required, as each lease is paid on a monthly basis.

Lead Member Support/Comments



Section 2 - Project Score

(i). Alignment with Strategic Plan	25
(ii). Project Management & Delivery	20
(iii). Value For Money	25
(iv). Evidence of Requirement	25
Total (out of 100)	95

(i). Alignment with Strategic Plan	Score (out of 25)	25
	Scored by:	G Bryant
<p>Contribution to the Strategic Plan 2020-2023? Briefly Describe how the Project contributes to any or all of the Council's Themes and Outcomes/actions within these Themes:</p> <p>Theme 1. Local Economy Theme 2. Communities Health and Housing Theme 3. Our Environment our Future Theme 4. Our Council</p> <p>Alternatively: Is the Project "Critical" to a Statutory Service (or is the council under a legal obligation).</p> <p>Technical and regulatory compliance is a key element in theme 4. It helps to maintain reputation and audit certifications.</p> <p>Further Details & supporting documentation (see appendix 1)</p>		
(ii). Project Management & Delivery	Score (out of 25)	

		20
	Scored by:	G Bryant
<p>Briefly describe how project plan and how it is to be managed and delivered.</p> <p>Key components:</p> <p>Project management: - Clear plan, scope, and timescales</p> <p>Deliverability: - Realistic e.g. timescales and resources (external and internal)</p> <p>Risks: - Key risks analysed and understood</p> <p>Assessments: - Have equality and sustainable impact assessments been completed?</p>		
<p>There are some accounting challenges in delivering this change that may take some further research or discussion with auditors. It is the responsibility of finance staff to deliver this.</p>		
<p>Further Details & supporting documentation (see appendix 2)</p>		

(iii). Value for Money	Score (out of 25)	25
	Scored by:	G Bryant
<p>Briefly describe how project offers value for money for the council (and community).</p> <p>Key components: <u>Benefits</u> that the project brings to all users (are these measurable) <u>Options appraisal</u> - Other options for achieving the required outcome should be looked at, and reasons for selecting this one explained (include in appendix 3) <u>Whole life costing</u> - Exercise undertaken to ensure value for money. <u>External contributions</u> e.g. grants <u>Cost vs Benefit</u> - Any adverse revenue implications?</p>		
<p>The rationale for this change is not VFM although I am confident that the use of PSLs does provide VFM.</p>		
Further Details & supporting documentation (see appendix 3)		

(iv). Evidence of Requirement	Score (out of 25)	25
	Scored by:	G Bryant
<p>Briefly describe why the project is required and document the supporting evidence.</p> <p>Key components: <u>Consultation & Feasibility</u> - Evidence from consultation, of support from communities, town and parish councils and users. Has a feasibility study been undertaken? <u>Originality</u> - Evidence that the outcomes are not duplicated by existing infrastructure/facilities/other projects <u>Local/District/National Initiatives</u> <u>Other</u> - Any other evidence of requirement, e.g. specific research, health & safety (public or staff), legal/statutory duties, maintaining council assets.</p>		
<p>This is required as an exercise in implementing certain technical accounting changes. It is the understanding of finance staff that this cannot be avoided and TDC be compliant with the regulations.</p>		
Further Details & supporting documentation (see appendix 4)		

Section 3 – Financial Score

Costs/Resources?

Full details of the costs of the project should be given. Include both one off and ongoing costs. .

Cost Summary (Capital Cost Breakdown)	£000's
- Main Build / Contract	
- Contingency (Recommended 10% for construction projects)	
- Planning Fees	
- Design Fees / Architect Fees	
- Surveys & Other Professional Fees	
- Other Costs <ul style="list-style-type: none"> o Utilities o IT infrastructure o Furniture/Furnishing 	
- Total Cost	

External Funding:	£000's
- Grants If any of the budget for this funding has come via grants, please ensure that the funders requirements have been met and the Subsidy Control Bill considered UK subsidy control regime - GOV.UK (www.gov.uk)	

Net Cost (after external funding):	£000's
- Total Cost	

Existing Reserves / Agreed Funding:	£000's
- Existing Reserves	
- Contribution from Revenue	
<i>Note: in current MTFS or agreed with S151 Officer</i>	

Net Cost (after Internal funding) = Borrowing Requirement	£000's
- Total Cost	

Annual Impact to Council:

Annual Savings / Additional Annual Costs:	£000's
- Annual Savings (or income generated)	
- Additional Annual Costs	
- Cost of Additional Borrowing Required (Approx £80K per £1m borrowed over 20 years)	
- Total	

Financial Scoring	Points
Score calculated by the finance department. The Financial Score is between +20 and -20	+20
Each point represents £100K.	
- Total Financial Score	

Comments by Finance Manager:

The inclusion of PSLs within the capital programme is cost neutral as it merely reflects existing practice. As such I am happy to give it the maximum score. I am also of the view that PSLs as a strategy are financially preferable to B&Bs or other emergency/ ad hoc solutions. In the fullness of time there may be opportunities to increase the amount of council-owned properties which may release pressure on PSLs.

Section 4 – Climate Statement

Description of the project's climate considerations

The suitability of properties are considered prior to any leases being signed by the council, this includes location, property type, energy efficiency etc.

Is the project carbon Neutral (in the short term or long term)

Neutral compared with alternative arrangements e.g. B&B or Hostels

How does the project fit within the councils "Carbon Neutral by 2030" commitment

Leases are short term, therefore energy efficiency can be of increasing importance when selecting properties

Agenda Item 8

Agenda Item

REPORT OF Public Health and Community Safety Manager

To: Full Council

Subject: Public Space Protection Order – Antisocial Behaviour and Alcohol Consumption.

Date: 8 April 2024

Reference: PSPO1

PURPOSE OF REPORT: To seek variation and extension of the existing Public Spaces Protection Order in relation to Street Drinking Controls in a defined area (“the Specified Area”) of Bideford under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014.

