

# Public Document Pack



## Department of Corporate Resources

Members of Council

### Committee Secretariat

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Your Ref: GC/Council

Date: 7 March 2022

Dear Councillor

### MEETING OF COUNCIL – TUESDAY, 15 MARCH 2022

You are requested to attend the meeting of the Council to be held in the City Hall, Bradford on Tuesday, 15 March 2022 at 4.00 pm.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink that reads 'P. Akhtar'.

Parveen Akhtar  
City Solicitor

#### Notes:

- A webcast of the meeting will be available to view live on the Council's website at <https://bradford.public-i.tv/core/portal/home> and later as a recording.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted.
- Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present at the meeting should be aware that they may be filmed or sound recorded.

- The Fire Bell and Evacuation Procedure requires people to leave the building in an orderly fashion by the nearest exit, should the fire alarm sound. No one will be allowed to stay or return until the building has been checked.

**Members are reminded that under the Members' Code of Conduct, they must register within 28 days any changes to their financial and other interests and notify the Monitoring Officer of any gift or hospitality received.**

## **AGENDA**

### **A. PROCEDURAL ITEMS**

#### **1. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

#### **Notes:**

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

#### **2. MINUTES**

**Recommended** – That the minutes of the meeting held on 17 February 2022 be signed as a correct record (previously circulated).

(Guy Close – 07811 503906)

**3. APOLOGIES FOR ABSENCE**

**4. WRITTEN ANNOUNCEMENTS FROM THE LORD MAYOR  
(Standing Order 4)**

*(To be circulated before the meeting).*

**5. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Guy Close – 07811 503906)

**B. BUSINESS ITEMS**

**6. PETITIONS (Standing Order 11)**

To consider up to five requests for the Council to receive petitions in accordance with Standing Orders.

- (i) Objection to sale of green field off Elliott Street, below the Hive Community Centre – Craven Ward.

Please note that as the above petition has over 1,500 signatures there will be a debate.

If any further requests are received, in writing, by mid-day three working days before the meeting (Thursday), details will be circulated.

(Su Booth – 07814 073884 / Farzana Mughal – 07811 504164)

**7. PUBLIC QUESTION TIME (Standing Order 13)**

The following public questions have been submitted:

1. "What is the Council's response to the following statement?"

I live on Broad Dale Close in East Morton; for the last three years, I and my immediate neighbours and a further nearby 192 households have been impacted by the surface water emanating from the field located to the north of the designated public footpath which is behind numbers 1, 3 and 5 Broad Dale Close. Self-evidently the amount of water depends on the rainfall quantity breaching a tributary of How Beck, but it can be a horrendously large amount running for days and weeks. The major issue is the running water eroding gardens and foundations, then when the water freezes this creates a thick heavy deposit of ice for all the residents to cope with on the steep paths and roads. Surely the Council has a legal duty to get the owner of land from which water emanates on to a public footpath to prevent that happening. I am certain that this case is already on a list in the Council's Drainage Department, but urgent action needs to be taken to stop water coming from private land, across a public footpath, and on to residential streets. In February 2021, a member of the public slipped on ice and reportedly fractured their elbow in several places. We certainly don't want a repeat of this incident and urge the Council to take positive and immediate action."

2. "This question is presented on behalf of the unprecedented number of individuals and national organisations objecting to National Highways (NH) planning application to abandon Queensbury Tunnel - to date, 7,795 (with a further 72 whose comments show that they have erroneously ticked the 'support' box), backed by 14,357 signatures on change.org and endorsed by every parish and town council between here and Keighley. Many reasoned comments on the planning portal show how converting Queensbury Tunnel to a cycle/walkway as the centrepiece of a greenway connecting Halifax to Bradford and Keighley can bring economic, social, health and tourism benefits in ways which fully concur with Bradford's Local Plan. Following NH's iniquitous spend of over £7 million, will Council please explain what measures are being taken to prevent NH's intended destruction of the tunnel and what progress Bradford Council has made, with Calderdale Council and WYCA, to secure a commitment from the Department for Transport to actively support the repurposing of this unique heritage feature of Bradford's proud landscape for the benefit of present and future generations?"

(Fatima Butt – 07970 411746)

**8. MEMBERSHIP OF COMMITTEES AND JOINT COMMITTEES  
(Standing Order 4)**

To consider any further motions (i) to appoint members to a Committee or a Joint Committee; or (ii) to appoint Chairs or Deputy Chairs of Committees (excluding Area Committees).

Due to recent changes to political proportionality the following changes have been submitted by the Bradford South Independent Group:



## **Health and Social Care Overview and Scrutiny Committee**

Councillor Robert Hargreaves to continue serving as a member on this Committee. Councillor Joan Clarke to replace Councillor Luke Majkowski as a member on this Committee. Councillor Luke Majkowski to replace Councillor Joan Clarke as an alternate member.

## **Bradford South Area Committee**

Councillor Robert Hargreaves to replace Councillor Matthew Bibby (Conservative) as a member on this Committee. Councillor Luke Majkowski to replace Joan Clarke as a member on this Committee. Councillor Joan Clarke to replace Councillor Luke Majkowski as an alternate member.

## **9. REPORT BY THE LEADER OF THE COUNCIL**

A written report by the Leader of Council giving an update on key issues will be circulated before the start of the meeting. There shall be a period of up to 15 minutes during which any Member of Council may ask the Leader of the Council (or a Member of the Council nominated by the Leader) a question on any matter arising out of the written report.

## **10. MEMBER QUESTION TIME (Standing Order 12)**

To deal with the below questions of which written notice has been given.

### **Notes:**

- (i) Answers to written questions shall be circulated at the commencement of the meeting.*
- (ii) The Lord Mayor will have regard to the list of questions and the political composition of the Council in calling on Members to put their supplementary question to the Leader of Council and Portfolio Holders.*
- (iii) A period of up to 30 minutes shall be available for supplementary questions to Members of the Executive.*

### **1. Councillor Simon Cunningham**

Following the welcome news that Bradford is to benefit from an £8.1 million investment in a new ultra-low emission bus fleet, supported by this Council, can the Portfolio Holder advise which routes will be served by the new vehicles? And is this environmentally-friendly upgrade evidence that the clean air ambitions of this council are already having a positive impact on our city's air quality?

## **2. Councillor Rebecca Poulsen**

Slaymaker Lane, Oakworth has been flooded for many weeks despite gullies being cleared and this makes vehicular access difficult and pedestrian access impossible. As this is a direct route to the newly refurbished Oakworth Crematorium that will shortly re-open, could the Portfolio Holder for Regeneration, Planning and Transport confirm what action the Council is taking to ensure the flood issues are resolved prior to re-opening?

## **3. Councillor Brendan Stubbs**

To the Portfolio Holder for safer Communities, following a number of attacks on Buses in the Thorpe Edge area leading to a number of suspensions and re-directs what actions are the Council taking alongside the Police and First Buses to ensure the majority of residents of all ages in Thorpe Edge are able to access to a reliable bus service.

## **4. Councillor Kevin Warnes**

The Leader of Council will be aware that Section 44 of the Children and Families Act 2014 states the obligations of a local education authority with regard to the time limit when reviewing an EHC plan. Specifically: "A local authority must review an EHC plan that it maintains (a) in the period of 12 months starting with the date on which the plan was first made, and (b) in each subsequent period of 12 months starting with the date on which the plan was last reviewed under this section." She will also be aware that Regulation 20 of the Special Educational Needs and Disability Regulations 2014 sets out the procedure in detail, making it clear that the review is complete only when the local authority notifies the parent/young person of its decision. Specifically: "The local authority must then decide whether it proposes to (a) continue to maintain the EHC plan in its current form; (b) amend it; or (c) cease to maintain it, and must notify the child's parent ... within four weeks of the review meeting." Bearing this in mind, can the Leader of Council please tell us (1) how many cases of this kind HAVE been dealt with within that four-week window across the district since the beginning of 2021; (2) how many cases of this kind have NOT dealt with within that four week window across the district since the beginning of 2021, and (3) what is being done to ensure that these deadlines will be met in every case in future?

## **5. Councillor Joan Clarke**

Can the leader give an insight into the projects being considered for the Bradford South Levelling Up funding made available by the Government?

## **6. Councillor Caroline Firth**

Can you advise how we have supported residents affected by the recent flooding in the district?

## **7. Councillor Simon Cunningham**

What measures is the Council taking to ensure that our fantastic theatres and other civic venues are supporting local breweries, producers, and suppliers within their on-site bars, restaurants, and cafes?

## **8. Councillor Mike Pollard**

In view of the relatively mild winter, could the Portfolio Holder for Regeneration, Planning and Transport please indicate the likely Budget outturn for the 2021/22 Financial Year in respect of the Highway Winter Maintenance Service and respond to the suggestion that any underspend be re-directed to helping address Highways drainage/flooding issues?

## **9. Councillor Paul Godwin**

Is there any data on business closures versus new businesses opening since March 2020 in the district?

## **10. Councillor Aneela Ahmed**

Can the Leader tell us what activities have taken place to mark International Women's Day in the district this year?

## **11. Councillor Rebecca Whitaker**

Please can the Portfolio Holder for Regeneration, Planning and Transport explain why Silsden is still divided into two separate zones with regard to payments under the Community Infrastructure Levy made by developers and can this now be reviewed?

## **12. Councillor Alun Griffiths**

In answer to a question at the 12th October Council meeting I was informed that there were 582 cut down lighting columns in the district, 19 in Idle and Thackley ward. 15 weeks later at the January Council meeting I was informed that 4 of these had been replaced, but no figure was given for the totals for the district. Could I please have the current figures for the numbers of columns still awaiting replacement in the district as a whole and in Idle and Thackley Ward specifically. In addition, how many 'normal' repairs are outstanding more than 4 weeks after the first date reported?

## **13. Councillor Richard Dunbar**

Can you give a summary of all the events that were held in the district for LGBTQ+ History Month?

## **14. Councillor Nussrat Mohammed**

Residents are being hit hard by rising energy bills and the cost of living crisis. Can we lobby government to do more to support people through it?

### **15. Councillor Debbie Davies**

Although it may not be a statutory requirement would the Portfolio Holder for Regeneration, Planning and Transport agree that it is good practice and more transparent to put planning notices on lamp posts as was done pre-Covid, so that residents have a proper opportunity to comment if they so wish?

### **16. Councillor Nussrat Mohammed**

What more can be done to tackle the problem of untaxed and uninsured vehicles and getting them quickly towed away and off our roads so that they are not left abandoned and causing a nuisance to residents?

### **17. Councillor David Warburton**

The storms over recent weeks have been very damaging for our communities across the region. In the district they have affected some communities that have rarely been affected before. Can you advise if Government are listening to West Yorkshire Combined Authority and their pitch for flood alleviation investment in our district?

### **18. Councillor Geoff Winnard**

As speeding and dangerous driving on the A650 Bingley Bypass are matters of real concern to local residents, can the Portfolio Holder for Regeneration, Planning and Transport confirm whether he considers strategically placed speed cameras likely to help improve the situation?

### **19. Councillor David Warburton**

What new levelling up investments and activities will Government deliver for the Bradford District as a result of its Levelling Up White Paper?

### **20. Councillor Hassan Khan**

Can I have an update on how many Kickstart apprentices we have in the council and how many are now in the district as a whole?

### **21. Councillor Chris Herd**

In light of reports from bereaved families, that the funerals or cremations of their loved ones have been delayed by up to 4 weeks, would the Leader of the Council please clarify the current average length of time for the deceased to be seen / examined and released for burial or cremation by the Coroner's Service, along with details of any planned measures to reduce this, in order to alleviate the further distress being caused to bereaved families?

### **22. Councillor Matt Edwards**

How many local exemptions for Bradford Clean Air Zone have been

applied for, how many have been accepted and how many are currently awaiting a response?

**23. Councillor Luke Majkowski**

Can the portfolio holder give an update on the efforts the council are making to secure the future of Queensbury Tunnel as an active travel asset, specifically looking at funding opportunities missed, funding opportunities currently available and any future ambitions?

**24. Councillor Mohammed Shafiq**

How do the current attendance levels in the district's primary and secondary schools compare with pre-pandemic, and what support are we giving families and schools to help children with adapting back to more regular schooling after the disruption they have faced this past two years?

**25. Councillor Vanda Greenwood**

How is our brilliant planting a tree for every child scheme progressing so far?

**26. Councillor Debbie Davies**

Please can the Portfolio Holder for Regeneration, Planning and Transport, provide an update on any unspent S106 and CIL money per ward and what the process for allocating it is?

**27. Councillor Susan Knox**

Can the Portfolio Holder please explain what steps the Council is taken to ensure that Swim for all sessions are fully restored as soon as possible to ensure that no child is excluded from access to swimming session at Eccleshill Pool. Furthermore, what work is being done with West Yorkshire Police to ensure those individuals who are causing problems at the pool are both deterred and where necessary punished for their behaviour.

**28. Councillor Doreen Lee**

I am heartbroken about Dalton Mills burning down. Do we have more information about this terrible fire and the damage done to the historic building?

**29. Councillor Angela Tait**

Can you tell me more about the aims of the Living Well Schools programme and how it will be delivered?

**30. Councillor Rebecca Whitaker**

Could the Portfolio Holder for Regeneration, Planning and Transport, please confirm; the annual amount of recyclates that have been rejected across the Bradford District since the reintroduction of "co-

mingling”, comparable figures for a similar period when recyclates were separated, the comparable revenues generated and landfill / incineration costs resulting from the sale or disposal of recyclates throughout the aforementioned period of time?

**31. Councillor Aneela Ahmed**

What activities are being undertaken to support children with their mental health coming out of the pandemic, for example by the Educational Psychology team and our other services that work with children and young people?

**32. Councillor Fozia Shaheen**

What social/recreational activities are there for people with Learning Disabilities and Autism, for children and adults?

**33. Councillor Debbie Davies**

Please can the Portfolio Holder for Regeneration, Planning and Transport, provide an update on the Draft Local Plan and what the next stages are?

**34. Councillor Fozia Shaheen**

The Council has invested additional money for children with SEND and I understand that this has resulted in an increase in the number of children getting an EHCP plan in the correct timeframe. Once a child has an EHCP, how can we be sure that the plan is properly implemented by the school and that the support for that child is not affected if there is a high turnover of staff in the school?

**35. Councillor Fozia Shaheen**

Could the Portfolio Holder outline how many landlords are part of the Council’s Private Sector Lettings Scheme?

**36. Councillor Debbie Davies**

Given the recent news that Welcome to Yorkshire has gone into administration, would the Leader of the Council confirm how much funding has been provided to this organisation by Bradford Council?

**37. Councillor Fozia Shaheen**

Could the portfolio holder share how many Priority band residents across the district have been allocated a property within the last 3 years?

**38. Councillor David Heseltine**

As we have had yet more flooding in the district, would the Portfolio Holder for Regeneration, Planning and Transport, please confirm what measures are being taken by the council and its partners, to ensure the future risk is minimised at the flood prone Castlefields, Old Main Street,

11. **RECOMMENDATIONS FROM THE EXECUTIVE AND COMMITTEES** 1 - 228  
**(Standing Order 15)**

- a) At the meeting of Standards Committee held on 6 October 2021, consideration was given to a report of the City Solicitor, which presented the Local Government Association (LGA) Model Councillor Code of Conduct for adoption by Council with or without amendments to replace the Council's existing Members' Code of Conduct or whether to require consultation with Councillors before considering adoption.

**Resolved –**

1. That the Local Government Association Model Councillor Code of Conduct 2020 ("the Code") be recommended for adoption by Council to be effective from the beginning of the Municipal Year 2022-23 with the following amendments (Amendments (1) (a) to (d) are matters included in the Council's existing Members' Code of Conduct and the paragraph numbers refer to the paragraph numbers in the existing Code):
  - a) The inclusion of the mandatory requirement that members complete a training course on Child Sexual Exploitation. (paragraph 21A).
  - b) Confirmation within the Code that all complaints alleging a failure to comply with the Code will be considered in accordance with the Procedure agreed by full Council (paragraph 22).
  - c) The incorporation into the Code of the Protocols on Member-Officer Relations, and Members' use of Council Resources including use of Email and the Internet as detailed in paragraph 23 of the existing Members' Code of Conduct subject to any consequential amendments required to address inconsistencies.
  - d) The Provisions regarding granting of dispensations (paragraph 24).
  - e) That in paragraph 10.2 of the Code (Gifts and Hospitality), £50 be replaced with £25.
2. That the City Solicitor produces a draft code incorporating the amendments, further consults the Chair of this Committee before it is considered by Council and that consideration is given to taking the recommendation for adoption of the Code to the Council meeting in March 2022.
3. Upon adoption of the amended Code by Council, delegated authority be given to the City Solicitor to make any consequential amendments required to the Council's Constitution including to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet in consultation with the Chair of this Committee.
4. Upon adoption of the amended Code by Council the City

Solicitor write to all Town and Parish Councils within the Bradford District to advise them of adoption of the Code and encouraging them also to adopt the Code if they have not already done so.

**Action: City Solicitor**

- b) In accordance with the recommendations of Standards Committee held on the 6 October 2021 to consider a report from the City Solicitor which recommends to Council the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct with the amendments as recommended by Standards Committee to be effective from the beginning of the Municipal Year 2022/23.

The report also asks Council to note the consequential amendments to the Form for submitting complaints against Elected Members and that the Members' Interests Form will need to be reviewed.

**Recommended –**

- 1) The Code of Conduct as set out in Appendix 1 to this Report be adopted.
- 2) The amendments to the Form for submitting complaints against Elected Members as set out in Appendix 2 be noted.
- 3) The need for the Members' Interests Form to be reviewed together with the initial draft of the amended form as set out in Appendix 3 be noted.
- 4) Delegated authority be given to the City Solicitor to make any consequential amendments required to the Council's Constitution including to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet in consultation with the Chair of Governance and Audit Committee as are necessary to implement the decisions of Council.
- 5) Upon adoption of the Code by Council the City Solicitor write to all Town and Parish Councils within the Bradford District to advise them of adoption of the Code and encouraging them also to adopt the Code if they have not already done so.

**Action: City Solicitor**

- c) At the meeting of Licensing Committee held on 31 January 2022, consideration was given to a report of the Interim Assistant Director of Waste, Transport and Fleet Services, which set out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposed a final draft for recommendation for adoption by Council.



## **Resolved –**

1. That it be recommended to Council that the document attached in Appendix 1 to Document A be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005.
2. That the Interim Assistant Director Waste, Fleet and Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

### **Action: Interim Assistant Director of Waste, Transport and Fleet Services**

## **12. NOTICES OF MOTION (Standing Order 17)**

To consider notices of motion set out below:

### **12.1**

#### **The Queen's Platinum Jubilee**

To be moved by: Councillor Rebecca Poulsen  
Seconded by: Councillor Debbie Davies

Her Majesty, The Queen, has become the first British Monarch to celebrate a Platinum Jubilee after 70 years of dedicated service of our country and across the commonwealth.