1. INTRODUCTION

In June 2010 TDC introduced a Designated Public Places Order (DPPO) restricting the consumption of alcohol in specified areas of the Bideford. This was in response to issues of street drinking around the town and Quay. This was superseded by Public Spaces Protection Orders, the latest of which was approved in April 2021 under the Antisocial Behaviour, Crime and Policing Act 2014.

PSPOs are a legal tool that are used to stop individuals or groups committing antisocial behaviour or nuisance in a public space that is detrimental to the local community’s quality of life. The test in implementing a PSPO must be that the behaviour being restricted meets the following criteria, namely that the behaviour:

- Is having, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- Is persistent or continuing in nature; and
- Is unreasonable; and
- Justifies the restrictions imposed.

In implementing a PSPO, restrictions or requirements to address the antisocial behaviour must be set by the council. PSPOs can be enforced by a police officer, police community support officer and suitably qualified and experienced council enforcement officers. A breach of a PSPO is a criminal offence and can result in a fixed penalty notice of £100. Alternatively a fine of up to £1000 can be imposed by the court on conviction for each breach.

A PSPO can be appealed to the High Court by anyone who lives in, or regularly works or visits the affected area within six weeks of issuing or varying of the Order.

PSPO provisions must be reviewed every three years. This revision and update is proposed to come into place on the 27 April 2024, after the expiry of the current PSPO on 26 April 2024.

2. REPORT

Background:

The process to vary and extend a PSPO is prescribed and must include a ‘relevant consultation’ and ‘relevant publication’, as described in s72 of the Antisocial Behaviour,



Crime and Policing Act 2014. Consultation and publication for this PSPO has been as follows:

1. Consultation with the relevant policing teams to agree a draft proposal.
2. Consultation with ward members in the specified area and the portfolio holder for the Community Safety function.
3. Direct notification of the draft provisions to Bideford District members, County Council members, Parish and Town councillors.
4. Publication of the draft provisions on the TDC website, including promotion through social media.

The various aspects of the consultation were completed between 19 February 2024 and 3 April 2024.

A copy of the provisions and coverage of the proposed, updated Order are given in appendix 1 of this report.

Wording of the provisions consulted on:

The effect of the Order is to impose the following prohibitions in the specified area at all times:

Whilst in the Specified Area a person commits an offence if, without reasonable excuse, or lawful exemption they fail to comply with either of the following conditions and/or fail to comply with the request of an Authorised Officer in this regard, namely:

- a. The consumption of alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance is prohibited in the Specified Area.
- b. On the request of an Authorised Officer, a person within the Specified Area must immediately surrender any container(s) (open or closed) in their possession containing alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance.

NOTES: Any surrendered items may be disposed of by the Authorised Officer in any way he or she deems appropriate. These provisions (3(a) and 3(b)) do not apply to alcohol being consumed at a pre-organised public event with appropriate permissions or licensing, within premises, or at an event (including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or other formally regulated location or activity.

Whilst in the Specified Area a person commits an offence if, without reasonable excuse, they do any of the following:

- a. Fails to leave the Specified Area forthwith and in an orderly manner when requested to do so by an Authorised Officer.
- b. Re-enters the Specified Area within 24 hours of being instructed to leave

NOTES: The Authorised Officer must be of the opinion that the individual is causing, or has the potential to cause harassment, alarm or distress to other people in the area, or is of the opinion that the individual is under the influence of an intoxicating substance, or that the individual is breaching another condition or provision of this notice.

- c. Urinates and/or defecates within the Specified Area, other than within designated public toilets.



- d. Acts in such a manner that is reasonably perceived by the Authorised Officer to be anti-social, aggressive and/or intimidating to any member of the public.

Reasons for the wording of the order:

The above seeks to clarify and continue the provisions to address antisocial behaviour arising from street drinking in the specified area. It is necessary that the provisions are clear, reasonable and enforceable. As with all enforcement, the police and council officers will use discretion when regulating the PSPO. The language in the Order has been clarified to ensure that drinks can be confiscated if a request to move on, or to stop drinking is ignored. The police requested a clarification to ensure the Order was more consistent with other PSPOs in the Community Safety Partnership and the wider force area and to ensure that evidence of breaches could be more readily established, also allowing Torridge District Council CCTV Operatives the opportunity to establish breaches in certain circumstances.

Response to the consultation

A full copy of the responses to the consultation will be provided as a supplement to the agenda. On or after the 4 April 2024.

Verbal support for the revised PSPO was given from Cllr Philip Hackett, Broadheath - Lead Member for Public Health & Community Safety.

Email response from Cllr Doug Bushby, Bideford North - Chair of the Council and Lead Member for Finance & Audit

“I would like to add my support for the PSPO scheme in Bideford. The town centre area has benefited immensely when uniformed staff are present both during the daytime and evenings. The number of business staff who spoke to me full of praise for the street Marshall’s really surprised me. Shop lifting also saw a decrease particularly from the co-op store. There is no doubt in my mind that the street Marshall’s play an important role in making the town feel safer for residents and visitors alike. As the ward member for the town centre, I can say this scheme helps enormously with antisocial behaviour.”

Reports to police of anti social behaviour in Bideford from March 2017 to date

The number of police logs between Jan 2023 and Jan 2024 is as follows (note that Jubilee Square comes under ‘the Quay’ and is not listed separately). The Quay has the highest number of calls for any given location in the Torridge area. The High St comes in second and Mill St is third.

There were 145 ASB related calls to the police about incidents on the Quay during that period. 107 calls were made to the police relating to ASB on the High Street and 93 in Mill Street.

31 Dispersal notices have been issued during the current PSPO period. Torridge District Council are currently progressing 1 breach of a dispersal notice.