Bradford District has welcomed Her Majesty to Bradford five times.

In 1954 Her Majesty visited Bradford 18 months after her Coronation. At this visit she met David Hockney, was sung to by 30,000 children at Bradford Park Avenue cricket ground and visited Perseverance Mills to meet ill workers.

In 1974 Her Majesty visited the Odeon and unveiled the plaque to open the Civic Precinct.

In 1997 The centenary of Bradford's Royal Charter was marked by another visit. As it was Maundy Thursday, money was distributed at Bradford Cathedral as part of the visit before unveiling a plaque at Centenary Square and visiting the Bradford City fire memorial. Her Majesty then opened the new stand at Valley Parade after lunch at City Hall.

In 2007 there was another visit to Centenary Square where the daughter of murdered policewoman Sharon Beshenivsky handed Her Majesty a posy of flowers.

In 2012 Her Majesty visited as part of her Diamond Jubilee tour. The tour included visiting Saltaire, a luncheon and meeting the Lord Mayor at the time who is still a member of Council, Councillor Dale Smith.

Bradford District looks forward to many events over the summer to celebrate the Platinum Jubilee including local groups organising community events.

This Council thanks Her Majesty for her dedicated service over the last 70 years and congratulates her in the year of her Platinum Jubilee.

## **12.2**

### **Clean Air Zone**

To be moved by: Councillor Sally Birch  
Seconded by: Councillor Mohammed Nazam

#### **Council notes that:**

There have been delays in introducing Bradford's Clean Air Zone, originally planned for last October then postponed until January and now we are just told "Spring 2022".

Local businesses are finding it difficult to plan ahead for this change because the dates keep changing and because they are still not able to apply for exemptions despite being told they would be able to do so by the end of February.

There is a shortage of vehicles fitting the compliant criteria so even if companies want to upgrade their vehicles these are not available and there is a waiting list of several months.

Greater Manchester's Clean Air Zone has recently been delayed in order for their plan to reduce nitrogen dioxide levels to be reviewed.

The Clean Air Zone Framework issued by the Department for Transport clearly states "Clean Air Zone proposals are not required to include a charging zone".

The Government's Clean Air Framework also states: "In implementing a CAZ local authorities will need to consider the impact on local residents, and the need for any mitigating measures. They will also need to take action as necessary to support growth and protect the economy of their local high streets and town centres, whilst ensuring that their CAZ proposals will not result in the displacement of the most polluting vehicles away from town centres to surrounding areas."

#### **Council resolves:**

To pause plans for Bradford's Clean Air Zone while it is thoroughly reviewed, considering the potential negative impact on drivers using

other roads to avoid being charged for driving through the zone and the possible loss of trade for businesses located within the zone.

To consider moving to a 'non-charging Clean Air Zone' instead whilst continuing to work with businesses who wish to upgrade their vehicles and take advantage of the incentives offered.

To ensure that following the review the information provided to businesses, taxi drivers and residents is accurate, informative and the website is easy to use with dates that are met.

### **12.3**

#### **Empowering local voices to empower levelling up in the Bradford District**

To be moved by: Councillor David Heseltine  
Seconded by: Councillor Chris Herd

#### **This council notes:**

That the Bradford District is a diverse district made up of five parliamentary constituencies, allowing local decision making and support local decision makers is at the heart of communitarianism and supporting local communities.

Neither Keighley BID nor Ilkley BID have a councillor appointed to them from their constituency by Bradford Council.

That no councillor from the Keighley Constituency was appointed to the Keighley Towns Fund board by Bradford Council.

Bradford Council failed to apply for up to £80 million of central government funding for 'levelling up' funds for any constituency except Bradford West and failed to consult with ward members about projects that would be feasible to be put forward for this funding.

Localities plans put forward and approved by area committees do not appear to have funding allocated to area committees to support these plans.

#### **Council resolves to:**

Empower ward members by supporting them in being active decision makers and ensuring they are consulted on funding opportunities.

Empower Area Committees by providing them with additional funding opportunities to support their local communities.

Work towards appointing local ward members to BIDs and other groups where local knowledge will help support their work.

## 12.4

### Respecting our Rivers

To be moved by: Councillor Jeanette Sunderland

Seconded by: Councillor Brendan Stubbs

#### **This Council notes that:**

- Every river in England is now polluted beyond legal limits.
- The Environment Agency rated only 14% of rivers as 'Good' in 2019.
- This pollution is mostly caused by sewage discharges from water companies, the run-offs of nutrients from farms and persistent organic chemicals.
- 36% of English rivers have been damaged by water companies.
- In England, water companies released untreated human waste directly into our waterways over 400,000 times for a total of 3 million hours in 2020 alone.
- Government funding to the Environment Agency to monitor river quality, and regulate farms and water companies has dropped 75% since 2010/11.
- In 2020 just 3.6% of pollution complaints made to the Agency resulted in penalties.
- Farms are now almost never inspected, water quality is rarely tested, and water companies can discharge raw sewage into rivers with virtual impunity.
- In addition, tyre particles, metals from brake pads, and hydrocarbons from vehicle emissions wash off road surfaces and into rivers introducing potentially carcinogenic material into the water supply.
- That Yorkshire Water Ltd is due to appear at Leeds Magistrates' Court on 15 March charged with offences relating to a pollution incident which happened at Bradford Beck between September 2017 and August 2018.

This Council commends the work of the Aire Rivers Trust, the Friends of Bradford Becks, partners and the many volunteers who are working hard to meet the Good Water framework Directive status or Good Ecological Potential for all of the Aire Water bodies by 2027.

Council believes that, the UK Government should commit to:

- Restoring Environment Agency budgets to deliver the necessary oversight.
- Increasing inspection regularity of water companies and farms, taking rigorous enforcement action against offenders.
- Ring-fencing fines for water pollution events to be spent on river quality improvements.
- Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.

### **Council resolves to request the Chief Executive write to:**

- The Secretary of State for Environment, Food and Rural Affairs calling for the Government to make these commitments and to revise down the consents that allow sewerage discharge into our rivers.
- The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- The Chief Executive of Yorkshire Water calling for urgent action to address the impact of waste-water discharges on our local rivers.
- The Regional Director of the National Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- The charities River Action, the Aire Rivers Trust and the Friends of Bradford's Becks expressing this Council's support for their campaign to restore the health of Britain's rivers and becks.

**This Council further requests that the Chief Executive produces a report for all councillors detailing the action the Council is to enforce the rules for water protection on its land it owns.**

### **12.5**

#### **0-19 Public Health Service**

To be moved by: Councillor Alun Griffiths

Seconded by: Councillor Jeanette Sunderland

Council notes that the 0-19 Public Health service contract ends in April 2023 and is about to be recommissioned.

Council notes the difficulties in recruitment, especially for Health Visitors, faced by the service and the consequent reduction of the service to providing little more than the minimum statutory requirements and a loss of much proactive care.

Council believes that the decisions to blur the distinction between Health Visitors and School Nurses, and move Health Visiting away from Primary Care and into large remote hubs has contributed to this.

Council notes the development of GP Primary Care Networks and believes that this provides an opportunity to return Health Visiting to a model of collaboration between GPs and Health Visitors and other 0-4 nurses with benefits to staff, children, and parents and resolves to recommission the service on that basis.

### **12.6**

#### **Ukraine**

To be moved by: Councillor Susan Hinchcliffe

Seconded by: Councillor Rebecca Poulsen

This Council condemns the illegal invasion of Ukraine by Putin. Bradford District stands together with our residents of Ukrainian heritage and will support them in their hour of need. We have approximately 5,000 residents with Ukrainian heritage in our district. They are understandably fearing for the lives of their loved ones in the country. The district has demonstrated solidarity with the Ukrainian community by:

- Lighting up civic buildings in the colours of Ukraine.
- Bradford City fans showing their support for Ukraine at their match on 26 February.
- Bradford Cathedral organising a multi faith service at the Cathedral on 2 March.
- The Council's Safer and Stronger Communities team speaking with the Bradford Ukrainian community organisation to hear their voice and to offer support.
- At the launch of the 'From Bosnia to Bradford' films that were premiered at the National Media Museum in early March similarities between the conflicts were discussed and support and solidarity for Ukraine was expressed by speakers and the audience in attendance. The films feature stories about the survivors of the Balkans conflict who fled in the early 1990s and settled in the Bradford District.

We remember:

- That this is an act of aggression by Putin, not by residents with Russian heritage living and working in this district.
- We must support all our residents here to live peaceful lives without fear or anxiety.
- We are a City of Sanctuary which prides itself on welcoming communities from all over the world. We will warmly welcome Ukrainians to our district as part of any national refugee effort.

We urge:

- Peace. We are a city of Peace, with a renowned Peace Studies department at the University and a Peace Museum which we have all benefited from being located here.
- Residents to come together - we come together at difficult times and support each other when the burden can seem heavy.
- People to support the Ukrainian communities across West Yorkshire who are mobilising in support of Ukraine by donating to a fund which they have set up to provide critical support for Ukraine at this time.
- The Government to do everything possible to support the Ukrainian people who are being displaced from their homeland including welcoming them to this country.

## 12.7

### **Cost of Living Crisis**

To be moved by: Councillor Susan Hinchcliffe

Seconded by: Councillor Abdul Jabar

Rising energy bills and the cost of living crisis is real. It is hitting those on lowest incomes the hardest. Energy bills are increasing rapidly – the regulator Ofgem has warned that the average household faces a 54% increase and will be paying almost £2,000 a year to heat and light their home.

The number of people having to rely on food banks for emergency supplies has rocketed. The number of food banks in the UK's biggest network (the Trussell Trust) has increased from 57 in 2010 to over 1,300 now, as well as an additional 1,000 independent food banks across the country.

We call on Government:

- 1) To develop a coherent strategy of how to tackle the cost of living crisis nationally.
- 2) To restore the £20 Universal credit payment, cut VAT on household energy bills and use a windfall tax on oil and gas companies' increased profits to help reduce energy bills.
- 3) To make Bradford District a levelling up area with significant access to funding for regeneration.

## 12.8

### **Supporting Children and Families to thrive post pandemic**

To be moved by: Councillor Sue Duffy

Seconded by: Councillor Susan Hinchcliffe

As a nation we started 2020 with high Child Poverty rates. Then came the pandemic, hitting our young people particularly hard. Missing out on education and experiencing acute social isolation. Since then we've seen an increase in children's mental health issues, an increase in obesity levels and an increasing number of families experiencing domestic violence.

As an immediate response this council is already investing to develop and deliver services which support our young people going through difficult times:

- Our new Living Well school workers are making sure that children are able to be active and healthy.
- We are providing emotional support through the use of 'Safer Spaces'.
- We are working with the voluntary sector and other partners to deliver the Holiday Activities and Food programme.

- We are investing in Future Boost, our local offer to support our young people into good work and training.
- We have invested some of our Covid grant into additional Domestic Violence services.

There is still much much more to do.

**We resolve to:**

- Work with our young people to develop a Children and Young People's Plan Post Pandemic.
- Ask our Looked After Children how the pandemic has affected them and how we can support them towards getting back to normality.
- Draw on our experienced young Covid ambassadors to lead on our work on Children's rights throughout the district.
- Ask for a Scrutiny Review of Child Poverty.

We call on government and our district's MPs to work with us to:

- Join us in investing in the future of our children and young people.
- Invest long-term in local authorities so we can deliver and commission universal services that our young people can rely on year in year out.
- Invest in our young people by delivering on the Government's pledge to Level Up Bradford and the North of England.

**13. PAY POLICY STATEMENT FOR 2022/23**

229 -  
244

In accordance with the Localism Act 2011 Local Authorities are required to produce and publish a Pay Policy Statement for each financial year. The report of the Director of Human Resources contains the Pay Policy Statement, which must be approved by full Council before publication.

**Recommended** – That the Pay Policy Statement for the financial year 2022/23 as set out at Appendix 1 to this report, be approved.

(Tim Barker – 01274 432031)





## Report of the City Solicitor to the meeting of Standards Committee to be held on 6 October 2021

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**Subject:**

**A**

**Local Government Association Model Councillor Code of Conduct**

### **Summary statement:**

To consider the Local Government Association (LGA) new Model Councillor Code of Conduct and decide whether to recommend to Council its adoption with or without amendments to replace the Council's existing Members' Code of Conduct or whether to require consultation with Councillors before considering adoption.

### **EQUALITY & DIVERSITY:**

Equality – The LGA Model Councillor Code of Conduct requires members to promote equality and not discriminate unlawfully against any person. It also makes specific reference to the Equality Act 2010 placing specific duties on local authorities. The Code emphasises that 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.

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Parveen Akhtar  
City Solicitor

### **Portfolio:**

Leader of Council and Corporate

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Email: [parveen.akhtar@bradford.gov.uk](mailto:parveen.akhtar@bradford.gov.uk)

### **Overview and Scrutiny Area:**

Corporate

## 1. SUMMARY

The Local Government Association (LGA) produced a new Model Councillor Code of Conduct (“the Code”) in December 2020 which has been subject to minor revisions in May 2021. The Committee is asked to consider the Code and decide whether to recommend to Council its adoption with or without amendments to replace the Council’s existing Members’ Code of Conduct or whether to require consultation with Councillors before considering adoption. On 8 July 2021 the LGA produced supporting Guidance on the Code.

## 2. BACKGROUND

2.1 The Council’s current Members’ Code of Conduct (with a number of subsequent amendments) was adopted by Council in July 2012 following the implementation of the Localism Act 2011 which required all councils to have a Member Code of Conduct.

2.2 In December 2020 the LGA developed and produced a Model Councillor Code of Conduct in association with key partners and following extensive consultation. The Code was subject to minor revisions in May 2021 and is attached as Appendix 1 to this report. This new Code was developed in response to the Committee on Standards in Public Life’s (CSPL) report into Local Government Ethical Standards. The CSPL report included a best practice recommendation for local authorities to adopt a Code of Conduct based on a model to be produced by the LGA. The Code is based on the CSPL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations.

2.3 The Model Code is described by the LGA as “designed to protect the democratic role, encourage good conduct and safeguard the public’s trust and confidence in the role of the councillor in local government.”

2.4 The LGA states of the Code and Guidance:

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

2.5 The Code builds on the Nolan principles and contains the following general principles for councillors:

*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.*

2.6 The Code details members' obligations as the minimum standards of conduct. The Code of Conduct covers:

- joint statement
- introduction
- definitions
- purpose of the code of conduct
- general principles of Councillor conduct
- application of the code of conduct
- standards of Councillor conduct
- general conduct: respect; bullying, harassment and discrimination; impartiality of officers of the Council; confidentiality and access to information; disrepute; use of position; use of local authority resources and facilities; complying with the code of conduct; interests; gifts and hospitality.
- Appendix A: The 7 principles of public life
- Appendix B: Registering interests
- Appendix C: lists the recommendations of the CPSL together with their 16 best practice recommendations, some of which would require legislative changes.

2.7 The LGA Guidance provides guidance on the Code's application and is attached at Appendix 2.

### **3. OTHER CONSIDERATIONS**

3.1 The Code is more detailed than the Council's current Members' Code of Conduct (attached at Appendix 3) and for example, includes specific reference to respect and bullying, harassment and discrimination. In addition:

3.1.1 The Code requires members within 28 days of becoming a member or re-election or re-appointment to office to register with the Monitoring Officer Disclosable Pecuniary Interests. Under the Council's current Code where a member is re-elected/reappointed notification is only required of any new disclosable pecuniary interests.

- 3.1.2 The Code requires disclosure of other registerable interests as detailed in Appendix B Table 2 of the Code.
- 3.1.3 The Code details when disclosure of non- registrable interests is required at a meeting.
- 3.2 If the Code is to be adopted, consideration needs to be given as to whether to amend the Code to include matters included in the Council's current code namely:
  - 3.2.1 Disclosure of other interests which members feel should be declared in the public interest (paragraphs 20 and 21 of the current Code).
  - 3.2.2 The mandatory requirement that members complete a training course on Child Sexual Exploitation (paragraph 21A).
  - 3.2.3 Confirmation that all complaints alleging a failure to comply with the Code will be considered in accordance with the Procedure agreed by full Council (paragraph 22).
  - 3.2.4 Incorporation of the Member- Officer Relations and the Members Use of Council Resources protocols into the Code (paragraph 23), and also whether the Protocol for Members on Gifts and Hospitality should also be incorporated.
  - 3.2.5 The provisions regarding granting of dispensations (paragraph 24).
  - 3.2.6 In addition to the above matters, a summary of the differences between the Local Government Association's New Model Councillor Code of Conduct and Bradford Council's current Members' Code of Conduct is attached at Appendix 4.
- 3.3 If the Code is to be adopted, three Protocols in the Constitution will need to be considered and either amendments to the Code or the Protocols made to address a number of inconsistencies, for example:

3.3.1 **Protocol on member -officer relations**

Paragraph 5 of the protocol on member - officer relations states members cannot use support services and resources provided by the Council for political or campaigning activity. Paragraph 7 of the LGA Code allows resources to be used for political purposes if 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 they have been elected or appointed.

3.3.2 **Protocol for members on gifts and hospitality**

Paragraphs 2.3 and 2.4 of the protocol on gifts state that the decision is for the member in every case whether or not it is appropriate to accept any gift or hospitality. Paragraph 10.1 of the LGA Code sets out a specific rule to 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, etc. Paragraph 9.1 of the protocol requires members within 28 days of receiving any gift or

hospitality over the value of £25 to notify the Monitoring Officer. Paragraph 10.2 of the LGA Code raises this amount to £50.

### 3.3.3 **Resources Protocol**

Paragraph 7 of the LGA Code states that resources are not to be used for business or personal gain. Paragraph 7 of the resources protocol allows some private use but not for private business use.

3.4 If the LGA Code is adopted it would be advisable to make it clear that the Code takes precedence should there be a conflict between the Code and one of the Protocols.

3.5 If the Code is adopted the Complaint form for submitting complaints against Elected Members will also need revising.

3.6. Calderdale Council have adopted the Code in its entirety. West Yorkshire Combined Authority have also adopted the Code. Leeds Council have adopted the Code with a number of amendments. Wakefield Council have also adopted the Code with a number of amendments.

## 4. **FINANCIAL AND RESOURCE APPRAISAL**

There are no direct financial implications arising from this report.

## 5. **RISK MANAGEMENT AND GOVERNANCE ISSUES**

The adoption of the Code with appropriate amendments would strengthen the Council's governance arrangements. Consideration will need to be given to providing briefings to all Councillors on the Code should it be adopted by Council.