Consideration of the test for implementing a PSPO

1. *Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality*

Police incidents show that the behaviour of individuals is already having a detrimental effect on victims of alcohol related disorder, and assaults.



2. *Be persistent or continuing in nature*

118 incidents have been reported to police over a 12 month period, averaging nearly 10 a month. Consideration must also be given to those incidents that do not get reported but are still affecting our community.

3. *Be unreasonable*

Innocent members of our community witnessing or being subjected to groups of adults or juveniles who are under the influence of alcohol and are engaging in foul language and disorder whilst in public would be deemed unreasonable.

4. *Justifies the restrictions imposed.*

Taking into account the above factors, we propose that the provisions consulted upon meet the necessary test for varying and extending the PSPO, and put this forward to Council for approval.

3. **IMPLICATIONS**

Legal Implications

The imposition, revision and variation of a Public Spaces Protection Order is a power available to Local Authorities under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014. PSPOs are a tool to address antisocial behaviour and nuisance issues that are having or a likely to have a detrimental effect on the local community. Certain tests must be met in order to impose or extend an order and must be taken into consideration at the final decision stage of the PSPO.

Financial Implications

Consideration needs to be given to altering any existing signage in the specified area and erecting new signage where appropriate. Part of this cost will overlap with the proposed Community Engagement Hub on Jubilee Square, where a visible, jointly-branded presence will be implemented. There is a resource implication for policing the specified area. However, this is shared between the Neighbourhood Policing Team, TDC Environmental Protection and Community Safety team, including the TDC CCTV Operatives. It is not anticipated that the patrolling resource will increase. However, the Community Engagement Hub will become a meeting place for Neighbourhood Policing Team members and TDC Officers, thus increasing the visible presence within existing resource.

TDC, as members of the North Devon and Torridge Community Safety Partnership, will also bid for relevant funding as and when the opportunity arises. The PSPO can help with such bids, as it identifies an ASB hotspot, where partnership working is operational and within which the need for additional regulatory resource can be demonstrated.

Human Resources Implications

No implications.

Sustainability/Biodiversity Implications

No implications.

Equality/Diversity



All PSPO proposals will be screened to ensure that no protected group are disadvantaged through the imposition of the provisions.

Risk Management

The PSPO and proposed variations are designed to address antisocial behaviour and nuisance issues that are having or a likely to have a detrimental effect on the local community. Failure to extend the varied Order, or implement the PSPO effectively may lead to the continuation of this nuisance or antisocial behaviour.

Conversely, it should be noted that draconian implementation of these provisions has drawn negative press, sometimes national, therefore any provisions must be carefully considered and be a fair and proportionate response to evidenced need.

Compliance with Policies and Strategies

This action supports the Torridge District Council Strategic Plan 2024-2029, Communities, Health and Housing theme: Working in partnership to reduce crime so people feel safe and secure in their communities.

4. CONCLUSIONS

These proposals offer a pragmatic, proportionate and enforceable response to antisocial street drinking in Bideford.

5. RECOMMENDATIONS

That the Public Space Protection Order in relation to Street Drinking Controls and Antisocial Behaviour for the specified area in Bideford is varied and extended in line with the proposals in Appendix 1.

SUPPORTING INFORMATION

Members Directly Consulted:	Cllr Hackett, Cllr Bushby, Cllr Johns
Contact Officer:	Phil Gilbert phil.gilbert@torridge.gov.uk 01237 428857
Background Papers:	None





TORRIDGE DISTRICT COUNCIL

CONTROLLING ANTI-SOCIAL BEHAVIOUR AND THE

PROHIBITION OF ALCOHOL CONSUMPTION IN THE SPECIFIED AREA.

PUBLIC SPACES PROTECTION ORDER 2024

This Order is made by Torridge District Council (“the Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014, Chapter 2 Sections 59-75 inclusive (“the Act”)

1. This Order relates to the land described in Paragraph 1 of the Schedule overleaf and shown edged in red on the attached plan (“the Specified Area”), being a public place in the Council’s area to which the Act applies.
2. The Council is satisfied that both conditions (a) and (b) have been met, in that:
 - a The activities carried on in the Specified Area as described in (i) to (iii) below, will have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the Specified Area and that they will have such an effect. The said activities being:
 - (i) Being concerned in Anti-social behaviour within the Specified Area; and/or
 - (ii) The Consumption of alcohol, within the Specified Area; and/or
 - (iii) Aggressive or intimidating behaviour, within the Specified Area
 - b The effect, or likely effect of the activities described above in (i) to (iii) is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
3. Whilst in the Specified Area a person commits an offence if, without reasonable excuse, or lawful exemption they fail to comply with either of the following conditions and/or fail to comply with the request of an Authorised Officer in this regard, namely:
 - a The consumption of alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance is prohibited in the Specified Area.
 - b On the request of an Authorised Officer, a person within the Specified Area must immediately surrender any container(s) (open or closed) in their possession containing alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance.

NOTES: Any surrendered items may be disposed of by the Authorised Officer in any way he or she deems appropriate. These provisions (3(a) and 3(b)) do not apply to alcohol being consumed at a pre-organised public event with appropriate permissions or licensing, within premises, or at an event

(including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or other formally regulated location or activity.

- 4 Whilst in the Specified Area a person commits an offence if, without reasonable excuse, they do any of the following:
 - a Fails to leave the Specified Area forthwith and in an orderly manner when requested to do so by an Authorised Officer.
 - b Re-enters the Specified Area within 24 hours of being instructed to leave
Note: *The Authorised Officer must be of the opinion that the individual is causing, or has the potential to cause harassment, alarm or distress to other people in the area, or is of the opinion that the individual is under the influence of an intoxicating substance, or that the individual is breaching another condition or provision of this notice.*
 - c Urinates and/or defecates within the Specified Area, other than within designated public toilets.
 - d Acts in such a manner that is reasonably perceived by the Authorised Officer to be anti-social, aggressive and/or intimidating to any member of the public.
- 5 This Order comes into force on 27 April 2024 and remains in effect for a period of 3 years from that date, unless extended by further Orders under the Council's statutory powers.
- 6 Under Section 63 of the Act, a person guilty of an offence under conditions 3a and 3b above is liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of up to £100.
- 7 Under Section 67 of the Act, a person guilty of an offence under condition 4a, 4b, 4c or 4d above is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a fixed penalty notice of £100.

THE SCHEDULE

- 1 The Specified Area is shown edged in red on the attached map, labelled as 'The Schedule' below.

APPEALS

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within 6 weeks from the date upon which this order is made. For the purposes of the Act, an interested person is someone who lives in, regularly works in, or visits the Specified Area

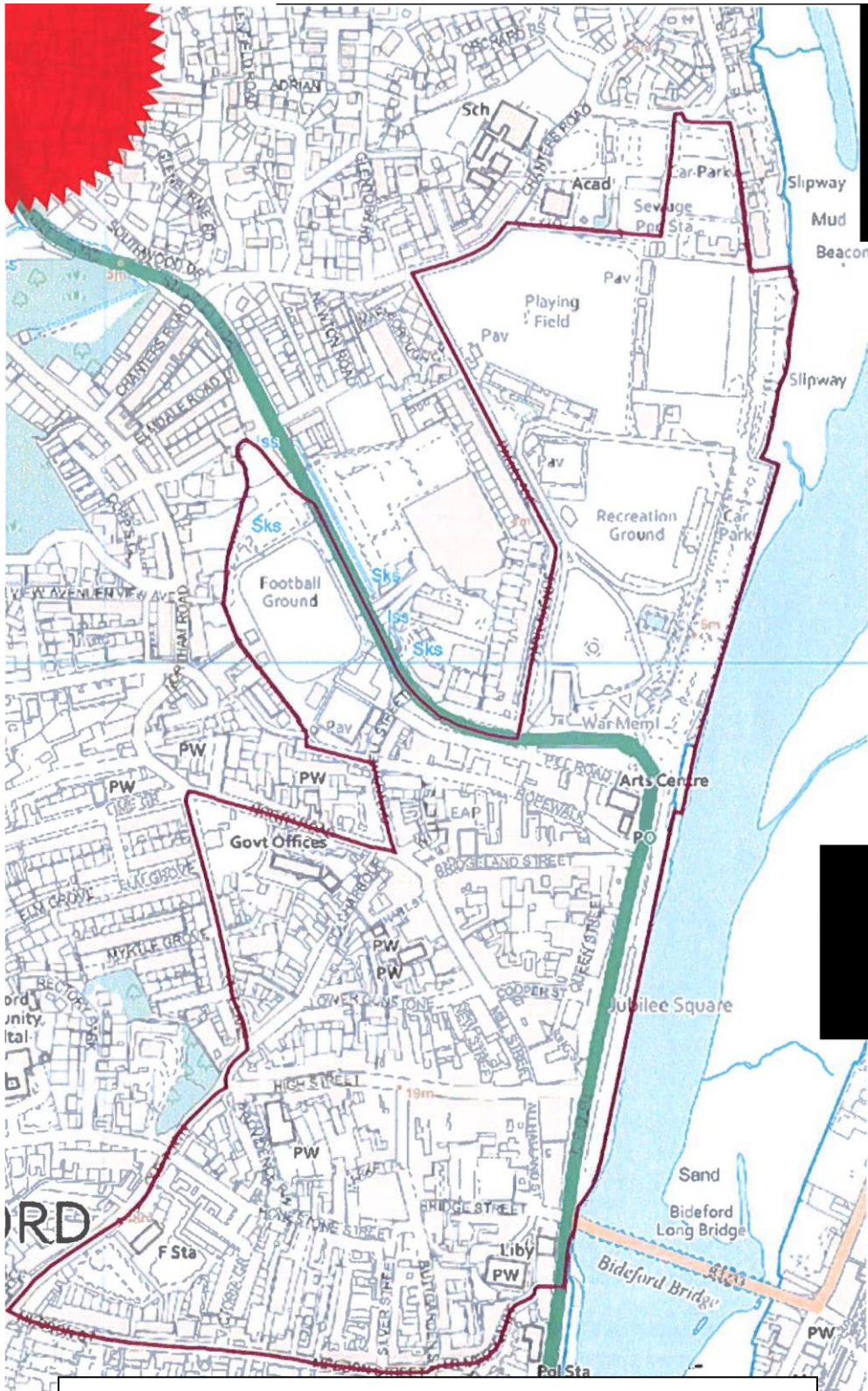
THE COMMON SEAL of TORRIDGE DISTRICT COUNCIL
was here unto affixed in the presence of

Authorised signatory.....

Print name

Dated.....





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REPORT OF Head of Legal and Governance & Monitoring Officer
To: Full Council
Subject: Local Government Association's Model Code of Conduct
Date: 8th April 2024 **Reference:**

PURPOSE OF REPORT:

To review the recommendation from the Standards Committee to adopt the Local Government Association's Model Councillor Code of Conduct

1. INTRODUCTION

On the 28th February 2024 the Standards Committee reviewed the Model Code of Conduct.

2. REPORT

It was proposed by Councillor Bach, seconded by Councillor Hawkins and –
Resolved:

To recommend to Full Council that the LGA's Model Code of Conduct be adopted with the agreed modification - to include Councillor email address as one of the examples listed in section 7.2 of the code.

7.2 of the Code states "*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".*

3. IMPLICATIONS

Legal Implications

The Council must have a Code of Conduct which incorporates the Nolan Principles. Our current Code does incorporate the principles, and therefore is legally compliant, however the Model Code expands the principles further.

Financial Implications

No financial implications of adopting The Model Code of Conduct.