## 6. **LEGAL APPRAISAL**

6.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its members and co-opted members and to adopt a code of conduct consistent with the Nolan principles on standards of public life.

6.2 Any changes to the current Code of Conduct would be subject to the approval of full Council.

## 7. **OTHER IMPLICATIONS**

7.1 There are no sustainability implications, greenhouse gas emissions impact or community safety, Human Rights Act, Trade Union, ward or corporate parenting implications in this report.

## **7.2 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

Not applicable.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

9.1 Recommend to Council the adoption of the LGA Model Councillor Code of Conduct.

9.2 Recommend to Council the adoption of the LGA Model Councillor Code of Conduct with amendments.

9.3. Decide that the LGA Model Councillor Code of Conduct with or without amendments not be recommended to Council and that recommendations for amendment of the current Code be made instead.

9.4 Require consultation with Councillors before considering adoption.

## **10. RECOMMENDATIONS**

10.1 Members are invited to comment on whether they are content to recommend adoption of the Local Government Association Model Councillor Code of Conduct 2020 in principle or if they require consultation with Councillors before considering adoption.

10.2 If the former, the Local Government Association Model Councillor Code of Conduct 2020 be recommended for adoption by Council with such amendments as are agreed by this Committee.

10.3 Upon adoption by Council, delegated authority be given to the City Solicitor to make any consequential amendments required to the Council's Constitution including to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet in consultation with the Chair of this Committee.

10.4 Upon adoption of the amended Code by Council the City Solicitor write to all Town and Parish Councils within the Bradford District to advise them of adoption of the Code and encouraging them also to adopt the Code.

## **11. APPENDICES**

Appendix 1 Local Government Association New Model Councillor Code of Conduct

Appendix 2 Guidance on the Local Government Association Model Councillor Code of Conduct

Appendix 3 Bradford Council's current Members' Code of Conduct

Appendix 4 Summary of the differences between the Local Government Association's New Model Councillor Code of Conduct and Bradford Council's current Members' Code of Conduct

## **12. BACKGROUND DOCUMENTS**

None

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## **Local Government Association**

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

#### **Joint statement**

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

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

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

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

## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

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

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

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

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

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

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

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

## **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](#).

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

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

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

<p>You must register as an Other Registerable Interest :</p> <p>a) any unpaid directorships</p> <p>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</p> <p>c) any body</p> <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> <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.***



# Guidance on Local Government Association Model Councillor Code of Conduct



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

08 Jul 2021

## Part 1 - Introduction

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

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

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

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

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

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

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

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

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

## **General principles of Councillor conduct**

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

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

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

## **Application of the Model Councillors' Code of Conduct**

### **When does the Code apply?**

S27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

The term 'capacity' is not further defined in the Act. However, the Model Code states that:

### **The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:**

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

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

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

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

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

- at face-to-face meetings

- at online or telephone meetings

- in written communication

- in verbal communication

- in non-verbal communications

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

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

### **Acting as a private individual**

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

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

### **Example**

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

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

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

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

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

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

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

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

For example:

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

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

wearing official local authority regalia.

### **Examples**

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

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

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

## **Social media postings**

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

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

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

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

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

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

### **Examples**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

### **Respect**

**As a councillor:**

- 1. I treat other councillors and members of the public with respect.**
- 2. I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

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

### **Respect**

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

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

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

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

## **Disrespectful behaviour**

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

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

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

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

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

## **Freedom of expression**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

me?

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

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

### **Examples**

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

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

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

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

## **Bullying**

### **As a councillor:**

1.

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

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

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

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

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



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

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

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

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

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

Examples of bullying include but are not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Intimidation of councillors**

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

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

## Harassment

### As a councillor:

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

The Protection from Harassment Act 1997 states that harassment includes behaviour which alarms a person or causes a person distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a victim in a manner that could be expected to cause distress or fear in any reasonable person. Harassment of any kind whether direct or indirect is in no-one's interest and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

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

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

Examples of harassment include but are not limited to:

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

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

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

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

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

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

## **Example**

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

## **Discrimination**

### **As a councillor:**

#### **2.3 I promote equalities and do not discriminate unlawfully against any person.**

Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex and sexual orientation

There are four main forms of discrimination:

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

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

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

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

Examples of discriminatory behaviour include but are not limited to:

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

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

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

## **Questions**

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

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

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



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

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

### **Examples**

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

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

## **Impartiality of officers**

### **As a councillor:**

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

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

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

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

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

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

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

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

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

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

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

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

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

## Examples

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Having regard to Officer advice**

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

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

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

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

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

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

The LGA published

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

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

” [\[https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships\\_v03.pdf\]](https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor x3A officer%20relationships_v03.pdf). This workbook has been designed as a distance learning aid for local councillors. It forms part of the suite of LGA resources intended to provide councillors with insight and assistance into key skills and knowledge. It is designed to provide a foundation for effective working as you progress in your councillor career, from the ward level to holding a leading councillor position. The workbook has been updated to contain information and examples obtained from the LGA's work on the ground in local authorities and through the **Corporate Peer Challenge programme**

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

## **Confidentiality and access to information**

### **As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

- **I have received the consent of a person authorised to give it;**
- **I am required by law to do so;**
- **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- **the disclosure is:**
  - 1. reasonable and in the public interest; and**
  - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
  - 3. I have consulted the monitoring officer prior to its release.**

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

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

Local authorities must work openly and transparently. Their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating

to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **Confidential information**

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

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

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

## **Disclosure in the public interest**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Examples**

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

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

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

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

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

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

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

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

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

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

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

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

## **Access to information**

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

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

## **The 'need to know'**

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

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

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

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

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

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

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

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

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

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

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

## **Disrepute**

### **As a councillor:**

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

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public's confidence in your ability to discharge your functions as a councillor or your local authority's ability to discharge its functions.

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

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

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

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



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

## Questions

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

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

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

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

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

## Examples

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

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

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

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

## **Misuse of position**

### **As a councillor:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Examples**

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

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

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

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

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

## **Misuse of resources and facilities**

### **As a councillor:**

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

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

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

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

Examples include:

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

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Examples**

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

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

## **Complying with the Code of Conduct**

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

### **As a councillor:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Registration of gifts, hospitality and interests**

### **Gifts and hospitality**

**As a councillor:**

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

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

**9.3 I register with the monitoring officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your monitoring officer for guidance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

### **Register of interests**

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

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision-making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the monitoring officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** <https://www.local.gov.uk/publications/local-government-association->

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

which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)** [[https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests\]](https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-b-registering-interests)].

You must register two different categories of interests:

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

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

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

### **Disclosable Pecuniary Interests**

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

A ‘disclosable pecuniary interest’ is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) and the categories covered are set out in Appendix A of the Code.

## Offences

It is a criminal offence under the Localism Act 2011 to

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

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

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

<p><b>Sponsorship</b></p>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<p><b>Contracts</b></p>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<p><b>Land and Property</b></p>	<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>
<p><b>Licences</b></p>	<p>Any licence (alone or jointly with others) to occupy land in the local authority for a month or longer</p>

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

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## **Other registerable interests**

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

(a) Details of any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your local authority;

(b) Details of any body of which you are a member or in a position of general control or management and which –

- exercises functions of a public nature
- is directed to charitable purposes, or
- is a body which includes as one of its principal purposes influencing public opinion or policy

(c) Details of any gifts or hospitality with an estimated value of more than £50 or such other limit as your local authority has agreed, that you receive personally in connection with your official duties.

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

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

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

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

- does that body carry out a public service?

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Sensitive interests**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Standards in Public Life**

[[https://en.wikipedia.org/wiki/Committee on Standards in Public Life](https://en.wikipedia.org/wiki/Committee_on_Standards_in_Public_Life)]

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

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

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

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

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

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

## **Declarations of interest**

### **As a councillor:**

## 9.1 I register and disclose my interests.

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

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1 of the Code**

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

is a criminal offence under the Localism Act 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Registration of Interests in Part 3)**

**<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest>** .

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

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

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

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

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



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

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

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

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

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

**Other Registerable Interests (Part B**

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

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

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

**Disclosable Pecuniary Interests**

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

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

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

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

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

‘**Partner**’ is defined by regulations as your ‘spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.’

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

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

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

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

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

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

## **When does a Disclosable Pecuniary Interest arise?**

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

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

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

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

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

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

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

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

## **Other registerable interests**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Non-registerable interest**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **What does "affecting well-being" mean?**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

## **What does 'withdraw from the meeting' mean?**

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

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

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

## **Executive decisions**

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

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

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

## **Dispensations**

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

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

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

### **What is a 'sensitive interest'?**

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

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

(b) the nature of the interest is such that you and the monitoring officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.

Where it is decided that an interest is a “sensitive interest” you must inform the monitoring officer of the interest so that a record is kept but it will be excluded from published versions of the register. The monitoring officer may state on the register that the member has an interest the details of which are excluded under that particular section.

Where the sensitive interest crops up in a meeting the usual rules relating to declaration will apply except that you will only be required to disclose that you hold an interest in the matter under discussion but do not have to say what that interest is. The Localism Act sets out the scheme where the DPI is a sensitive interest. Your local authority procedures should allow for similar arrangements for other registerable or declarable interests.

For example, if your sister has been subject to domestic violence such that the perpetrator has been served with a Domestic Violence Protection Order you would not be expected to disclose your sister’s address to a meeting.

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

If you are unsure as to whether you have an interest to declare you should always seek advice from the monitoring officer (or the clerk if you are a parish councillor).

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

No.	TYPE	SPEAK*	VOTE	STAY	EXAMPLE	COMMENT

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

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

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

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

## **Bias and Predetermination**

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

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

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

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

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

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

The first seeks accuracy in public decision-making.

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

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

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

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

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



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

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

## **Predetermination**

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

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

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

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

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

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

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

### **Examples**

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

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

Contrast this with:

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

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

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

### **Examples**

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

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

## **Prior involvement**

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

## **Commenting before a decision is made**

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

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

## **Examples**

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

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

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

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

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

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

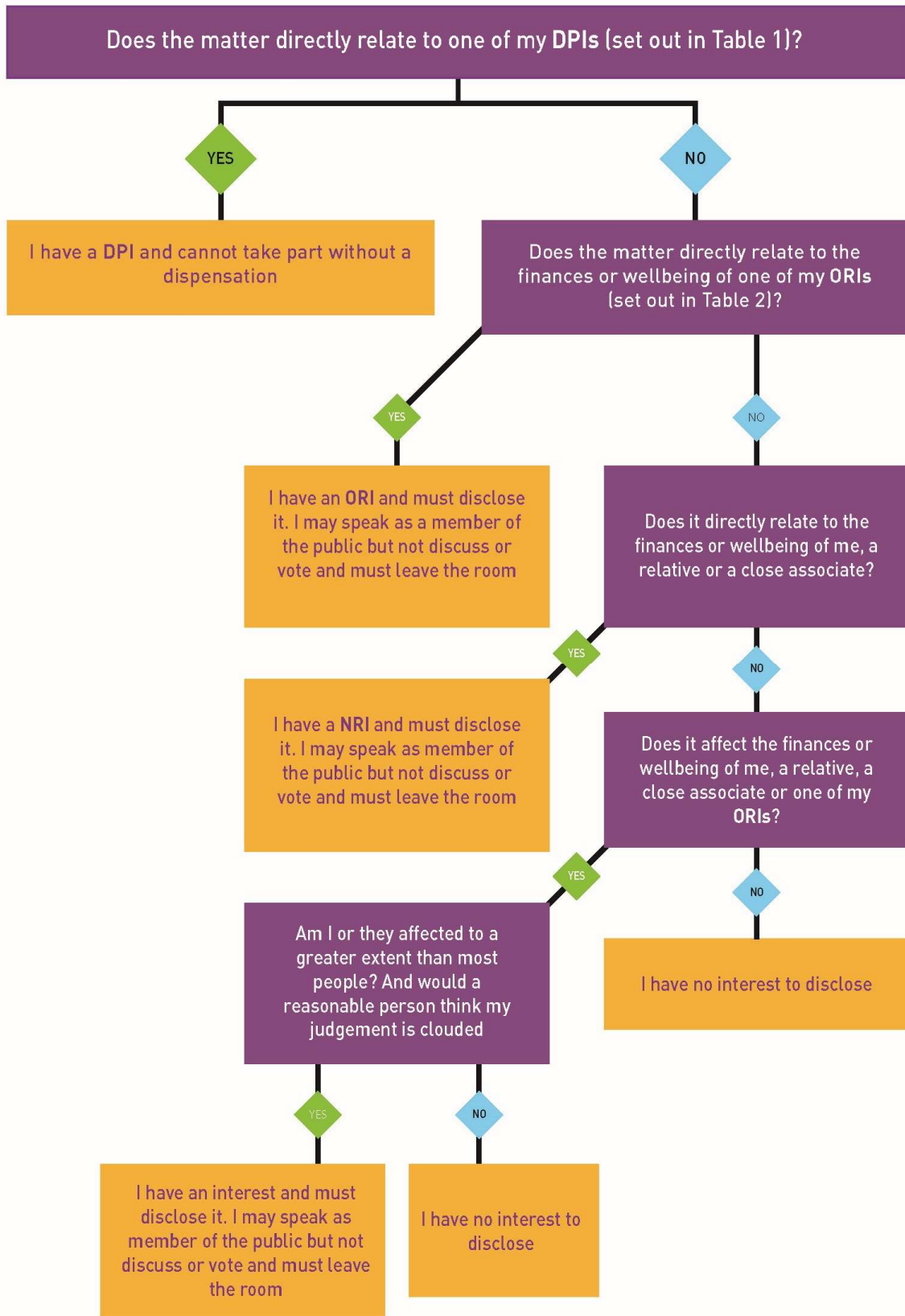
If you are unsure as to whether your views or any action you have previously taken may amount to predetermination you should always seek advice from the monitoring officer (or the clerk if you are a parish councillor).

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

## **Appendix 1 - Interests Flowchart**

### **Interests Flowchart**

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



## Appendix 2 - General Principles

### General Principles

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

**Selflessness**

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

**Integrity**

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

**Objectivity**

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

**Accountability**

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

**Openness**

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



## **Honesty**

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Holders of public office should be truthful.

## **Leadership**

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

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

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## Members' Code of Conduct

This Code applies to elected Members and voting co-opted Members of City of Bradford Metropolitan District Council in all aspects of their public life. This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives.

### Part One – Standards of Conduct

You must have regard to, and act in accordance with, the following standards of conduct:

1. **Selflessness**

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.

2. **Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may reasonably be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

3. **Objectivity**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest.

You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

4. **Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office.

You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

5. **Openness**

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

6. **Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees.

## Part Two – Registration and Disclosure of Interests

### Registration of Interests

7. Within 28 days of your election or co-option, you must notify the Monitoring Officer of any ‘disclosable pecuniary interests’ which you have at that time
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or you becoming aware of the change.
10. A ‘disclosable pecuniary interest’ is an interest defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out in the table below.

<b>Subject</b>	<b>Prescribed description</b>
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member of a relevant authority in carrying out duties as a member, or towards the election expenses of a member of a relevant authority. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>(1)</sup> .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

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(1) 1992 c. 52.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member of the relevant authority's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member of the relevant authority's knowledge) has a place of business or land in the area of the relevant authority; 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.

11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:

- (a) it is an interest of yourself, or
- (b) it is an interest of –

- (i) your spouse or civil partner,
- (ii) a person with whom you are living as husband and wife, or
- (iii) a person with whom you are living as if they were civil partners, and you are aware that that other person has the interest.

12. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £25 which you receive in your role as a member of Council. You must inform the Monitoring Office of any such gifts of hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.

### **Sensitive Interests**

- 13 If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.

### **Disclosure of Disclosable Pecuniary Interests at Meetings**

- 14 The following provisions apply if you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
- 15 If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 16 If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- 17 Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 18 You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting,
  - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards and Conduct Committee), or
  - (c) remain in the room during the discussion or vote on the matter.
- 19 Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

## **Disclosure of other Interests at Meetings**

- 20 Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other interests which you feel should be declared in the public interest, such interests may be declared to the meeting.
- 21 In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

## **Training**

- 21A It is a mandatory requirement that you complete a training course on Child Sexual Exploitation. You will be sent details by email of the course you are required to complete and the course must be completed within 6 months of your election or re-election or in the case of co-opted members your co-option or the renewal of your co-option. Current Members, including current co-opted Members, are also required to complete a training course on Child Sexual Exploitation and must do so within 3 months of being sent details by email of the course. You will be required to repeat the training if the content is significantly amended, for example as a result of changes to statutory guidance.

## **Allegations of a Failure to Comply with Code of Conduct**

- 22 All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

## **Incorporation of Protocols**

- 23 The Protocol on Member-Officer Relations and the Protocol on Members' Use of Council Resources (including use of e-mail and the internet) set out in the Council's Constitution form part of this Code and any breach of the requirements of those Protocols by an elected member or voting co-opted member shall be treated as a breach of this Code.

## **Grant of Dispensations**

24. Under the Localism Act 2011, the Council, on written request, is permitted to grant dispensations where:-
  - So many members of the decision-making body have disclosable pecuniary interests in a matter that it would "impede the transaction of the business";
  - Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;

- The authority considers that granting the dispensation is in the interests of persons living in the authority's area;
- Without a dispensation, each member of the Executive would be unable to participate on a particular matter; or
- The authority considers that it is otherwise appropriate to grant a dispensation

Members must direct requests for a dispensation to the City Solicitor in the first instance.



## Summary of the differences between the Local Government Association New Model Councillor Code of Conduct and Bradford Council's current Members' Code of Conduct

### Councillor Conduct

The section called 'general principles of councillor conduct' is included in the Local Government Association New Model Councillor Code of Conduct but not in Bradford Council's current Members' Code of Conduct (albeit covered to some extent in Part One Standards of Conduct which details the seven Principles of Public Life (the Nolan Principles)). The 'general principles of councillor conduct' section builds on the Nolan principles. It requires councillors to:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect
- lead by example and act in a way that secures public confidence in the role of councillor
- impartially exercise their responsibilities in the interests of the local community
- not to improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest

The LGA Code is more detailed as to when the Code applies (for example it applies if a councillor's actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor and makes clear that it applies to all forms of communication and interaction, including on line, social media etc).

There is also a section in the Local Government Association New Model Councillor Code of Conduct called 'standards of councillor conduct', which is more detailed than the Standards of Conduct in Part One of the current Members' Code. The LGA Code specifically includes a section on bullying, harassment and discrimination. It sets out obligations, which are the minimum standards required. A complaint may be made against the Councillor if they fall short of these standards. These are:

- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the code

- Interests
- Gifts and hospitality

Each of these is defined and expanded in the Local Government Association New Model Councillor Code of Conduct.

### Registration and disclosure of interests

The Local Government Association New Model Councillor Code of Conduct also has sections on registering interests which is mostly similar to the section on registration and disclosure of interests in Bradford Council's current Members' Code of Conduct. The differences are:

1. The LGA Code requires members within 28 days of becoming a member or re-election or re-appointment to office to register with the Monitoring Officer Disclosable Pecuniary Interests. Under the Council's current Members' Code where a member is re-elected/reappointed notification is only required of any new disclosable pecuniary interests within 28 days of election or co-option.
2. The LGA New Model Code states councillors should also register details of other personal interests identified as "Other Registerable Interests" (Appendix B Table 2 of the LGA Code) as follows:
  - a) any unpaid directorships
  - b) any body of which the Councillor is a member or are in a position of general control or management and to which they are nominated or appointed by the authority
  - c) any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Councillor is a member or in a position of general control or management.

These other registerable interests must be disclosed where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of the Other Registerable Interests. The Councillor 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 they have been granted a dispensation.

3. Disclosure of non-registrable interests: Councillors must also disclose an interest:
  - a) where a matter arises at a meeting which directly relates to their financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate.
  - b) where a matter arises at a meeting which affects (i) the Councillor's own financial interest or well-being; (ii) a financial interest or well-being of a relative or close associate; or (iii) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Appendix B Table 2.

In relation to non- registrable interests the LGA Code then sets out provisions as to when councillors may speak /take part/vote in the meeting (page 11 of the LGA Code)

The Council's current Members' Code requires Councillors at meetings to 'identify any other interests which they feel should be declared in the public interest' and "such interests may be declared to the meeting". In such circumstances they must consider whether their continued participation in the matter relating to their interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

The LGA Code also includes interest provisions for an Executive member exercising Executive functions.

### Best Practice recommendations

Appendix C of the Local Government Association New Model Councillor Code of Conduct refers to the 15 best practice recommendations made by the Committee on Standards in Public Life in their report Local Government Ethical Standards which are not included in the Council's current Members' Code.

### Matters in current Members' Code not included in LGA Code

Please see paragraphs 3.2 – 3.2.5 of this Report .

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## **Report of the City Solicitor to the meeting of Council to be held on 15 March 2022**

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### **Subject:**

**Local Government Association Model Councillor Code of Conduct**

### **Summary statement:**

This report recommends to Council the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct with amendments to be effective from the beginning of the Municipal Year 2022/23 as recommended by Standards Committee on 6 October 2021. The report also asks Council to note the consequential amendments to the Form for submitting complaints against Elected Members and that the Members' Interests Form will need to be reviewed.

### **EQUALITY & DIVERSITY:**

The LGA Model Councillor Code of Conduct requires members to promote equality and not discriminate unlawfully against any person. It also makes specific reference to the Equality Act 2010 placing specific duties on local authorities. The Code emphasises that 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.

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Parveen Akhtar  
City Solicitor

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## 1. SUMMARY

This report recommends to Council the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct with amendments to be effective from the beginning of the Municipal Year 2022/23 as recommended by Standards Committee on 6 October 2021. The report also asks Council to note the consequential amendments to the Form for submitting complaints against Elected Members and that the Members' Interests Form will need to be reviewed.

## 2. BACKGROUND

2.1 The Council's current Members' Code of Conduct (with a number of subsequent amendments) was adopted by Council in July 2012 following the implementation of the Localism Act 2011 which required all councils to have a Member Code of Conduct.

2.2 In December 2020 the LGA developed and produced a Model Councillor Code of Conduct in association with key partners and following extensive consultation. The Code was subject to minor revisions in May 2021.

2.3 On 6 October 2021 Standards Committee considered the LGA Model Councillor Code of Conduct and recommended its adoption by Council to be effective from the beginning of the Municipal Year 2022-23 with the following amendments. Amendments (1) (a) to (d) are matters included in the Council's existing Members' Code of Conduct and the paragraph numbers refer to the paragraph numbers in the existing Code:

- (a) The inclusion of the mandatory requirement that members complete a training course on Child Sexual Exploitation. (paragraph 21A).
- (b) Confirmation within the Code that all complaints alleging a failure to comply with the Code will be considered in accordance with the Procedure agreed by full Council (paragraph 22).
- (c) The incorporation into the Code of the Protocols on Member- Officer Relations, and Members' use of Council Resources including use of Email and the Internet as detailed in paragraph 23 of the existing Members' Code of Conduct subject to any consequential amendments required to address inconsistencies.
- (d) The Provisions regarding granting of dispensations (paragraph 24).
- (e) That in paragraph 10.2 of the Code (Gifts and Hospitality), £50 be replaced with £25.

2.4 Further detail can be found in the City Solicitor's report to Standards Committee on 6 October 2021.

### **3. OTHER CONSIDERATIONS**

- 3.1 A draft Code incorporating the amendments recommended by Standards Committee together with a number of consequential amendments has been produced and in accordance with the recommendation of Standards Committee the Chair of Standards Committee has been further consulted on this draft. A copy of the draft Code is attached at Appendix 1 with the amendments highlighted in red (“the Code”).
- 3.2 Consequential amendments to the Form for submitting complaints against Elected Members are required. The amended Form with the amendments highlighted in red is attached at Appendix 2 for information.
- 3.3 In addition a review of the Members’ Interests Form with a view to making it simpler and to specifically refer to “Other Registrable Interests” as detailed in the Model Code is advisable. An initial draft has been shared with Group Leaders and Whips and is attached at Appendix 3 for information.

### **4. FINANCIAL & RESOURCE APPRAISAL**

There are no direct financial implications arising from this report.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

The adoption of the Code with appropriate amendments would strengthen the Council’s governance arrangements. Consideration will need to be given to providing briefings to all Councillors on the Code should it be adopted by Council.

### **6. LEGAL APPRAISAL**

- 6.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its members and co-opted members and to adopt a code of conduct consistent with the Nolan principles on standards of public life.
- 6.2 Any changes to the current Code of Conduct is subject to the approval of full Council.

### **7. OTHER IMPLICATIONS**

#### **7.1 SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications, greenhouse gas emissions impact or community safety, Human Rights Act, Trade Union, ward or corporate parenting implications in this report.

#### **7.2 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

No applicable

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

- 9.1 On the recommendation of Standards Committee to adopt the amended Code of Conduct as set out in Appendix 1 to this Report.
- 9.2 Not to adopt the amended Code of Conduct as set out in Appendix 1 to this Report and require further consideration before considering adoption.

## **10. RECOMMENDATIONS**

- 10.1 The Code of Conduct as set out in Appendix 1 to this Report be adopted.
- 10.2 The amendments to the Form for submitting complaints against Elected Members as set out in Appendix 2 be noted.
- 10.3 The need for the Members' Interests Form to be reviewed together with the initial draft of the amended form as set out in Appendix 3 be noted.
- 10.4 Delegated authority be given to the City Solicitor to make any consequential amendments required to the Council's Constitution including to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet in consultation with the Chair of Governance and Audit Committee as are necessary to implement the decisions of Council.
- 10.5 Upon adoption of the Code by Council the City Solicitor write to all Town and Parish Councils within the Bradford District to advise them of adoption of the Code and encouraging them also to adopt the Code if they have not already done so.

## **11. APPENDICES**

Appendix 1 Proposed draft Code of Conduct incorporating amendments recommended by Standards Committee.

Appendix 2 Amended Form for submitting complaints against Elected Members.

Appendix 3 Draft amended Members' Interests Form.

## **12. BACKGROUND DOCUMENTS**

None.



## City of Bradford Metropolitan District Council

### Members' Code of Conduct

This Code applies to Elected Members and voting Co-opted Members of City of Bradford Metropolitan District Council in all aspects of their public life.

The Council expects Members to follow this Code when they are:

- conducting the work of the Council
- representing the Council on any external organisation, and
- otherwise acting in their official capacity.

This Code does not apply to what Members do in their purely private and personal lives.

### Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of ~~the Council 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 **Local Government Association** 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

1. 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- See Appendix A.

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

2. 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.
- 3 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**

4. 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.
5. 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;
6. 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.
7. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
8. 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**

9. 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.
10. Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct *Respect***

### **11. As a councillor:**

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

11.1 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.

11.2 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.

11.3 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 **Council, local authority**, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the **Members' Councillor** Code of Conduct, and **Council local authority** employees, where concerns should be raised in line with the **Council's Protocol on Member-Officer Relations**. ~~local authority's councillor-officer protocol.~~

11.4 **The Protocol on Member- Officer Relations set out in the Council's Constitution forms part of this Code and any breach of the requirements of that Protocol by a councillor or voting co-opted member shall be treated as a breach of this Code.**

## ***Bullying, harassment and discrimination***

### **12. As a councillor:**

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

12.1 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.

12.2 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.

12.3 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.

12.4 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.

### ***Impartiality of officers of the Council***

#### **13. As a councillor:**

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

13.1 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.

### ***Confidentiality and access to information***

#### **14. As a councillor:**

- **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:**
      - **reasonable and in the public interest; and**
      - **made in good faith and in compliance with the reasonable requirements of the local authority; and**
      - **I have consulted the Monitoring Officer prior to its release.**
- **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.**
- **I do not prevent anyone from getting information that they are entitled to by law.**

14.1 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.

## ***Disrepute***

### **15. As a councillor:**

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

- 15.1 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 **the Council your local authority** and may lower the public's confidence in your or **the Council's your local authority's** ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring **the Council your local authority** into disrepute.
- 15.2 You are able to hold the **Council 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.

## ***Use of position***

### **16. As a councillor:**

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

- 16.1 Your position as a **councillor 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.

## ***Use of **Council local authority** resources and facilities***

### **17. As a councillor:**

- **I do not misuse Council resources.**
- **I will, when using the resources of the **Council local authority** or authorising their use by others:**
  - a. act in accordance with the **Council's 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 **Council local authority** or of the office to which I have been elected or appointed.**

- 17.1 You may be provided with resources and facilities by the **Council 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.

17.2 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 ~~Council's local authority's~~ own policies regarding their use.

17.3 The Protocol on Members' Use of Council Resources including use of Email and the Internet set out in the Council's Constitution forms part of this Code and any breach of the requirements of that Protocol by a councillor or voting co-opted member shall be treated as a breach of this Code.

### ***Complying with the Code of Conduct***

#### **18. As a Councillor:**

- I undertake Code of Conduct training provided by ~~the Council my local authority.~~
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

18.1 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**

#### ***Interests***

#### **19. As a councillor:**

- I register and disclose my interests.

19.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

19.2 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.

19.3 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.

19.4 **Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## Gifts and hospitality

### 20. As a councillor:

- 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.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

20.1 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.

## Dispensations

21. Any request for a dispensation must be made in writing to the Monitoring Officer.

21.1 The Council, on written request is permitted to grant dispensations where it considers that:

- without the dispensation, the number of councillors of the decision making body prohibited from participating in any particular business would be so great a proportion of the decision making body that it would impede the transaction of the business
- without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- the dispensation is in the interests of persons living in the authority's area
- without a dispensation each councillor of the Executive would be unable to participate on a particular matter, or
- it is otherwise appropriate to grant a dispensation

## Training

22. It is a mandatory requirement that councillors complete a training course on Child Sexual Exploitation. Councillors will be sent details by email of the course they are required to complete and the course must be completed within 6 months of the councillor's election or re-election or in the case of co-opted members their co-option or the renewal of their co-option. Current councillors, including current co-opted members are also required to complete a training course on Child Sexual Exploitation and must do so within 3 months of being sent details by email of the course. Councillors will be required to repeat the training if the content is significantly amended, for example as a result of changes to statutory guidance.

## **Allegations of a Failure to Comply with the Code of Conduct**

23. All complaints alleging a failure to comply with this Code will be considered in accordance with the procedure agreed by full Council.
24. Should there be a conflict between this Code and the Council's Protocols on Member-Officer Relations, Members' Use of Council Resources including use of Email and the Internet and Gifts and Hospitality, this Code will take precedence.



## **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 organizations 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 - Interests

### Registering interests

#### Disclosable Pecuniary Interests and Other Registerable Interests

1. 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".
2. You should also register **details** of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
3. "**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.
4. "**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.
5. 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.

#### Sensitive Interest

6. 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.
7. 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

8. 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 and:
  - 8.1 not participate in any discussion or vote on the matter and
  - 8.2 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 – **see paragraph 21 above**.

9. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an **Executive** 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

10. 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**):
  - 10.1 you must disclose the interest.
  - 10.2 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
  - 10.3 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

11. 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,
  - 11.1 you must disclose the interest.
  - 11.2 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
  - 11.3 **you** 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.
12. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest.

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

13. Where a matter (referred to in paragraph 12 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
- 13.1 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
- 13.2 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.

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

**Table 1: Disclosable Pecuniary Interests**

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

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

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

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

## Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management

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

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

The recommendations cover:

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

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

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

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

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

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## Members' Code of Conduct

Use this form if you wish to raise a **complaint ~~concern~~** relating to a **Councillor or voting co-opted member Member** failing to comply with the **Members' Code of Conduct**

All such **complaints ~~concerns~~**<sup>1</sup> are dealt with in accordance with the "Procedure for considering complaints alleging a failure to comply with a Members' Code of Conduct within the area of City of Bradford Metropolitan District Council".

Please note the terms of each local code of conduct **for Town and Parish Councils** may differ. To view a copy of a Parish or Town Council's Code of Conduct, you will need to contact the relevant Parish or Town Council Clerk. Their contact details are available from the Parish and Town Council page on our website.

### Your details

1. Please provide us with your name and contact details.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile Contact telephone:</b>	
<b>Email address:</b>	

We will tell the Member concerned that you have submitted this form. If you have serious concerns about your **name and full details of your complaint** being released in this way, please complete section 7 of this form. **Your address and contact details will not usually be released unless necessary or to deal with your complaint.**

<sup>1</sup> The Council is not responsible for considering **complaints ~~concerns~~** relating to non-registration or declaration of disclosable pecuniary interests.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other (please specify: \_\_\_\_\_ )

**Details of your ~~concerns-complaint~~**

3. Please provide us with the name of the member(s) you believe may have failed to comply with the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

~~3. Please indicate which sections of the Code of Conduct you believe that the member(s) may have failed to comply with:~~

~~• Failing to comply with the following principles:~~

~~Selflessness~~

~~Honesty and Integrity~~

~~Objectivity~~

~~Accountability~~

~~Openness~~

~~Leadership~~

~~Failing to notify the Monitoring Officer (within 28 days) of any gifts or hospitality with an estimated value of at least £50 which they have received in their role as a Councillor.~~

- 4 Please explain in this section (or on separate sheets) **what the member has alleged to have done** that you believe amounts to a failure to comply with the Code of Conduct. If you are **complaining** about more than one member you should clearly explain what each individual person has done that you believe amounts to a failure to comply with the Code of Conduct.

You must provide the following information in your complaint, wherever possible:

- You should be specific about exactly what you are alleging the member said or did. **For example, instead of writing the member insulted you, you should state what it was they said or did to insult you.**
- You should provide the dates of the alleged incidents. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant documentary evidence (e.g. copies of emails or other correspondence) and any background information.
- **If the alleged conduct or behaviour occurred over 28 days ago, clearly explain why the complaint was not made during that period of time.**

Please provide us with information relevant to your **complaint concerns**. Continue on a separate sheet if there is not enough space on this form.

Cntd/.....

## Remedy sought/ informal resolution

4. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. What type of resolution would satisfy you? For example, an explanation from the member Councillor concerned, or taking part in a process of mediation.

## Confidentiality

**Only complete this next section if you are requesting that your identity is kept confidential**

5. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him/her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds. Accordingly, the completed complaint form will normally be sent to the member(s) complained about.

Please note that requests for confidentiality or requests for suppression of any details you provide will not automatically be granted. The Monitoring Officer will consider the request, and if your request is not granted you will usually be given the opportunity to decide not to proceed with your complaint. ~~concerns.~~

However, it is important to understand that in exceptional circumstances where the matter complained about is very serious, we may proceed with an investigation or other action and may have no choice but to disclose your name and complaint details even if you have expressly asked us not to.

Please explain why you believe we should withhold your name and/or the details you have provided:

Cntd/.....

**Additional Information**

6. We can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

**Please return your completed form to:**

The Monitoring Officer  
Legal and Democratic Services  
Department of Corporate Resources  
City of Bradford Metropolitan District Council  
Room 311, 3<sup>rd</sup> Floor  
City Hall  
BRADFORD  
BD1 1HY

Email:

Signed:.....

Date:.....



**Draft amended interest form for comments**

**REGISTER OF MEMBERS' FINANCIAL AND OTHER INTERESTS**

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

This completed form comprises the entry in the Register of Interests of the above named Member.

**If you are unsure as to how to complete this document, please contact Members Support or the Monitoring Officer for assistance.**

**Please Note:**

Under the regulations made under the Localism Act 2011 Members must register their "disclosable pecuniary interests".

The statutory regulations state that a pecuniary interest is a "disclosable pecuniary interest" in relation to a Member if:

- (a) It is an interest of yourself, or
- (b) It is an interest of
  - (i) your spouse or civil partner,
  - (ii) a person with whom you are living as husband and wife, or
  - (iii) a person with whom you are living as civil partners  
and that you are aware that the other person has the interest.