Human Resources Implications

N/A

Sustainability/Biodiversity Implications

N/A



Equality/Diversity

None directly applicable to this report.

Risk Management

The Council is required to have a method that deals with complaints against Councillors and have a Code of Conduct.

Compliance with Policies and Strategies

This complies with our Data Protection Policy.

Data Protection (GDPR) Implications

N/A

Climate Change

None directly applicable to this report

Cllr Bach - Chair of Standards

Cllr Simon Newton, Lead Member for Legal and Democratic Support:

4. CONCLUSIONS

Councillors need to decide whether to approve the recommendation from the Standards Committee

5. RECOMMENDATIONS

That Members consider whether to approve the recommendation of the Standards Committee

SUPPORTING INFORMATION

Contact Officer: Staci Dorey

Background Papers: Standards Committee Report – 28th February 2024
Local Government Association – Model Councillor Code of Conduct



REPORT OF **Head of Legal & Governance (& Monitoring Officer)**
To: **Standards Committee**
Subject: **Local Government Association Model Councillor Code of Conduct**
Date: **28th February 2024** **Reference:**

PURPOSE OF REPORT:

To consider the LGA's Model Councillor Code of Conduct and whether to recommend to Full Council its adoption by Torridge District Council

1. INTRODUCTION

On the 22nd January 2024 Councillor A Brenton put forward the following Notice of Motion to Full Council.

“In order to promote our democratic role, good conduct and safeguard the public's trust in our local government, it is proposed that Torridge District Council adopt the Local Government Association's Model Code of Conduct”

Councillors are required to adhere to the Council's agreed Code of Conduct for elected members. Each Council is able to adopt its own Code of Conduct, but it must be based on the Committee on Standards in Public Life's seven principles of public life, known as the Nolan Principles.

The principles are as follows:-

1. Selflessness

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

2. 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. That should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

3. Accountability

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

4. Openness

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

5. Honesty

Holders of public office should be truthful

6. 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.

2. **Report**

The Local Government Association developed and published a Model Councillor Code of Conduct (attached at Appendix A). This was in response to the recommendation of the Committee of Standards in Public life Local Government Ethical standards.

The code will apply to all forms of communication and interaction including at face-to-face meetings, during online or telephone meetings, in written communication, in verbal communications and in electronic and social media communication, posts statement and comments.

Current Code of Conduct versus LGA's Code of Conduct

Torrige's current Code of Conduct incorporates all the required Nolan principles, however doesn't elaborate much further.

The LGAs Code incorporates all of these principles and is far more in depth and explains the, gives examples as to when the principles are engaged. Councillors may therefore find the LGA's Code more helpful in this regard. It also details what Councillors should expect in return.

Respect

One of the key roles and responsibilities of Councillors is representing, serving your communities and making decisions that affect them. Sometimes this means entering into robust debates, and need to express, challenge and disagree with views, and ideas that are brought to you. Entering into these debates in a respectful way helps build, and maintain relationships. Examples of disrespectful behaviour may include rude or angry outbursts, or disruptive or bad behaviour that could be classed as demeaning and bullying to others.

The LGA code elaborates on respect, whereas our current Code has it as a general provision with no further explanation.

Bullying

Our current Code has this as a general provision, however the LGA one defines bullying as offensive, intimidating, malicious, insulting or humiliating behaviour. It can take the form of physical, verbal and non-verbal conduct.

Impartiality of Officers of the Council

Our Code has this as a general provision, and the LGA one gives a more detailed explanation.

Confidentiality and access to information



Our current does detail this, but the LGA Code elaborates and gives additional detail.

Risk Management

It is important to have a robust Code of Conduct

Compliance with Policies and Strategies

NA

Data Protection (GDPR) Implications

NA

Climate Change

4. CONCLUSIONS

Attached at Appendix A is the Local Government Association's Model Code of Conduct. Our current code of conduct is attached at Appendix B for comparison purposes.

5. RECOMMENDATIONS

Standards Committee decide to either:-

- 1) Remain with our current Code of Conduct;
- 2) Recommend to Full Council that we adopt the LGA's Model Code of Conduct.
- 3) Recommend to Full Council that we adopt the LGA's Model Code of Conduct with modifications.

SUPPORTING INFORMATION

Consultations: Cllr Louis Bach, Chair of Standards Committee

Contact Officer: Staci Dorey

Background Papers: Appendix A – LGA Model Code of Conduct
Appendix B – Torridge District Council's current Code of Conduct

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>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</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 (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 (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 (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

<p>You must register as an Other Registerable Interest :</p> <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> (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) <p>of which you are a member or in a position of general control or management</p>
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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.

PART 5 – Chapter 1

Code of Conduct for Members

Introduction

This Code of Conduct applies to you as an elected or non-elected Member of Torridge District Council and it is your responsibility to understand this Code and to comply with its provisions.

The Code is made up of three distinct parts; the Principles, the General Provisions and Interests. Although the General Provisions and Interests give details of specific requirements that must be met, you should realise and understand that conduct that is not referred to or covered by the General Provisions or Interests may still constitute a breach of the Principles and therefore may be a breach of this Code of Conduct.

Scope

You must comply with this Code whenever you conduct the business of the Council (which in this Code includes the business of the office to which you are elected or appointed) or you act, claim to act or give the impression you are acting as a representative of the Council, and references to your official capacity are to be construed accordingly.