**\* When completing this form Members should ensure that the information in response to each question includes that relating to themselves and the individuals listed above to ensure compliance with the statutory requirements.**

DISCLOSABLE PECUNIARY INTERESTS		Cllr	Spouse/Civil Partner
1.	<p><b>Employment, office, trade, profession or vocation</b></p> <p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p><i>Please provide a description of your employment activity. You need to include details of any employment or business in which you* are engaged. Employees should give the name of their employer. You need to include remunerated directorships, partnerships and self-employed work.</i></p>		

DISCLOSABLE PECUNIARY INTERESTS	Cllr	Spouse/Civil Partner
<p><i>This does not include your role as a councillor.</i></p> <p><i>“Remunerated” means that you* receive payment, services, goods or other benefits from the company other than authorised expenses.</i></p>		
<p><b>2. Sponsorship</b></p> <p>Any payment or provision of any other financial benefit (other than from the Council) made to you* during the previous 12-month period for expenses incurred by you* in carrying out your duties as a councillor or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992</p> <p><i>Please provide the name of the person or body making payments. Please also include the name of the political party and any other person paying any expenses incurred by you* in carrying out your* duties (e.g. travel expenses received from other bodies, such as local authority associations).</i></p>		
<p><b>3. Contracts</b></p> <p>Any contract made between you * (or a firm in which you* are a partner, or an incorporated body of which you* are a director or a body in which you* have a beneficial interest in the securities of) and the Council:-</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged</p> <p><i>Please provide a description of the contracts.</i></p>		
<p><b>4. Land and Property</b></p> <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 you* (alone or jointly with another) a right to occupy or to receive income.</p>		

DISCLOSABLE PECUNIARY INTERESTS	Cllr	Spouse/Civil Partner
<p><i>Please provide details of any land in the Bradford District in which you* have a beneficial interest that is, in which you* have some proprietary interest for your* own benefit. You* should give the address or a brief description to identify it and the nature of your interest.</i></p> <p><i>You* should include your* HOME ADDRESS under this heading as owner, lessee or tenant. This includes joint owners, lessees or tenants. This would also include Council tenancies.</i></p> <p><i>You* should also include any property from which you* receive rent, or of which you* are a mortgagee.</i></p> <p><i>“Land” includes any buildings or parts of buildings.</i></p> <p><i>Please provide the address(es) or other description(s) of any land interest.</i></p>		
<p><b>5. Licences</b></p> <p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.</p> <p><i>This includes grazing agreements, allotments, garage licences and other short term arrangements to use your* authority’s land or property.</i></p> <p><i>Please provide the address(es) or other description(s) of the land to identify it.</i></p>		
<p><b>6. Corporate tenancies</b></p> <p>Any tenancy where (to your* knowledge):</p> <ul style="list-style-type: none"> <li>(a) the landlord is the Council; and</li> <li>(b) the tenant is a body that you * are a partner of or a director of or have a beneficial interest in the securities of.</li> </ul>		
<p><b>7. Securities</b></p> <p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none"> <li>(a) that body (to your* knowledge) has a place of business or land in the area of the Council; and</li> </ul>		

DISCLOSABLE PECUNIARY INTERESTS		Cllr	Spouse/Civil Partner
	<p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you* have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> <p><i>If you* own shares or other form of equity in a company or other body which has a place of business within the authority's area, you* will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of shares indicated on the certificate, not the market value. If this exceeds £25,000, you* need to register the name of the company or body. If this is less than £25,000 but your* holding is more than 1% of the total issued share capital, you* need to register the name of the company or body.</i></p>		

OTHER REGISTRABLE INTERESTS		Cllr	Spouse/Civil Partner
8.	<p>1. Unpaid Directorships</p> <p>2. 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</p> <p><i>Include statutory boards (e.g. Police, Fire and Transport), housing trusts, local organisations, charities, local authority associations etc.</i></p> <p>3. Any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes or</p>		

OTHER REGISTRABLE INTERESTS		Cllr	Spouse/Civil Partner
	<p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p> <p>of which you are a member or in a position of general control or management.</p> <p><i>Include statutory consumer bodies, health authority bodies.</i></p> <p><i>Include charities of which you are a member (e.g. RSPCA, NSPCC etc). Membership of a charity would include where you pay a membership fee, or have voting rights at a meeting of the charity, or you receive a regular newsletter or other publication.</i></p> <p><i>Include political parties, lobby groups and pressure groups.</i></p> <ul style="list-style-type: none"> <li>• <b>NOTE:</b> You are also reminded that if you have received any gifts or hospitality with an estimated value of at least £25 you must register it together with the source of the gift or hospitality with the Monitoring Officer in writing within 28 days of receipt.</li> <li>• You must also register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.</li> <li>• Please send to the Monitoring Officer at <a href="mailto:members.support@bradford.gov.uk">members.support@bradford.gov.uk</a></li> </ul>		

OTHER INTERESTS (including private memberships)		Cllr	Spouse/Civil Partner

Please return this form to the Monitoring Officer at:

Members' Support Unit, Room 115, City Hall, Bradford BD1 1HY  
[members.support@bradford.gov.uk](mailto:members.support@bradford.gov.uk)

Updated by MH 15.02.22

## **Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Licensing Committee to be held on 31 January 2022**

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**Subject:**

**A**

**Proposed Statement of Licensing Principles 2022-2024 under the Gambling Act 2005, for approval by full Council.**

### **Summary statement:**

**This report sets out the outcome of a public consultation exercise with respect to the Statement of Licensing Principles for the District, as required by the Gambling Act 2005 and proposes a final draft for recommendation for adoption by Council.**

---

Sue Spink  
Interim Assistant Director  
Waste, Fleet & Transport Services

Report Contact: Frances Towers  
Licensing & Land Charges Manager  
Phone: 01274 432240  
E-mail: [licensing@bradford.gov.uk](mailto:licensing@bradford.gov.uk)

**Portfolio:**

**Neighbourhoods and Community Safety**

**Overview & Scrutiny Area:**

**Corporate**

## 1. SUMMARY

- 1.1 Under Section 349 of the Gambling Act 2005, the Council's Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out the basic principles of the Authority's approach to dealing with applications for licences and permits under the Act.
- 1.2 This report sets out the outcome of a public consultation exercise with respect to the statement of licensing principles for the District and proposes a final draft for recommendation for adoption by full Council.

## 2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2022-2024, was available for public comment from 29 October 2021 to 5 December 2021. The draft document was available on the Council's website and in public libraries. Licensing officers also directly consulted relevant authorities and organisations.
- 2.2 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.
- 2.3 The main additions to the policy document are as follows:

### Section 1

Information about the district has been updated and reference to the Bradford Council Plan 2021-2025 has been added.

### Section 8

Public Health and Gambling has been added.

The proposed final draft policy document is attached at Appendix 1.

## 3. PUBLIC CONSULTATION - RESPONSES RECEIVED

### 3.1 Betknowmore UK

Betknowmore UK have made general comments as follows;

The term 'problem gambling' being recognised as offensive with the preferred term being 'harmful gambling'.

A recommendation that suicide first aid training should be required for all frontline staff.

7.7 – Harmful gambling is very complex and cannot be reduced to simplistic indicators. The focus should be on the harms gambling causes.



7.9 – Ignores those experiencing significant levels of harms, those at risk of harm who may need interventions and people affected by someone else’s gambling.

A copy of the response is attached at Appendix 2.

Appraisal:

The licensing authority thanks Betknowmore UK for the response and notes the comments.

7.7 amended in line with the public health comments.

7.9 noted at 7.10, 8.4 & 8.5

3.2 Public Health Department

Public Health have made the following comments;

2.1 and 2.2 – This reads as a positive endorsement of gambling premises in Bradford - I would want to see a much stronger acknowledgement of the significant harms caused by gambling, and the commitment of Bradford council to protect the health and wellbeing of our residents by ensuring that gambling premises are not licenced in high concentrations within areas more accessible to vulnerable communities.

4.3 - Can we also add “where the use of premises for gambling does not expose the public to gambling-related harm, or the widening of inequalities as a result of gambling-related harm”.

5.3 - ,” or whether the potential negative consequences are too great to allow a licence or permit to be granted.”

6.4 – “This includes the protection of people more vulnerable to gambling-related harms from the risks of gambling, including those with learning disabilities. For example, information on gambling risks must be provided in ways which are accessible to all customers.”

7.7 - • People who may not be able to make an informed or balanced decision about gambling due to a mental illness or impairment, learning disability, or intoxication by alcohol or drugs.

7.10 - this should be updated with new research, including the new Public Health England review of gambling: [Gambling-related harms: evidence review - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Minority ethnic groups – This should be rephrased, e.g. “There is evidence that gambling-related harms disproportionately affect people from Asian or Black backgrounds”.

There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling

behaviour - rephrase to “There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience gambling-related harm”.

Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group. I would remove the phrase “given associations with other mental health conditions” – homelessness is not a mental health condition, and should be considered a vulnerable group in its own right given the financial/ health/ stigma inequalities faces by homeless people, as well as the fact that gambling premises might be used as a “safe”, warm space to rest.

8.2 - I would reframe this: “Gambling is an activity undertaken by a significant number of adults. The extent of gambling-related harm (sometimes called “problem gambling”) is not yet fully understood. However there is evidence that those who are already vulnerable and at risk of poor health are more at risk of gambling-related harms, further exacerbating existing inequalities.”

8.3 - Reframe: “For “problem gamblers”, harm includes higher levels of physical and mental illness, debt problems, relationship breakdown and tragically, in some cases suicide. Criminality may also occur for some people experiencing significant harm.”

8.4 - Reframe: “It is estimated that for every gambler that experiences harm, around six other people in their life, most often close family members including children, are negatively affected.”

8.5 - Replace “still assist” with “work collaboratively with”

8.6 - Replace “help” with “work jointly”. I would also go further and request that Public Health sit on licencing panels for gambling premises.

9.5

- i. add the proximity of schools and other places which might be frequented by children to the list for local risk assessment
- ii. Add the provision of information warning people about the harms of gambling, ensuring it is in accessible language and format.
- iv. • The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality – maybe change to: “The provision of signage and documents relating to games rules, the risks of gambling, gambling care providers and other relevant information be provided in both English and the other prominent first languages for that locality, in easily understandable and accessible language and format.”

15. How can we pass a “no casino” resolution, and are there reasons why we haven’t done so?

A copy of the response is attached at Appendix 3.

Appraisal

The Licensing Authority thanks the public health department and notes the comments.

2.1, 2.2, 4.3 & 5.3 - The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

6.4 added as a new paragraph at 6.5 of the policy.

7.7 amended

7.10 amended

8.2 amended

8.3 amended

8.5 amended

8.6 amended

Licensing Panels are comprised of elected Councillors; the Licensing Authority is unable to facilitate the request for Public Health Officers to sit on the licensing panels.

9.5 i added, ii added, iv amended

15. A resolution not to issue casino premises licences will only affect new casinos. It will not have any effect on casino premises licences issued before the resolution takes effect or on provisional statements issued before that date. Similarly a resolution will not affect the ability of existing casinos with preserved entitlements from the Gaming Act 1968 from continuing to operate as casinos. There are three licensed casinos in the Bradford district with preserved entitlements.

### 3.3 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response sets out the Association of British Bookmakers approach to the regulation of betting shops and its commitment to partnership working with licensing authorities. Specific comments on the consultation policy document were as follows:

7.9 – Request that the draft statement of principles uses the most up to date figures and this paragraph amended accordingly.

7.10 – Request that research referring to an academic report (Wardell 2015) should be removed from the draft statement as the research was conducted when the maximum stake for fixed odds betting terminals was £100, reduced to £2 in 2019,

and there have been significant changes since the research was undertaken.

9.5 – Request that the list of factors that the Licensing Authority recommends to be taken into account by operators when undertaking local risk assessments be redrafted.

26.2 – Request that the paragraph is redrafted to avoid any confusion with the Licensing Act 2003.

A copy of the response is attached at Appendix 4

#### Appraisal

The licensing authority thanks Gosschalks for the response and notes the comments provided on behalf of the Association of British Bookmakers.

7.9 & 7.10 – new paragraph at 7.10 showing updated figures from Gambling-related harms: evidence review - GOV.UK ([www.gov.uk](http://www.gov.uk))

9.5 – Items added or amended following advice from Public Health Department.

26.2 – It remains within the Licensing Authority remit to impose local authority conditions which are relevant and proportionate and not duplicate or contradict other requirements under the Gambling Act 2005. However the following has been removed from the paragraph;

The licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

#### 3.4 Cllr Dunbar

Cllr Dunbar has made the following comment;

I would like see greater cross departmental collaboration and sorting this policy with a greater emphasis on public health approaches.

A copy of the response is attached at Appendix 5.

#### Appraisal

The licensing authority thanks Cllr Dunbar for the response and notes the comments.

Public Health are to be served with a copy of any new applications.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The cost of the consultation exercise has been funded from existing resources of the service.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management or governance issues.

## **6. LEGAL APPRAISAL**

6.1 When determining any applications for a premises licence under the Act the Licensing Authority must seek to achieve three broad licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Responsible Authorities

Licensing Authority  
Gambling Commission  
Police  
Fire and Rescue Service  
Planning  
Environmental Health  
HM Revenue & Customs  
Safeguarding Partnership

Public Health are to be served with a copy of any new applications – protecting children and other vulnerable persons from being harmed or exploited by gambling objective.

6.2 The statement of licensing principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice.

6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2022. It is therefore necessary to have the final document approved by Council in order to meet the statutory publication requirements.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

The draft statement of licensing principles was prepared with awareness of the Council's duties under the Equality Act 2010.

### **7.2 SUSTAINABILITY IMPLICATIONS**

The Authority's statement of licensing principles will address sustainability issues.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

#### **7.4 COMMUNITY SAFETY IMPLICATIONS**

When determining applications, the licensing objectives addressing crime and disorder; ensuring that gambling is conducted fairly on the premises and protecting children and vulnerable people, must be addressed by the Licensing Authority.

#### **7.5 HUMAN RIGHTS ACT**

The Council must consider Human Rights implications when establishing Licensing Policy and when determining licence applications.

#### **7.6 TRADE UNION**

None

#### **7.7 WARD IMPLICATIONS**

No specific ward implications.

#### **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

The protection of children and vulnerable people must be addressed by the Licensing Authority when determining applications.

#### **8. NOT FOR PUBLICATION DOCUMENTS**

None

#### **9. OPTIONS**

- 9.1 The Committee has no powers to adopt the statement of licensing principles, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.

#### **10. RECOMMENDATIONS**

- 10.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005 (subject to any amendments that the Committee feels is appropriate).
- 10.2 That the Interim Assistant Director Waste, Fleet & Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

#### **11. APPENDICES**

1. Final draft Statement of Licensing Principles.

2. Consultation Response – Betknowmore UK
3. Consultation Response – Public Health
4. Consultation Response – Gosschalks Solicitors
5. Consultation Response – Cllr Dunbar

## **12. BACKGROUND DOCUMENTS**

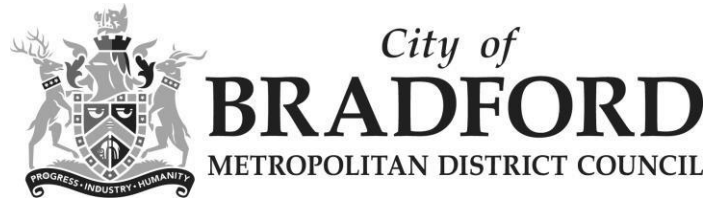
The Gambling Act 2005

Guidance and Codes of Practice issued by the Gambling Commission

Regulations made under the Gambling Act 2005

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## **Gambling Act 2005**

# **A Statement of Licensing Principles for the Bradford District 2022-2024**

Department of Place  
Licensing Team  
Argus Chambers  
Bradford, BD1 1HX

[www.bradford.gov.uk](http://www.bradford.gov.uk)



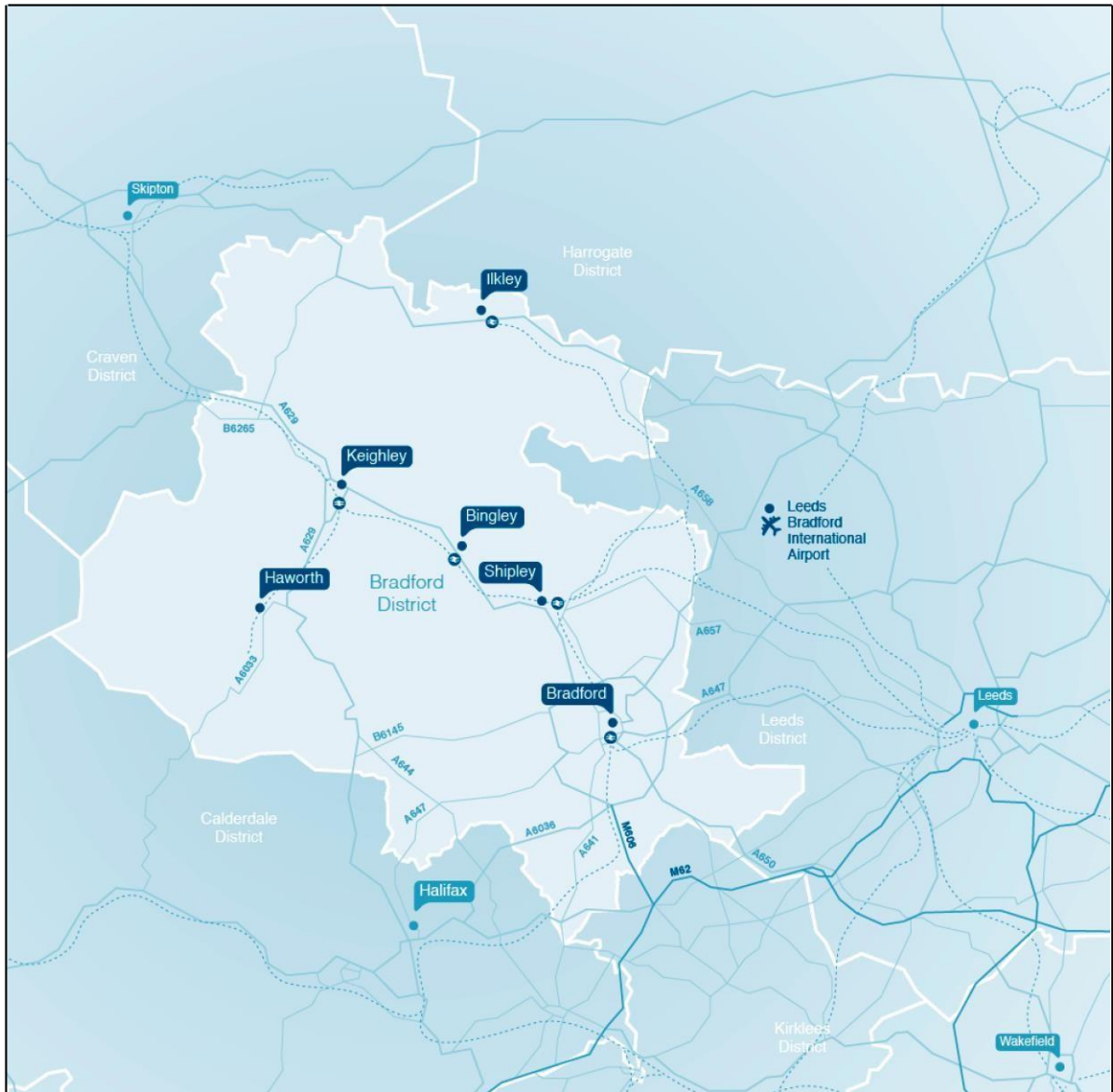
**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**  
**STATEMENT OF LICENSING PRINCIPLES**  
**GAMBLING ACT 2005**

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# 1. The Bradford District

1.1 The Bradford District covers 143 square miles and has internationally recognised landscapes including Bronte Country and Ilkley Moor, as well as unique urban landscapes such as Little Germany, City Park and the UNESCO World Heritage Site at Saltaire. The district hosts the Worth Valley heritage railway and Five Rise Locks on the Leeds-Liverpool Canal. Bradford is a UNESCO Creative City of Film and home to the Alhambra Theatre, the National Science & Media Museum and the UK's first IMAX cinema.



Bradford is the fifth largest local authority in England in terms of population after Birmingham, Leeds, Sheffield and Manchester, with a population of over 542,000 people. Bradford also has the fourth highest percentage of under 18s in the country. By mid-2028 the population of Bradford District is projected to grow to 550,000.

Bradford also has an ethnically diverse population, with Bradford having the largest proportion of people of Pakistani ethnic origin (20%) in England.

There are 30 electoral wards within the district, with higher populations being generally concentrated in and around the centre of Bradford and the areas with the smaller population totals are generally located in the outer rural areas. City ward has highest population total with 25,750 people followed by Little Horton with 23,140 people and Tong with 22,720 people. Wharfedale ward has the smallest population with 11,840 people followed by Worth Valley with 14,220 people and Ilkley with 14,810 people.

## 1.2 Bradford Council Plan – 2021-2025

The Bradford Council Plan, supported by the Bradford District Partnership, sets out the long-term shared ambition for the district:

*“Advancing educational attainment, raising skills and productivity, and attracting new jobs and investment. Tackling the climate emergency, improving transport connectivity and capitalising on our cultural assets. Keeping communities safe, clean and active, sustaining quality local services and addressing long-standing issues of low income, poverty, inequality and poor health and housing.*

*These issues are central to achieving our ambitions for an inclusive and sustainable district offering opportunities to everyone.”*

The Bradford Council Plan sets out the Council’s commitment to achieve the ambitions and priorities for the district. The Council’s six priorities are:

- Better skills, more good jobs and a growing economy
- Decent homes that people can afford to live in
- A great start and good schools for all our children
- Better health, better lives
- Safe, strong and active communities
- A Sustainable District
- An Enabling Council

This statement of Licensing Principles seeks to promote the licensing objectives within the overall context of the ambitions and priorities for the Bradford District.

## **2. The Licensing Authority’s General Approach to Licensing under the Gambling Act 2005**

2.1 The Licensing Authority recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district’s city, town and village centres, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.

2.2 The Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments and will take care to help businesses, event organisers and others meet their legal obligations without unnecessary expense. However, the Licensing Authority will take firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly

- 2.3 This Statement of Licensing Principles acknowledges the role of licensing in contributing to the Community Strategy. Of particular relevance are the strategies that aim to secure safer communities and a prosperous district. The emphasis of these strategies on the need to work in partnership with all agencies with a role to play in licensing is of particular importance. Careful consideration has also been given to the Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998, which places a duty on all local authorities to consider crime and disorder reduction while exercising their duties.

### **3. Licensing Functions Covered by this Policy**

- 3.1 This policy relates to the regulation of all those activities involving betting or gaming that are the responsibility of the Licensing Authority under the Act, namely:
- Casino premises licences
  - Bingo premises licences
  - Betting Premises Licences (including track betting)
  - Adult Gaming premises licences
  - Licensable Family Entertainment Centres
  - Club Gaming and Club Machine permits
  - Gaming machine permits in unlicensed Family Entertainment Centres
  - Gaming machine permits in premises licensed to sell alcohol
  - Prize Gaming permits
  - Provisional statements
  - Processing of Temporary Use notices
  - Processing of Occasional Use notices
  - Registration of Small Lotteries

### **4. Achievement of Licensing Principles**

- 4.1 Every application will be considered on its merits; however the Licensing Authority has a duty under the Gambling Act 2005 to carry out its functions having regard to the three broad licensing principles. These are:-
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 4.2 Applicants that do not seek to be consistent with these principles when submitting an application for a premises licence are likely to receive objections from an interested party or a responsible authority. The Licensing Authority may have no alternative but to refuse an application where an objection has been made, unless adequate proposals consistent with the licensing principles are included in the application.

The Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters or where further advice and information can be obtained.

- 4.3 Overall, in making decisions about premises licences and temporary use notices, the Licensing Authority's general approach will be to aim to permit the use of

premises for gambling in so far as is appropriate and:

- in accordance with any relevant codes of practice issued under the Act;
- in accordance with the guidance issued by the Gambling Commission;
- in accordance with this Statement of Licensing Principles; and
- is consistent with achievement of the licensing objectives.

- 4.4 The Licensing Authority will also take account of these principles when considering applications for various types of permits under the Act. However, the licensing Authority takes the view that it can also take account of wider considerations when considering applications for permits, as opposed to premises licences, where they raise an issue of legitimate concern that is not adequately addressed by other legislation. This Statement of Licensing Principles also outlines the Licensing Authority's general approach when considering applications for various permits.
- 4.5 Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances. Applicants will only be expected to address issues that are in their direct control but are encouraged to co-operate with official agencies in establishing precautions or taking action that addresses the licensing objectives (with regard to gambling premises licence applications) or any other relevant matter (with regard to applications for gambling permits).

## **5. Preventing Gambling from Being a Source of or Associated with Crime and Disorder**

- 5.1 The Licensing Authority recognises the wide variety of premises which will require a licence or a permit for gaming or gambling facilities. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades. It also recognises public concern in ensuring that gambling is not associated with crime and disorder. It is essential therefore, that applicants for premises licences or permits fully address issues concerning what precautions may be necessary to ensure the prevention of crime and disorder.
- 5.2 The Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would advise applicants to take appropriate advice from the police before making their licence or permit applications. These may include, for example, provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows or the provision of door supervisors.
- 5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the police or other relevant Responsible Authority, consider whether specific controls need to be applied to prevent gambling in those premises from being a source of crime and/or disorder.
- 5.4 Anyone applying to the Licensing Authority for a premises licence will have to hold a gambling operating licence from the Gambling Commission before a premises licence can be issued. Those involved in managing the premises or supervising gambling activities will also require a personal licence from the Gambling

Commission. Therefore, the Council will not generally be concerned with the suitability of an applicant for a premises licence or permit.

The Gambling Commission is responsible for considering such issues in connection with consideration of gambling operating and personal licences. However, where concerns about a person's suitability come to the attention of the Licensing Authority, those concerns will be brought to the attention of the Gambling Commission for their investigation.

## **6. Ensuring Gambling is Conducted in a Fair and Open way**

- 6.1 The Licensing Authority will not generally itself investigate whether gambling is being conducted in a fair and open way at any premises. It is accepted that the Gambling Commission will look into these issues when looking into the suitability of individuals to hold Operating or Personal licences (issued by the Gambling Commission). If information is brought to the attention of the Licensing Authority that raise issues of unfair practices, then these will be referred to the Gambling Commission for investigation.
- 6.2 The only exception to the above is with regard to the consideration of permits for track betting. Betting track operators do not need an operating licence from the Gambling Commission. It may therefore be necessary for the Licensing Authority to impose conditions on a licence relating to the suitability of the environment in which betting takes place.
- 6.3 Applicants are also encouraged to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under the Equality Act 2010.
- 6.4 Further guidance and assistance to help a service provider meet the general needs of disabled customers and in meeting the requirements of the Equality Act is available from the Equality and Human Rights Commission website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).
- 6.5 Applicants are also encouraged to address the protection of people more vulnerable to gambling-related harms from the risks of gambling, including those with learning disabilities. For example, information on gambling risks must be provided in ways which are accessible to all customers.

## **7. The Protection of Children and other Vulnerable People from being Harmed or Exploited by Gambling**

- 7.1 With limited exceptions, the access of children and young persons to gambling premises or facilities, which are considered to be largely adult only environments, will not be permitted.
- 7.2 The Licensing Authority will consult with the Bradford Safeguarding Children Board about any application where there may be concerns over access by children or vulnerable persons to relevant premises.  
The Licensing Authority will judge the merits of each separate application before

deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:

- Supervision of entrances of premises;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises;
- Adoption of a proof of age policy
- Appropriate training and supervision of those employed or engaged in the welfare of children while they are on the premises

7.3 Although the licensing principle relates to the protection of children from being harmed or exploited by gambling, the Bradford Safeguarding Children Board works with other statutory authorities who will engage with the gambling trade to promote risk management in relation to child sexual exploitation. Information and advice on this work is available on the Bradford Safeguarding Children Board website: [www.bradfordscb.org.uk](http://www.bradfordscb.org.uk)

7.4 The Licensing Authority can provide advice to assist licensees to identify risk and report concerns at gambling premises where children have access, so that children remain safe and businesses operate responsibly. The Licensing Authority encourages operators of gambling premises where children have access to:

- ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
- raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their premises.

7.5 Licensees should demonstrate that they have effective policies and procedures in place to prevent underage gambling.

7.6 The Act provides for a code of practice on access to casino premises by children and young persons and the Licensing Authority will work closely with the Police to ensure the implementation of the code of practice and appropriate enforcement of the law and any conditions of licence.

7.7 The Licensing Authority does not seek to prohibit particular groups of adults from gambling, in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental illness or impairment, learning disability, or intoxication by alcohol or drugs.

7.8 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

The local authority must make whatever enquiries it thinks necessary to enable it to



decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

7.9 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas such as Bradford), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Bradford Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.

7.10 In 2016 Leeds Beckett University researched problem gambling in Leeds (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016). This research looked specifically at identifying groups of society that could be considered vulnerable to problem gambling:

Based on 2018 data, it is estimated that 0.5% of the population reached the threshold to be considered problem gamblers, and this proportion has remained relatively consistent since 2012. It is also estimated that 3.8% of the population are classified as at-risk gamblers. These people are typically low- or moderate-risk gamblers, meaning they may experience some level of negative consequences due to their gambling.

Public Health England review of gambling: [Gambling-related harms: evidence review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/reviews/gambling-related-harms-evidence-review)

**Young people** – Rates of problem gambling among young people who gamble are higher than older adults. Young people are less likely to gamble generally, but those that do are more likely to experience difficulties with their behaviour (Emond and Griffiths, 2020). This is corroborated by survey data from the Gambling Commission, 2020 in which it was found that 9% of all 11 – 16 year olds had spent their own money on gambling in the past 7 days. Furthermore, 1.9% of all 11 – 16 year olds were classed as "problem" gamblers and a further 2.7% as at risk gamblers.

Emond A. M. and Griffiths M. D. 2020. Gambling in children and adolescents. British Medical Bulletin, Volume 136, Issue 1, Pages 21–29 (Gambling in children and adolescents | British Medical Bulletin | Oxford Academic (oup.com))  
Gambling Commission [2020] Young People and gambling 2020. Available online at:  
<https://www.gamblingcommission.gov.uk/statistics-and-research/publication/young-people-and-gambling-2020>

Bradford is the youngest city in the UK, with more than 124,000 people aged under 16 (23.7%), with our children coming from a range of economic, cultural and ethnic backgrounds.

**Minority ethnic groups** – There is some evidence that gambling-related harms may disproportionately affect people from Asian or Black backgrounds (Public Health England, 2021).

Public Health England, 2021. Risk factors for gambling and harmful gambling: an umbrella review A review of systematic reviews and meta-analyses. Available online at: [PHE document \(publishing.service.gov.uk\)](https://www.gov.uk/government/reviews/risk-factors-for-gambling-and-harmful-gambling)

The results of the 2011 Census showed that 20% of the Bradford District population identified themselves as Pakistani, 2.6% Indian, 2.5% mixed heritage, 1.9% Bangladeshi, 1.8% Black and 3.6% from other ethnic groups.

**Unemployed and constrained economic circumstance** – Generally those of lower income are less likely to gamble, but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).

There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others.

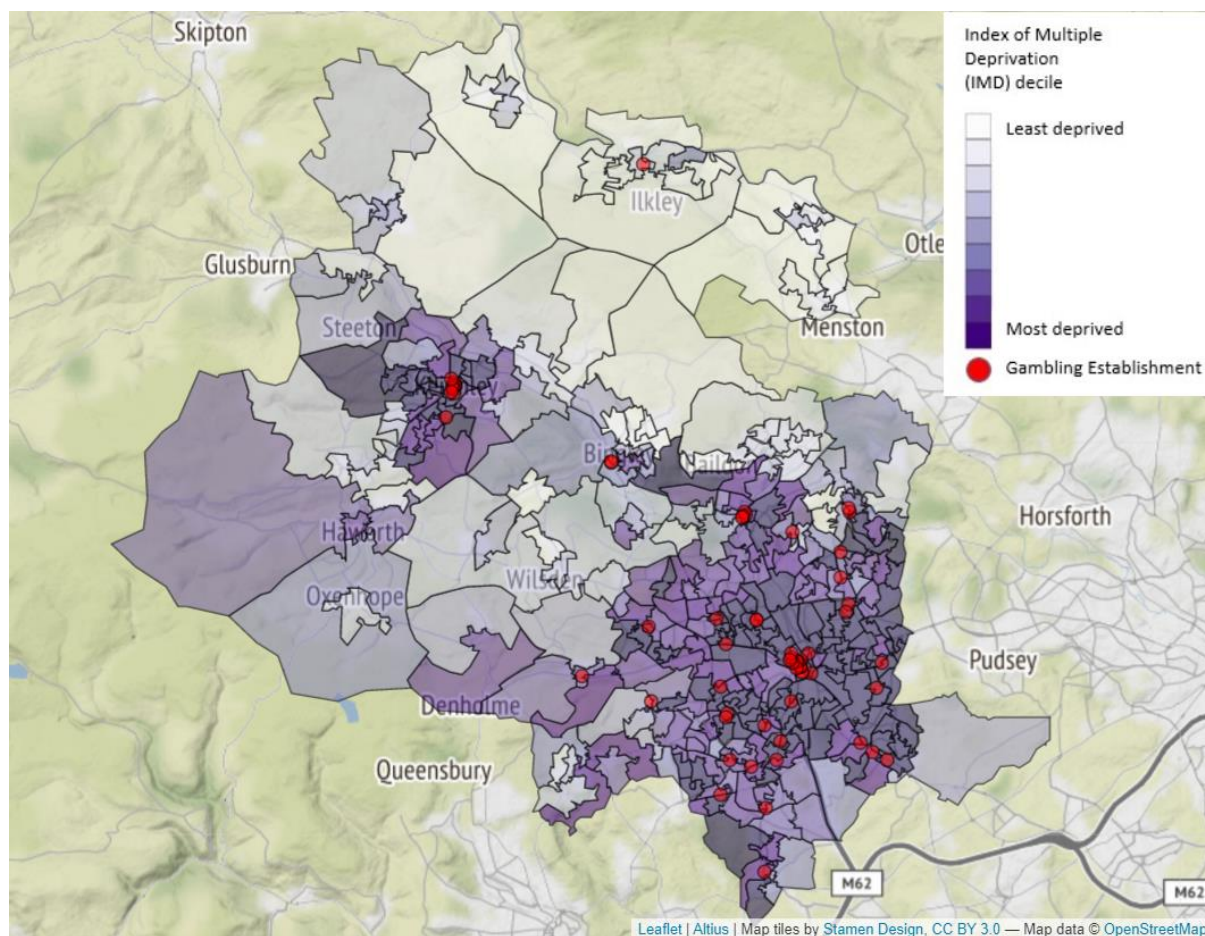
Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

**Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience gambling-related harm. This was despite having roughly similar levels of past year gambling participation to those who live in less deprived areas.

Public Health England, 2021. Risk factors for gambling and harmful gambling: an umbrella review A review of systematic reviews and meta-analyses. Available online at: [PHE document \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/risk-factors-for-gambling-and-harmful-gambling-an-umbrella-review-a-review-of-systematic-reviews-and-meta-analyses.pdf)

Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

Bradford has wide variation in deprivation across the district with 27% of the districts population living in the 10% most deprived areas in England and 6% of the population living in the 10% least deprived areas in England. Bradford is also ranked the 5th most income deprived local authority in England.



**Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.

**Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm that the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

**Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle

2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015).

There is evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

Public Health England, 2021. Harms associated with gambling An abbreviated systematic review Available at: [Harms associated with gambling: an abbreviated systematic review \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94444/harms-associated-with-gambling-an-abbreviated-systematic-review.pdf)

**Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

**Problem gamblers seeking treatment** – People in the process of attempting to recover from gambling problems are at risk of relapse, and evidence is poor concerning interventions to prevent relapse among people who have had treatment for gambling related problems (Blank et al, 2021). For this reason, they should be treated as a vulnerable group in their own right.

Blank L., Baxter S., Buckley-Woods H., Goyder E. 2021. Interventions to reduce the public health burden of gambling-related harms: a mapping review. *Lancet Review*: 6 (1); E50-E63. Available at: [Interventions to reduce the public health burden of gambling-related harms: a mapping review - The Lancet Public Health](https://www.thelancet.com/public-health)

## 8. Public Health and Gambling

- 8.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 8.2 Gambling is an activity undertaken by a significant number of adults. The extent of gambling-related harm (sometimes called "problem gambling") is not yet fully understood. However there is evidence that those who are already vulnerable and at risk of poor health are more at risk of gambling-related harms, further exacerbating existing inequalities.
- 8.3 For "problem gamblers", harm includes higher levels of physical and mental illness, debt problems, relationship breakdown and tragically, in some cases suicide. Criminality may also occur for some people experiencing significant harm."
- 8.4 It is estimated that for every gambler that experiences harm, around six other people in their life, most often close family members including children, are negatively affected.
- 8.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can work collaboratively with the Licensing Authority to address gambling-related harms in its area.

8.6 The Licensing Authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to work jointly with the Licensing Authority to:

- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
- Make decisions that benefit and protect the health and wellbeing of local communities.
- Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
- Conduct a health-impact assessment of gambling in the local area or assess any existing information.

## **9. Local Risk Assessments – Premises Licensing**

9.1 Under the Gambling Commission’s Licensing Conditions and Codes of Practice (LCCP), operators with premises licenses are required to produce local risk assessments under the LCCP Social Responsibility Code. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

9.2 Gambling operators are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate those risks. This is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling

9.3 The LCCP social responsibility code requires operators to undertake a risk assessment for all new applications. The code also requires operators to review (and to update as necessary) their local risk assessment to take account of any significant changes to local circumstances or significant changes to the premises or when a variation to the existing premises licence is undertaken by the licensee.

9.4 The social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk.

9.5 The Licensing Authority recommends the following factors are considered by operators when undertaking local risk assessments:

(i) The local area:

- The types of premises and their operation in the area.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The demographics of the area in relation to vulnerable groups.



range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.

- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.
- The proximity of schools and other places which might be frequented by children.