Where you act as a representative of the Council on any other body, you must, when acting for that other body, comply with this Code of Conduct except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Interpretation

"the Council"	Torridge District Council
"director"	Includes a member of the committee of management of an industrial and provident society
"family"	Includes a Member's parent, parent in law, a son or daughter, a son in law or daughter in law, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people
"close associate"	Someone who you are in either regular or irregular contact with over a period of time who is more than just an acquaintance and who is someone a reasonable member of the public might think you would be prepared to favour or disadvantage.
"land"	Includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive an income

"Member"	An elected or non-elected Member of the Council including an Independent Person appointed to assist in the ethics and standards functions of the Council
"meeting"	Any meeting of the Council, any of its Committees or sub-Committees, Joint Committees or Joint sub-Committees and any meeting of any Area Advisory Committee.
"Monitoring Officer"	The officer of Torridge District Council appointed under s 5 Local Government and Housing Act 1989
"relevant authority"	Means an authority defined by s27(6) of the Localism Act 2011
"relevant period"	Means the period of 12months ending with the day on which you provide notification of your interests under article 17 of this Code.
"relevant person"	Means you or your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you were civil partners.
"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.
"sensitive interest"	An interest of such a nature that if information concerning the interest were to be available publicly you or a person connected with you could be subjected to violence or intimidation.
"Register of Interests"	The register containing the interests of Members required under s29 Localism Act 2011

Purpose

As elected Members and non-elected Members of the Council you have a responsibility to represent the community and work constructively with the staff and partner organisations to secure better social, economic and environmental outcomes for all.

The purpose of this Code of Conduct is to promote high standards of behaviour amongst the elected and non-elected Members of the Council and to demonstrate to the public that the Council is committed to maintaining those high standards and to representing the community in every way that it can.

The public and others working for or with the Council should have confidence in the integrity and capability of you as elected and non-elected Members of the Council and this Code seeks to ensure that such confidence is maintained.

Principles of Public Life

For the reasons set out above, the Code of Conduct is underpinned by the following Principles of Public Life which should be borne in mind when interpreting the meaning of the Code:-

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

Disclosure and Barring Service Checks

Full Council has resolved to make it compulsory for all Members upon election to undergo a Disclosure and Barring Service (DBS) check. This is intended to increase public confidence in their elected Members, and gives the Council an opportunity to put measures in place to mitigate any risk arising from previous conduct, if necessary. Failure to undergo a DBS check, or a positive DBS check, may be referred to the Standards Committee.

General Provisions

1. You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact.
2. You must not bully or intimidate or attempt to bully or intimidate any person.
3. You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
4. You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.

5. (i) You must not disclose information given to you in confidence by anyone, or information acquired by you or provided to you by the Council which you believe, or ought reasonably to believe, is of a confidential nature or is capable of being treated as confidential.

(ii) For the avoidance of doubt, information covered by and dealt with by schedule 12A of the Local Government Act 1972 (Part 2 information) is included within 5(i) above.

(iii) Exceptions to the requirement in 5(i) above may arise where you have consent to disclose the information given to you by someone authorised to do so, where you are required by the law to disclose the information, where the disclosure is to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person or where the disclosure is reasonable and in the public interest and made in good faith and in accordance with the requirements of the Council.
6. You must not do anything which may lead the Council to be in breach of any legislation or act in a way which is otherwise unlawful.
7. You must have regard to any relevant advice provided to you by the Council's officers and other external bodies or officers.
8. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
9. In taking decisions you must exercise independent judgement, take into account all relevant considerations and views, and you must give reasons for your decisions in an open and transparent manner.
10. You must not use the resources of the Council for purposes which conflict with the Council's requirements or for political or personal purposes.
11. You must treat everyone equally, impartially and fairly and represent the residents of the whole of the Council area, [not just the Ward to which you were elected].

Interests

Disclosable Pecuniary Interests

12. You have a Disclosable Pecuniary Interest if it is of a description specified in Regulation 13 hereof, and either:-
 - (i) it is an interest of yours, or
 - (ii) it is an interest of your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you were civil partners.
13. A Disclosable Pecuniary Interest is an interest in any of the following matters:-

Interest	Prescribed 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 or provided within the Relevant Period in respect of any expenses incurred by you in

	carrying out duties as a member, or towards your election expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour relations (Consolidation) Act 1992
Contracts	Any contract which is made between the Relevant Person (or a body in which the Relevant Person has a beneficial interest) and the Council under which goods or services are to be provided or works are to be executed and which has not yet been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) the landlord is the Council and the tenant is a body in which a Relevant Person has a beneficial interest, including a firm in which the relevant Person is a partner or a body corporate in which the relevant person is a director, or in the securities of which the Relevant Person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where:- (a) that body, to your knowledge, has a place of business or land in the area of the Council, and (b) either:- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

14. For the purposes of 12(ii) above you will only be deemed to have a Disclosable Pecuniary Interest if you are aware that the other person referred to in 12(ii) above has that interest.

Registerable Interests

15. You have a Registerable Interest if it is of a description set out in paragraph 16 of this Code and either:-
(i) it is an interest of yours, or

- (ii) it is an interest of your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you were civil partners.
16. The following shall be Registerable Interests:-
- (i) membership of any body to which you have been appointed or nominated by the Council,
 - (ii) membership of the County Council or a Parish or Town Council within the District,
 - (iii) membership of any body exercising functions of a public nature, which is directed to charitable purposes or whose principal purpose includes the influence of public opinion,
 - (iv) the name and the interests of any person or body from whom you have receive a gift or hospitality with an estimated value of at least £25.00,