(ii) The gambling operation

- Policies and procedures which have been put in place to meet the requirements of the business, the Act and specific code provision within the LCCP
- The gambling products it provides in the premises.
- The facilities to enable gambling within premises.
- The staffing levels within the premises.
- The level and requirement for staff training.
- The security and crime prevention arrangements it has in place.
- How it advertises locally and on the premises.
- The marketing material within premises.
- The display and provision of information to customers.
- The provision of information warning people about the harms of gambling, ensuring it is in accessible language and format.

(iii) The design and layout of the premises

- The location of gambling facilities
- The design and location of cashier counters
- The design of the exterior of the premises to enable staff to view the entrance to the premises to prevent access by children.
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can
- CCTV cameras - details of coverage and how the system will be monitored.

(iv) Protection of children and vulnerable people, including people with gambling dependencies (and the impact on families).

- Training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may coincide with days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by.
- The provision of signage and documents relating to games rules, the risks of gambling, gambling care providers and other relevant information be

provided in both English and the other prominent first languages for that locality, in easily understandable and accessible language and format.

- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.
- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

9.6 The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local risks. A copy of the risk assessments should be held on the premises and be available for inspection by licensing officers.

## **10. Adult Gaming Centres**

10.1 Anyone wishing to operate an adult gaming centre will require an adult gaming centre premises licence from the Licensing Authority. The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes and age scheme training for staff
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Change machines
- Advertising sources of help for problem gamblers

10.2 As regards the protection of vulnerable persons, the licensing authority will expect licensees to adopt measures including the use of “self-exclusion schemes”, provision of prominent information leaflets and helpline telephone numbers of organisations who provide advice and support to people affected by gambling problems, such as GamCare.

The Licensing Authority recommends that licence holders support and are in partnership with GamCare.

## 11 Licensed Family Entertainment Centres

11.1 Anyone wishing to operate a family entertainment centre will require a family entertainment centre premises licence from the Licensing Authority.

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes and age scheme training for staff
- CCTV
- Door supervisors
- Supervision of entrances and/or machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

11.2 Measures including the use of self-barring schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as GamCare will be expected to be taken by licensees in order to protect children and vulnerable persons.

11.3 The Licensing Authority will also take appropriate advice from the Gambling Commission concerning any conditions that apply to relevant operator licences stipulating the way in which the area containing any category C machines should be delineated. Account will also be taken of any mandatory or default conditions required to be attached to premises licences falling into this category.

## 12 Bingo Premises

12.1 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

12.2 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

12.3 A limited number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;



- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

12.4 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with.

These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Gambling Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators licence from the Gambling Commission and a premises licence issued from the Licensing Authority.

## 13 Betting Premises

- 13.1 Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence. Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 13.2 The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision exercised, especially where vulnerable people are concerned. Each application will be considered on its own individual merits.
- 13.3 The Council is aware of the concerns surrounding gaming machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such gaming machines are located to ensure adequate supervision and compliance with relevant Licence Conditions and Codes of Practice.
- 13.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as GamCare will be expected to be taken by licensees in order to protect vulnerable persons.
- 13.5 Operators who own several betting shops across the District's licensing area, are encouraged to forward to the licensing team details of a senior representative who is able to act as a single point of contact with the Licensing Authority should any issues of concern arise relating to any of the operators premises.

## 14 Betting Tracks

14.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site where races or other sporting events take place.

14.2

- 14.3 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Licensing Authority, are likely to contain detailed requirements for premises licence holders about their responsibilities in relation to the proper conduct of the betting facilities. Track premises licence holders will also be expected to ensure that betting areas are properly administered and supervised.
- 14.4 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 14.5 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 14.6 There may also be other specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It should be noted in this regard that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when sports events e.g. association football or rugby league, take place, although they are still prohibited by law from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may include:

- Proof of age schemes and age scheme training for staff
  - CCTV
  - Door supervisors
  - Supervision of entrances / machine areas
  - The location of gaming machines
- 14.7 Measures including the use of self-exclusion schemes, provision of information leaflets and helpline telephone numbers for organisations such as GamCare will be expected to be taken by licensees in relation to the protection of children and vulnerable people.
- 14.8 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their type and the circumstances in which they are made available, by attaching a licence condition to a track betting premises licence. It may be necessary to impose such restrictions particularly where the floor area covered by the machines is extensive.
- 14.9 In line with the Gambling Commission's guidance the Licensing Authority is also likely to attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, such

as made available in leaflet form from the track office.

## **15 Casinos**

- 15.1 Bradford Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this policy statement will be updated with details of that resolution.
- 15.2 Part 17 of the Gambling Commission Guidance for local authorities sets out the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by the licensing authority determining applications or reviewing casino licences. Consideration will also be given to the Commission’s code of practice on access to casinos by children and young people
- 15.3 When considering the number, nature and circumstances of betting machines proposed in premises, the licensing authority will, as per the Gambling Commission’s guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 15.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as GamCare will be expected to be taken by licensees in order to protect vulnerable persons.
- 15.5 The Licensing Authority will also, where appropriate, encourage and if necessary attach conditions requiring operators to provide parts of the casino premises that are located separate from gambling facilities and provide other authorised forms of entertainment or relaxation. It is considered that this will allow customers opportunities to have a break from gambling during their visit.

## **16 Travelling Fairs**

- 16.1 The Licensing Authority will ensure that, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, that those facilities are merely incidental to the activities of the travelling fair.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It should be noted that there is a 27 day statutory maximum for the land being used as a fair per calendar year. This relates to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land on each occasion.

The Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses district boundaries, is monitored so that the statutory limits are not exceeded.

## **17 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 17.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 17.2 An application for a permit will be considered only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and that West Yorkshire Police have been consulted on the application.

Each application will be considered on its own merits; however the following broad principles will be followed when applications are considered.

- The Licensing Authority will consider whether the applicant is suitable to hold a permit for an unlicensed family entertainment centre. In this regard any evidence of previous convictions that would raise questions about the applicant's suitability would be considered carefully.
  - The proximity of the premises to facilities frequented by large numbers of children, e.g. schools and youth centres, and any evidence that this might contribute to problems related to truancy or other social problems.
  - The steps proposed to be taken by the applicant to ensure that managers and staff working in the facility are trained in the general awareness of cases where children in their premises are truanting and how staff should deal with unsupervised children, or those whose behaviour on the premises may give rise to concern.
  - The licensing objectives (set out in paragraph 3.1).
- 17.3 It should be noted that the Licensing Authority cannot attach conditions to this type of permit.
- 17.4 It should be noted that with regard to renewals as opposed to grants of these permits, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **18 (Alcohol) Licensed Premises Gaming Machine Permits**

- 18.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority. The Licensing Authority may remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of

the licensing objectives

- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (e.g. that gaming has been provided in such a way that does not comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machines);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

18.2 If a premises wishes to have more than 2 machines, then the Licensing Authority will consider any such application based upon the licensing objectives, the guidance issued by the Gambling Commission, and any other relevant matters.

18.3 The Licensing Authority will determine on a case by case basis what other relevant factors apply, but generally particular regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines. Measures which will satisfy the authority that there will be no access may include positioning the adult machines within sight of the bar area so they can be easily supervised, or specific staff responsible for ensuring that these machines are not being used by those under 18. Advisory notices and signage may also be required.

18.4 As regards the protection of vulnerable persons, applicants will be expected to provide information leaflets and helpline telephone numbers for organisations such as GamCare.

18.5 It is recognised that alcohol licensed premises operators may apply for a premises licence for their non-alcohol licensed area. Any such application would need to be applied for and dealt with as an adult entertainment centre premises licence.

18.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

18.7 Permit holders must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine.

## **19 Prize Gaming Permits**

19.1 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to apply in exercising their functions relating to prize gaming permits which may, in particular, specify matters that the authority propose to consider in determining the suitability of the application permit.

19.2 The licensing authority has not prepared a statement of principles. Each application will be treated on its own merits having regard to guidance issued by the Gambling Commission guidance.

## **20 Club Gaming and Club Gaming Machines Permits**

- 20.1 Members Clubs and Miners' Welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit.
- 20.2 The Club Gaming Permit will enable the premises to provide up to 3 gaming machines (categories B3A, B4, C or D, only one of which may be a B3A machine), equal chance gaming and games of chance.
- 20.3 A Club Machine Permit will enable the premises to provide up to 3 gaming machines (categories B3A, B4, C or D, only one of which may be a B3A machine).

Commercial Clubs may site up to 3 machines from categories B4, C or D only, with a Club Machine Permit.

- 20.4 The Licensing Authority may only refuse an application on one or more of the following grounds;
- the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - the applicant's premises are used wholly or mainly by children and/or young persons;
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been lodged by the Gambling Commission or the police.

Where permits are refused, applicants will be informed of the reasons for this.

## **21 Temporary Use Notices**

- 21.1 There are a number of statutory limits for temporary use notices for premises. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "premises" or "a set of premises", for the purpose of the Act, the Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.
- 21.2 The Licensing Authority may decide to challenge a succession of notices where it appears that their cumulative effect would be to permit regular gambling in a place that should properly be considered as one premises and therefore covered by an appropriate premises licence.

## **22 Occasional Use Notices**

- 22.1 The Licensing Authority will monitor very carefully in order to ensure that the statutory limit on occasional use notices of 8 days in a calendar year is not exceeded and that each event will take place at premises that can lawfully be defined as a "track". Further guidance can be found in the Useful Terminology part of this Statement of Principles.

## 23 Licensing Hours

- 23.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. It accepts that a variety of opening hours related to the circumstances, and the requirements of different licensees may assist in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where customers tend to gather.
- 23.2 However, generally speaking the hours of gambling premises will be restricted by default conditions as set out in Regulations made under the Gambling Act 2005 concerning Mandatory and Default Conditions. The Licensing Authority, however, reserves the right, where it is lawfully able to do so, to further restrict such hours where it is necessary in order to achieve the licensing objectives. For example, it may be necessary to further restrict the hours of opening in premises very near schools during periods when large amounts of children may be in the vicinity of the premises and there is evidence of a truancy problem in the area associated with particular gambling premises.

## 24 Effective Enforcement

- 24.1 The Licensing Authority will properly investigate any complaints received about the running of premises where they are relevant and/or relate to the three Licensing Principles.
- 24.2 The Licensing Authority adopts a multi-agency approach to the enforcement of licensing breaches. Consideration will be given as to the appropriate powers that should be used to address a problem where other agencies like the Police, Fire Authority or Gambling Commission also have their own powers. Formal enforcement will always be a last resort.
- 24.3 The Licensing Authority will have regard to the Regulators Code and any guidance issued under the Legislative and Regulatory Reform Act 2006 when taking enforcement action by being:
- **Proportionate:** The Licensing Authority will only intervene when necessary, remedies will be appropriate to the risk posed, and the costs of complying identified and minimised.
  - **Consistent:** Rules and standards will be implemented fairly.
  - **Accountable:** Any decisions will be justifiable and reasons for taking action given, with any right of appeal clearly explained.
  - **Transparent:** Licence conditions will be kept simple and user friendly and reasons will always be given for decisions.
  - **Targeted:** Any action or requirements will be focused on risk, with previous compliance records recognised where appropriate.

- 24.4 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it may authorise. The Gambling Commission will be the enforcement body for Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

## **25 Exchange of Information**

- 25.1 The Licensing Authority recognises that it will receive much personal information from applicants, those alleged to contravene the legislation, or from those making representations. It will need to share some of this information with bodies such as the Gambling Commission or Responsible Authorities in order to effectively administer the system in the public interest. The Council therefore accepts the need to set out the principles upon which it has agreed to share this information where appropriate.
- 25.2 The licensing Authority will ensure that the General Data Protection Regulations will not be contravened when exchanging information. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 25.3 Details of applications and representations which are referred to a Licensing Panel for determination will be published in reports that are made publicly available in accordance with the Council's Constitution. Personal details of people making representations will be disclosed to applicants as required by the regulations.

## **26 Conditions of Licence**

- 26.1 All premises licences are subject to mandatory and default conditions, which are usually sufficient to ensure premises are operated in line with the licensing objectives.
- 26.2 The Licensing Authority will only impose additional conditions that are necessary, having regard to the licensing principles or other relevant legitimate concerns. Conditions will also only be attached where they are;
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures the licensing authority will consider using should there be an evidence of risk to the licensing objectives. Such conditions may include, for example, the use of door supervisors, supervision of gaming and betting machines, appropriate signage for adult-only areas.

Applicants are also advised to consider the Gambling Commission's guidance on



Licence Conditions and Codes of Practice.

26.3 The Licensing Authority will not attach conditions where the matter at issue can be more appropriately addressed by other legislation. A particular condition will not be attached in the following circumstances;

- any condition on a premises licence which makes it impossible to comply with an operating licence condition imposed by the Gambling Commission
- conditions of premises licences relating to gaming machine categories, numbers, or method of operation. Licensees should ensure there is sufficient floor space to permit counted tablets to be used simultaneously.
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winning or prizes.

## **27 The Licensing Process**

27.1 The Licensing Authority encourages individual applicants to address the licensing principles before submitting applications for premises licences having regard to the type of premises, the licensable activities to be provided, the operational requirements, the nature of the location and the circumstances of the local community.

Early consultation with the Police, Fire Authority, other responsible authorities and local residents or businesses is recommended as this will make it less likely that objections will be received to the application.

27.2 When determining applications the Licensing Authority will have regard to any guidance issued by the Gambling Commission, along with relevant Codes of Practice, the Licensing Principles and the relevant contents of this Statement of Principles. Any valid representations received from Interested Parties or Responsible Authorities will be considered.

27.3 An "Interested Party" is defined in the Act as a person who:

- lives sufficiently close to the premises to be likely to be affected by the activities taking place there;
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)

In deciding whether a person is an Interested Party the licensing Authority will consider each case upon its merits. This authority will not apply a rigid rule to its decision making.

Interested parties can include trade associations, and residents associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Elected councillors may represent interested

parties, providing they are not members of the Licensing Committee. The term “business interests” will be given its widest possible interpretation so that it includes charities, religious establishments and medical practices located near premises.

In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Licensing Authority will take account of:

- the size of the premises
- the nature of the premises
- the nature of the authorised activities being proposed
- the distance of the premises from the person making the representation
- the characteristics of the complainant
- the potential impact of the premises

27.4 It is recognised that most decisions made under the legislation are administrative in nature and therefore not contentious. For the sake of efficiency, therefore, officers under delegated authority will make most decisions.

Only contentious applications or policy matters will be referred to the Licensing Committee or Licensing Panel. A scheme of delegation for dealing with various applications and decisions has been agreed and is set out below.

## 28 Scheme of Delegation of Functions

28.1 The delegation of functions in relation to Gambling Act Licensing matters is as follows:

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee setting – when appropriate		X		
Application for premises licence: - Grant - Variation - Transfer - Provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			X	

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
Applications for other permits			Where objections have been made and not withdrawn	Where no representations received/representations have been withdrawn or no more than two permits in alcohol licensed premises are applied for.
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision on whether a complaint is irrelevant frivolous or vexatious				X
Decision as Responsible Authority to call for a review of a Premises Licence				X

28.2 The Licensing Panel can decide to refer a decision to the Licensing Committee for a decision where it considers that it is appropriate to do so.

28.3 Decisions made generally under the legislation are covered by the Member's Codes of Conduct.

## **29 The Consultation and Review Process**

29.1 This Statement of Licensing Principles complies with the Licensing Authority's duties under the Gambling Act 2005 and account has been taken of the guidance issued by the Gambling Commission under section 349 of the Act, Codes of Practice issued under the Act and the broad objectives of gambling licensing set out in part 3 of this document.

- 29.2 The Licensing Authority has consulted with a wide range of stakeholders in reviewing this statement of principles. Consultees include the statutory consultees under the Gambling Act, representatives of local residents, local businesses and local voluntary organisations, trade representatives and industry associations, elected members of Council and other Council Services.
- Careful consideration has been given to all responses received from individuals and bodies consulted before adoption of this Statement.
- 29.3 This policy statement comes into effect on the 31 January 2022 and will be operational for a period of 3 years thereafter. Its effectiveness in assisting in the achievement of the Licensing Objectives will be monitored during this period with a view to a further review before the 31 January 2025.

## **30 Responsible Authorities in the Bradford District**

Licensing Authority, Argus Chambers, Hall Ings, Bradford, BD1 1HX

West Yorkshire Police, Licensing Section, Trafalgar House, Nelson Street, Bradford, BD5 0DX

West Yorkshire Fire & Rescue Service, Fire Protection, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY

Planning Services, Britannia House, Hall Ings, Bradford, BD1 1HX

Environmental Services, Britannia House, Hall Ings, Bradford, BD1 1HX

Bradford Safeguarding Partnership, Floor 6 Margaret McMillan Tower, Princes Way, Bradford, BD1 1NN

HM Revenue & Customs, Excise Processing Teams, BX19 1GL

Gambling Commission, Victoria Square, Birmingham, B2 2BP

## **31 Helpful Terminology (A-Z)**

### **Club Gaming and Machine Permits**

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. Regulations have been made by the Secretary of State relating to bridge and whist clubs, which replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

Before granting the permit the Licensing Authority will need to satisfy itself that the premises meet the requirements of a members’ club and may only grant the permit if the majority of members are over 18.

### **Codes of Practice**

Means any relevant codes of practice issued under section 24 of the Gambling Act 2005. These are issued by the Gambling Commission and set out the Commission’s expectations on the standards that the operators of gambling facilities will be expected to adhere to.

## Conditions

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. Gambling Commission guidance provides that only conditions which should be imposed on a premises licence are those which are necessary for the promotion of the licensing principles.

Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportionate to the size, style, characteristics and activities taking place at the premises concerned and must not effectively prevent the authorised gambling activity from reasonably taking place. No conditions can be imposed when issuing permits save for any necessary restrictions on numbers of machines.

## Gambling

"Gambling" is defined in the Act as either gaming, betting or taking part in a lottery:-

- | gaming means playing a game of chance for a prize
- | betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- | a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- |

## Gambling Commission

The Gambling Commission regulates gambling in the public interest.

It does so by keeping crime out of gambling by ensuring that gambling is conducted fairly and openly and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities. The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission is responsible for issuing Personal Licences and Operators Licences under the Gambling Act and can be contacted at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## Gaming Machine Age Restrictions

Persons under 18 year of age are prohibited from playing on category A, B and C machines. There is no limit with regard to category D machines. However the Secretary of State has powers to impose restrictions on types of category D machines if it is deemed

necessary in the future. Holders of licences and permits must also comply with relevant Gambling Commission codes of practice on location and access to machines by under 18 year olds.

### **Gambling Operating Licences**

A licence required by individuals or companies who wish to establish a gambling operation. A licence is required separately for both remote (e.g. mobile phone or internet gambling) and non remote gambling. These licences are issued by the Gambling Commission and must be in place before the Licensing Authority can issue a premises licence.