Prejudicial Interests

17. Notwithstanding the content of paragraphs 13 and 16 above, you will have a prejudicial interest in a matter where:-
- (i) a decision on that matter would affect the well being or financial position of any relevant person, member of your family or close associate more than it would affect the majority of people living within the ward or electoral division affected by the decision and
 - (ii) a reasonable member of the public with knowledge of the relevant facts would reasonably think that your interest was so significant that it is likely to prejudice your judgement of the public interest..
18. Subject to paragraph 23 below, you must within 28 days of this Code being adopted by the Council, or your election or appointment (where that is later), notify the Monitoring Officer in writing of any Disclosable Pecuniary Interests and any Registerable Interests that you have at that time.
19. Subject to paragraph 23 below, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Registerable Interest, or any change to any such interest already registered, register details of that new interest or that change in writing to the Monitoring Officer.
20. If you attend a meeting of the Council and have and are aware that the business being conducted at that meeting affects a Disclosable Pecuniary Interest or a Registerable Interest or is such that you would have a Prejudicial Interest in the business:-
- (i) you must, subject to paragraph 23 below, disclose to the meeting that you have a Disclosable Pecuniary Interest, a Registerable Interest or Prejudicial Interest in that matter and if you have not done so already, you must also notify the Monitoring Officer of the interest in writing within 28 days of the meeting,
 - (ii) subject to paragraph 21 below, unless a Dispensation has been granted, you must NOT participate, or participate further once the interest is known, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting, and you must leave the room whilst discussion on the matter is taking place.
21. If your interest in a matter being discussed at a meeting of the Council is a Registerable Interest falling within paragraph 16(1) or 16(2) above you may remain

in the room and participate in the discussion on the matter and may also take part in the vote taken on the matter provided the matter could not have a significant effect on the financial viability or well-being of the external organisation.

22. If you have delegated powers to take a decision on behalf of the Council acting alone, and you have and are aware that you have a Disclosable Pecuniary Interest, a Registerable Interest or a Prejudicial Interest in the matter dealt with or to be dealt with by you, you must not take any steps or any further steps in relation to that matter except for the purposes of enabling the matter to be dealt with other than by yourself.
23. Where you consider that the information relating to any of your interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest or when disclosing that interest to a meeting under paragraph 19 above.
24. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 23 is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

Dispensations

25. Section 33 of the Localism Act 2011 makes provision for the granting of a dispensation allowing a Member with a Disclosable Pecuniary Interest in a matter to speak and/or vote on that matter. For the avoidance of doubt, this Code extends the provisions of section 33 to allow a Member to also seek a dispensation excusing the Member, in whole or in part, from the effect of paragraph 20 above where the Member has a Registerable or Prejudicial Interest in an item of business. Any dispensations granted will only apply to decision making bodies of the Council who granted the dispensation (for example, dispensations granted by the District Council will not apply to Parish or Town Councils and vice versa).

Agenda Item

REPORT OF Leader of the Council and HR & Communications Manager

To: Full Council

Subject: Pay Policy requirements of the Localism Act

Date: March 2024

Reference:

PURPOSE OF REPORT:

1. This report invites Members to agree to a Pay Policy statement, in accordance with the requirements of the Localism Act
2. The report does not ask Members to agree to any changes to the Pay Policy or the remuneration of senior officers.

1. INTRODUCTION

Section 38 (1) of the Localism Act 2011 (the Act) requires English and Welsh local authorities to produce a statutory pay policy statement for each financial year.

Under the Localism Act a Chief Officer is defined as

The Head of the Councils paid service designated under section 4(1) of the Local Government and Housing Act 1989

Its monitoring officer designated under section 5 (1) of that Act

A statutory Chief Officer mentioned in Section 2(6) of that Act

A non statutory officer mentioned in 2(7) of that Act

A Deputy chief officer mentioned in section 2(8) of that Act

In Torridge District Council this definition would apply to the following posts: Chief Executive, Head of Legal & Governance, Head of Communities & Place, Finance Manager & s151 officer.

2. REPORT

Current Approach to Pay and Reward

The Council reviewed its pay arrangements for Chief Officers as part of the management restructure in 2020. With the exception of the wider operational management team, all staff are on grades within a single pay spine, with their terms and conditions reflecting a nationally agreed package (known as the 'Green Book'). In general terms, these arrangements are owned and accepted by colleagues, perhaps as best evidenced by the absence of a 'grading appeal' culture. All grades provide opportunity for progression by annual increments and other than operational staff most colleagues have opportunity to attain a work-life balance by using the agreed council HR policies and 'flexi-time'.

The Council's most senior officers are paid on salaries set by the Council with the benefit of external advice received from South West Councils.



Pay Policy Statement

Attached is a draft Pay Policy which, subject to the approval of Full Council, will be published on the Council's web-site.

The Pay Policy is a statement of current practice and can be altered by Full Council at any time. In any event a Pay Policy statement for 2025/26 and so on will in the future have to be specifically agreed each financial year.

The Act requires that the Pay Policy statement applies specifically to Chief Officers (a term which includes both statutory Chief Officers and non statutory Chief Officers) and it is proposed that at Torridge this includes those officers whose terms and conditions reflect those determined by the Joint Negotiating Committee for Chief Officers of Local Authorities and specifically the Chief Executive, Head of Legal & Governance, Head of Communities & Place and Finance Manager & s151 officer.

The Pay Policy and the Appendix to that policy (also attached) meets the requirements of the Act and has regard to both guidance and recommended practice. In particular, regard has been paid to the Hutton Report (on public sector pay) which was published in 2011. Hutton concluded that the most appropriate metric for calculating pay dispersion is the multiple of Chief Executive to median earnings. He also concluded that tracking this multiple will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce. The current multiples are set out in the appendix to the Pay Policy.

The draft Pay Policy Statement indicates that the Council will track this multiple annually and will also publish the following information (included as an Annex to the Policy):

- the level and elements of remuneration for each senior officer;
- the remuneration of the lowest paid employee;
- the relationship between the remuneration of the Council's senior officers and other officers;
- other specific aspects of senior officer remuneration, and
- the multiple of Chief Executive to the average or mean earnings, which is another metric for pay dispersion referred to in guidance.

Future Developments

With regard to any future Management changes Members can be assured that by agreeing to this Policy now, it will not preclude the development of revised arrangements for whatever senior posts may exist in the future.

3. IMPLICATIONS

Legal Implications

Publication of a Pay Policy is a requirement of the Localism Act

Financial Implications



There are no immediate financial implications, other than the cost of any cost of living pay award. An increase of 4.5% has been factored into the 2024/25 budget.

Human Resources Implications

Determining pay and reward arrangements has the potential to fundamentally alter the employment relationship and any changes need to be handled with care.

Sustainability Implications

N/A

Equality/Diversity

Any changes to pay and reward arrangements must be 'equality proofed'

Risk Management

Not having an updated published Pay Policy in place would represent an unacceptable risk to the Council's reputation.

Compliance with Policies and Strategies

Section 38 (1) of the Localism Act 2011 (the Act) requires English and Welsh local authorities to produce a statutory pay policy statement for each financial year

Lead Member Views- Councillor James

It is important that this council continues its intention to be fully open and transparent in all aspects, by complying with this legislation it is further step in that aim

4. CONCLUSIONS

The reward arrangements for senior officers are transparent and reflect external advice.

5. RECOMMENDATIONS

The Council should approve the Pay Policy

SUPPORTING INFORMATION

Consultations: Councillor James, Leader

Contact Officer: Sarah Ayres
HR & Communications Manager



Torrige District Council

Pay Policy Statement – as at March 2024

Purpose and Scope of the Policy

1. Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a statutory pay policy statement for 2012/13 and for each financial year after that.
2. In the context of managing scarce public resources, the Council seeks to balance the need to set pay levels that are adequate to secure and retain high-quality employees dedicated to the service of the public, with a need to ensure that pay is not unnecessarily generous or otherwise excessive. The Council also recognises that individuals have contractual and other rights that cannot be altered unilaterally by the Council.
3. Over recent years the Council has modernised its pay and reward arrangements through the implementation of single status and by setting the pay of its most senior officers with the benefit of external advice. In addition, the pay of senior officers has been published on the Council's web site.
4. This pay policy statement applies to those officers whose terms and conditions reflect those determined by the Joint Negotiating Committee for Chief Officers of Local Authorities. For the purposes of this policy the Council's Chief Officers are the:
 - Chief Executive
 - Head of Legal and Governance
 - Head of Communities and Place
 - Finance Manager & s151 officer
5. The Hutton Report (on public sector pay, published in 2011) outlined that the most appropriate metric for pay dispersion is the multiple of Chief Executive to median earnings. It suggests that tracking this multiple will ensure public service organisations are accountable for the relationship between the pay of their executives and the wider workforce. Through this pay policy statement, the Council will track this multiple annually and will also publish the following information (please see the Appendix):
 - The level and elements of remuneration for each of the posts identified in paragraph 4 above;
 - Other specific aspects of remuneration associated with these posts.
 - The remuneration of the lowest paid employees;
 - The multiple of Chief Executive Service salary to median
 - The multiple of Chief Executive salary to the average or mean earnings, which is another metric for pay dispersion.

Specific Policy Aspects

6. When setting or revising salaries for these posts:
 - The Council will make comparisons with similar organisations, with an aim to paying at or around the median comparable salary level.
 - The Council will take independent pay advice from South West Councils.
 - The Council will have due regard to balance the need to ensure value for money with the need for the Council to recruit and retain high quality senior officers in the context of national, regional and local labour markets and the particular circumstances or challenges faced at that time. This may include any market supplement.
7. Consistent with the relevant national terms and conditions, Chief Officers are required to devote their whole time service to the work of the Council (which may for this purpose also include other organisations where there is responsibility for such activities) and cannot engage in business or take up other paid employment without the

express permission of the Council. In addition, and although these officers are employed for a notional 37 hours per week, they are expected to work such additional hours as may be reasonably required, without additional recompense or time off in lieu.

8. Any termination payments to Chief Officers on ceasing office will, in the event of redundancy, comply with the Council's policy for managing change. Any other payments on termination of employment will accord with the arrangements set out in the Council's constitution and scheme of delegation.
9. Additional payments are made by Central Government to officers carrying out additional duties at elections. These payments are not within the scope of this policy.

Monitoring

10. Through this policy the pay multiple of the Chief Executive will be monitored annually. Should the multiplier between the annual salary paid to a full time employee (excluding any apprentices) on the lowest spinal column point and the annual salary paid to the Chief Executive be greater than 10, this will be reported by the Leader of the Council to Full Council for consideration.
11. Annual monitoring of this policy will take place in relation to each forthcoming financial year. As at 31 March 2024 the pay multiple will be 5.3

Outcomes

12. In determining this policy the Council will ensure that the process for setting pay at a senior level is transparent. This policy will be reviewed annually to track the relationship of Chief Officer pay with the rest of the workforce. Other reviews may take place as determined appropriate from time to time.

Policy/Strategy Consultation

13. This policy has been agreed by Full Council.

Equality Impact Considerations

14. The principles of equal pay are integral to this policy. The Council ensures equal pay through a transparent job evaluation process for the majority of posts and by having regard to external advice when setting the pay of its most senior officers, as identified in this policy.

Appendix

The levels and elements of remuneration for each Chief Officer are:

Post Title	Remuneration
Chief Executive	118,569
Head of Legal & Governance	79,941
Head of Communities and Place	79,941
Finance Manager & s151 officer	65,024

The full time rate of pay for the lowest paid employee is as follows (not including apprentices):

Post Title	Remuneration
Cleaner	22,366

The multiplier of the remuneration of the Chief Executive and other officers based upon taxable earnings:

Post Title	
Annual Median Pay of all employees, if they were employed full time	26,421
Pay multiple of Chief executive to Median salary, if they were employed full time	4.48
Pay multiple of Chief Executive to lowest paid employee, if they were employed full time	5.3
Pay multiple of Chief Executive to mean salary if everyone was employed full time	3.99

The pay multiple is calculated by comparing the pay of the Chief Executive with the average (or mean) and median basic pay levels.