### **Gambling Personal Licences**

A licence granted to an individual who physically works in a gambling establishment and can influence how gambling is provided in the establishment or how the actual gambling facilities work. For example it would cover managers of facilities, but also might cover a croupier working in a casino. These licensing are issued by the Gambling Commission.

### **Gambling Premises Licences**

A licence granted in respect of any premises, which authorizes the premises to be used for one or more licensable activity.

Has effect until revoked, surrendered or death, insolvency of the holder. Applications are dealt with by the local authority for the area where the premises are situated.

### **Interested Parties and Responsible Authorities**

The Act creates two categories of people/bodies that can make representations to a licensing authority about an application for a licence.

“Interested parties” are persons or businesses living/situated sufficiently close to the premises as to be likely to be affected by the authorised activities; or persons representing them (see paragraph 25,4).

“Responsible authorities” include the licensing authority, police, fire, enforcing authority for health and safety, planning authority, Gambling Commission, bodies responsible for child protection and vulnerable people and Her Majesty’s Customs and Revenues Service. Only these groups can make representations about an application for a premises licence.

### **Licensable Activities**

Activities that must be licensed under the Act: Those activities requiring a licence from the Licensing Authority are listed in paragraph 2.1.

### **Licensing Authority**

Those Local authorities who are responsible for exercising licensing functions under the Gambling Act 2005 (i.e. Bradford Council). Licensing Authorities determine gambling premises licences, most permit applications, and small lottery registrations.

### **Licensing Committee**

This is a committee of at least 10 but not more than 15 members of the local authority. It

may appoint one or more sub-committees consisting of three members.

## **Licensing Objectives**

The objectives of licensing set out in the Act: Preventing gambling from being a source of crime and disorder or being associated with crime and disorder; ensuring gambling is conducted in an open and fair way; protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must, among other things, carry out its functions under the Act having regard to the licensing objectives.

## **Mandatory and Default Conditions**

A mandatory condition is one that must by law be automatically attached to all premises licence of a defined category issued by the Licensing Authority. A default condition is one that will automatically apply unless the Licensing Authority considers that there are grounds for excluding it.

## **Non-Commercial Gaming**

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

## **Occasional Use Notices**

Procedures set out in the Act allow applications to be made to provide betting at tracks on no more than 8 days in a calendar year without the need for a premises licence. Tracks include sports stadium, and not just dog or horse race tracks.

This procedure would be useful for occasional uses of fields for point to point races because the "track" or sporting event does not need to be a permanent fixture.

## **Permits**

Permits are required for the provision of gambling facilities in certain circumstances where premises are exempt from the need of a gambling premises licence. For example, premises that have gaming machines that are restricted to category D type machines do not require a Family Entertainment Centre Premises licence. They do, however require a permit from the Licensing Authority. Similarly, premises licenced to sell alcohol will require a permit. Certain types of registered members clubs also require permits, as opposed to premises licences.

## **Premises**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place.

But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the

Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot in order to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

The licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular account will be taken of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity specified on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- 
- Is the Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.



## **Private Gaming**

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

## **Provisional Statements**

This procedure allows a prospective developer to apply for a statement from the Licensing Authority that premises they may be interested in would be likely to obtain a premises licence were they to proceed with their investment. Only current holders of (or applicants for) an Operators Licence from the Gambling Commission can apply for a Provisional Statement. A statement can also be obtained for premises that have an existing gambling premises licence, but the proposal is to provide a different type of gambling facility. For example, an operator may be considering turning a bingo hall into a casino but wants to first clarify if it is worth proceeding, and without the need to apply for a full premises licence immediately.

## **Ready for gambling**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process. First, whether the premises ought to be permitted to be used for gambling and second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

## **Relevant Representations**

The Gambling Act does not use the term "objections". Instead interested parties and responsible authorities may be able to make relevant representations about an application for a licence.

Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering representation from an interested party or responsible authority the local authority need only consider relevant representations. However, the Licensing Authority can also consider other factors not raised by other parties where these are relevant to achievement of the licensing principles.

## **Restrictions on Access to Premises**

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

### **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

No customer should be able to access the premises directly from:

- a casino
- an adult gaming centre

### **Bingo Premises**

No customer must be able to access the premise directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

### **Family Entertainment Centre**

No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### **Review of Licences**

Where a premises licence is in force an interested party or responsible authority may apply to the licensing authority for it to be reviewed. The authority must hold a hearing to review

the licence and as a result must take any necessary steps, having regards to the licensing principles, such as the modification of conditions; exclusion of licensable activities; suspension of the licence for up to three months; or the revocation of the licence. For example, the Police could apply to the licensing authority for the premises licence to be reviewed if they had concerns that premises were a base for criminal activity or are putting children at risk. Review applications can be rejected if they are deemed frivolous, vexatious, irrelevant to any licensing principles, repetitious, or clearly on grounds that would not warrant any action being taken against the premises. Reviews can also be initiated by the Licensing Authority itself where it has cause for concern about the running of individual premises.

### **Self-Exclusion Schemes**

Many major betting outlets support self-exclusion schemes. This is an initiative where a customer recognises that they are at risk of becoming a problem gambler, or are gambling more than they wish or can afford to. That person can agree with the manager of gambling premises that they should be refused access to use the gambling facilities for a specified period and any credit or other accounts with the facility are cancelled or suspended. The period of such self-exclusion is usually at least six months and staff are informed of the restrictions that have been put in place.

### **Statement of Licensing Principles**

Each licensing authority must every three years determine and publish a statement of principles setting out its approach to licensing gambling premises and facilities. There is a requirement to consult on the policy and keep it under review.

### **Temporary Use Notices**

Where a holder of an Operators licence proposes to use other premises (the definition of which includes any place) for gambling where there is not a gambling premises licence in place, it is possible to use a temporary use notice. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament. There is a 21 day limit on the total period per year that any premises can be used under temporary use permit(s).

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## **Betknowmore UK's Response to the Consultation: City of Bradford Metropolitan District Council Gambling Policy Review**

### **About Betknowmore UK**

Betknowmore UK was launched in 2014 and today we are a growing charity based in London. Our mission is to reduce gambling-related harms and we provide support to people from diverse communities who are experiencing gambling harms, empowering them and building hope. Our aims are to increase awareness of gambling-related harm, improve the health and wellbeing of the people affected, increase access to our services and strengthen the impact of lived experience.

### **Our response to the Call for Evidence**

Our evidence comes from working with our clients over the previous seven years. We also have lived experience of gambling-related harms embedded within our organisation, from our founder and CEO through to our frontline staff and volunteers, and we draw upon this lived experience in our response below.

### **General comments**

1. While the term 'problem gambling' is still in use with regard to the Problem Gambling Severity Index, as a general term it is now recognised to be offensive to those experiencing harmful gambling. The term implies that the 'problem' rests with the gambler, rather than with the operators, licensing authorities, structural inequalities within society etc. People with lived experience prefer the term 'harmful gambling' and this is now becoming the established terminology.
2. Given the high correlation between gambling harms and suicide (estimated to be one per day<sup>1</sup>), suicide first aid training should be required for all frontline staff.

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<sup>1</sup> House of Lords (2020) *Gambling Harm: Time for Action*, Select Committee on the Social and Economic Impact of the Gambling Industry, House of Lords, London.

## Specific comments

3. Section 7.7 refers to:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, or intoxication by alcohol or drugs.

In our experience, people who are experiencing gambling harms often do not recognise that their gambling is causing them (and others) harm. They may be experiencing very high levels of harm and yet want to gamble more – this is the nature of addiction. This makes the category of ‘people who gamble more than they want to’ problematic. Similarly, many people who experience gambling harms can afford to ‘gamble beyond their means’; financial harms are just one indicator of a wide range of gambling harms. For example, someone who can afford to spend a high percentage of their income gambling may be neglecting their relationships, their health and their work. Finally, while some people may not be able to make an informed or balanced decision due to mental impairment, many more cannot because compulsive gamblers experience cognitive distortions that give them an illusion of control, that reduce their understanding of risk and reward, leading them to chase their losses. Some products are deliberately designed by gambling operators to stimulate such cognitive distortions. In sum, harmful gambling is very complex and cannot be reduced to simplistic indicators such as your three bullet points. The focus should be on the harms gambling causes, rather than the people who are doing the gambling.

4. Section 7.9 states that ‘Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas such as Bradford), there are some groups that are more likely to experience problems’. This percentage encompasses those experiencing only the most significant levels of harm i.e. PGSI 8+. This ignores all those people who are experiencing significant levels of harms, those at risk of harm (who need interventions such as awareness raising in order to prevent harm), and all those people who are affected by someone else’s gambling (estimated at 6-15 people, most of whom are women).

Recent research<sup>2</sup> based on big financial data and a very large sample of 6.5 million people tracked over seven years in the UK, found that nights awake (with a resulting health impact), unemployment and mortality increased markedly for the highest-spending gamblers, but gambling is also associated with negative outcomes even at lower levels of gambling. For example, a 10% increase in

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<sup>2</sup> Muggleton, N., Parpart, P., Newall, P., Leake, D., Gathergood, J. and Stewart, N. (2021) The association between gambling and financial, social and health outcomes in big financial data, *Nature Human Behaviour*, <https://doi.org/10.1038/s41562-020-01045-w>

4 December 2021

gambling spend is associated with an increase in payday loan uptake by 51.5% and the likelihood of missing a mortgage payment by 97.5%. Also, tracking individuals between 2014 and 2019, the researchers found that higher gambling is associated with a higher risk of future unemployment and future physical disability. Gambling at high levels is also associated with levels of mortality at about one third higher than non-gamblers.

**Contact**

Liz Riley, Research and Evaluation Manager, Betknowmore UK  
[liz@betknowmoreuk.org](mailto:liz@betknowmoreuk.org)

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**From:** Sarah Exall <sarah.exall@bradford.gov.uk>  
**Sent:** 05 December 2021 21:50  
**To:** Licensing Team <Licensing@bradford.gov.uk>  
**Cc:** Sarah Muckle <Sarah.Muckle@bradford.gov.uk>; Angela Hutton <Angela.Hutton@bradford.gov.uk>; Dawn Townend <Dawn.Townend@bradford.gov.uk>  
**Subject:** Consultation Response: gambling policy review

Dear colleagues,

I'm writing below the formal response from Bradford Public Health department to the consultation on gambling policy. If you have any questions about any of the responses below, please come back to me. I'll email separately about working together more closely, including potentially providing Public Health representation to licencing panels.

### **Public Health response to gambling consultation**

We are generally supportive of the draft licencing policy. There are areas we would like to see a more challenging approach taken, and some terminology which we would like to see reframed. Recent surveys have shown that public opinion is strongly in favour of more restrictions on gambling operators, meaning that a robust approach to licencing would be supported by many in the district. If advertising of gambling within the district could be included in the scope of this document, we would welcome a conversation separately about this.

Comments I have made are highlighted in yellow, with direct quotes highlighted. Red highlights are words which I have picked out from quoted passages.

2.2 The Licensing Authority recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district's city, town and village centres, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.

2.2 The Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments and will take care to help businesses, event organisers and others meet their legal obligations without unnecessary expense. However, the Licensing Authority will take firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly

This reads as a positive endorsement of gambling premises in Bradford – I would want to see a much stronger acknowledgement of the significant harms caused by gambling, and the commitment of Bradford council to protect the health and wellbeing of our residents by ensuring that gambling premises are not licenced in high concentrations within areas more accessible to vulnerable communities

4.3 Overall, in making decisions about premises licences and temporary use notices, the Licensing Authority's general approach will be to aim to permit the use of premises for gambling in so far as is appropriate and:

- in accordance with any relevant codes of practice issued under the Act;
- in accordance with the guidance issued by the Gambling Commission;
- in accordance with this Statement of Licensing Principles; and
- is consistent with achievement of the licensing objectives.

Can we also add "where the use of premises for gambling does not expose the public to gambling-related harm, or the widening of inequalities as a result of gambling-related harm"

5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the police or other relevant Responsible Authority, consider whether specific controls need to be applied to prevent gambling in those premises from being a source of crime and/or disorder,” or whether the potential negative consequences are too great to allow a licence or permit to be granted.”

6.4 Further guidance and assistance to help a service provider meet the general needs of disabled customers and in meeting the requirements of the Equality Act is available from the Equality and Human Rights Commission website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com). “This includes the protection of people more vulnerable to gambling-related harms from the risks of gambling, including those with learning disabilities. For example, information on gambling risks must be provided in ways which are accessible to all customers.”

7.7 The Licensing Authority does not seek to prohibit particular groups of adults from gambling, in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include: • People who gamble more than they want to; • People who gamble beyond their means; • People who may not be able to make an informed or balanced decision about gambling due to a mental illness or impairment, learning disability, or intoxication by alcohol or drugs

7.10 In 2016 Leeds Beckett University researched problem gambling in Leeds (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016). This research looked specifically at identifying groups of society that could be considered vulnerable to problem gambling:... this should be updated with new research, including the new Public Health England review of gambling: [Gambling-related harms: evidence review - GOV.UK \(www.gov.uk\)](http://www.gov.uk). I’m happy to help with this.

...Minority ethnic groups – There is evidence that individuals from Asian or Black backgrounds are more vulnerable to gambling problems (Wardle, 2015). This should be rephrased, e.g. “There is evidence that gambling-related harms disproportionately affect people from Asian or Black backgrounds”

There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour.... rephrase to “There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience gambling-related harm”.

Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group. I would remove the phrase “given associations with other mental health conditions” – homelessness is not a mental health condition, and should be considered a vulnerable group in its own right given the financial/ health/ stigma inequalities faces by homeless people, as well as the fact that gambling premises might be used as a “safe”, warm space to rest.

8.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling. I would reframe this: “Gambling is an activity undertaken by a significant number of adults. The extent of gambling-related harm (sometimes called “problem gambling”) is not yet fully

understood. However there is evidence that those who are already vulnerable and at risk of poor health are more at risk of gambling-related harms, further exacerbating existing inequalities.”

8.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse. Reframe: “For “problem gamblers”, harm includes higher levels of physical and mental illness, debt problems, relationship breakdown and tragically, in some cases suicide. Criminality may also occur for some people experiencing significant harm.”

8.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected. Reframe: “It is estimated that for every gambler that experiences harm, around six other people in their life, most often close family members including children, are negatively affected.”

8.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area. Replace “still assist” with “work collaboratively with”

8.6 The Licensing Authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority: • Identify and interpret health data and evidence to inform the review of • the Statement and develop locally tailored local area profiles. • Make decisions that benefit and protect the health and wellbeing of local communities. • Be clear on issues which they can have regard to when deciding on • licenses for a wide range of gambling activities. • Conduct a health-impact assessment of gambling in the local area or assess any existing information. Replace “help” with “work jointly”. Sorry I’m not sure what the sentence “be clear on issues...” means. I would also go further and request that Public Health sit on licencing panels for gambling premises.

9.5 i. add the proximity of schools and other places which might be frequented by children to the list for local risk assessment

ii. Add the provision of information warning people about the harms of gambling, ensuring it is in accessible language and format.

iv. • The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality – maybe change to: “The provision of signage and documents relating to games rules, the risks of gambling, gambling care providers and other relevant information be provided in both English and the other prominent first languages for that locality, in easily understandable and accessible language and format.”

15. How can we pass a “no casino” resolution, and are there reasons why we haven’t done so?

Best wishes,  
Sarah

**Sarah Exall**  
Consultant in Public Health  
Department of Health and Wellbeing

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**“Working Together to Deliver Better Health and Better Lives”**

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# GOSSCHALKS

BY EMAIL ONLY  
LICENSING SECTION  
BRADFORD COUNCIL

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / M JM / 123267.00001  
#GS4186119  
**Your ref:**  
**Date:** 04 November 2021

Dear Sirs,

## Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

### The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its



regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the Gambling Act 2005 statement of licensing principles for the Bradford District 2022 to 2025**

On behalf of the BGC we welcome the positive approach to the licensing and regulation of gambling and the acknowledgement that well-regulated entertainment has an important role in promoting the vitality and viability of the area.

Paragraph 7.9 refers to rates of problem gambling tending to be less than 1%. Figures published by the Gambling Commission last week showed that the rate of problem gambling for the year to September 2021 was 0.3% (down from 0.6% the previous year) and also that the rate of those gamblers classed as being at ‘moderate risk’ of harm fell from 1.2 per cent to 0.7 per cent in the same time frame. It is important that the draft statement of principles uses the most up to date figures and this paragraph should be amended accordingly.



Paragraph 7.10 refers to research undertaken which is (presumably) included within the statement of principles for context. We accept that context is important but where figures are given or where statements are made, these must be correct, and the full background must be given.

This paragraph recognises that young people are less likely to gamble generally but those that do so are more likely to experience difficulties with their behaviour (Wardle 2015). As far as minority ethnic groups are concerned, paragraph 7.10 indicates simply that *“there is evidence that individuals from Asian or Black backgrounds are more vulnerable to gambling problems”*. Again, this is taken from the Wardell research in 2015. This statement needs to have the same context as that given for young people above. The research (Wardell 2015) states, *“where both adults and children of Asian backgrounds were far less likely to gambling than their white British counterparts yet those that did were more likely to experience problems.”*

This paragraph also refers to an academic report (Wardell 2015) which looked at the distribution of machines and licensed betting offices. The paragraph that refers to this should be removed from the draft statement of principles. This research was conducted when the maximum stake for fixed odds betting terminals was £100. This maximum stake was reduced to £2 in 2019 and by the time the statement of principles comes into force, it will be almost 3 years since that reduction in minimum stake. Accordingly, any research conducted more than 6 years ago is of questionable relevance as there have been significant changes since that research was undertaken.

Paragraph 9 explains the requirement for operators to undertake local risk assessments. Paragraph 9.5 contains a bullet point lists of factors that the Licensing Authority recommends be taken into account by operators when undertaking local risk assessments. These lists need to be re-drafted to remove any bullet points that refer to matters that cannot be relevant to any assessment of risk to the licensing objectives.

For example, the first list of bullet points (the local area) refers to *“known problems in the area such as problems arising from street drinkers, youths participating in antisocial behaviour, drug dealing activity etc.”* None of these issues are relevant to any assessment of whether gambling will be a source of or associated with crime and disorder and therefore this bullet point should be removed.

Similarly, in the final list of bullet points, there are references to *“areas that are prone to issues of youths participating in antisocial behaviour, including activities such as graffiti, tagging, underage drinking etc”* and *“gaming trends that may coincide with days for financial payments such as paydays or benefit payments.”* These two bullet points should be removed. The first bullet point refers to issues of low level anti-social behaviour and nuisance which have no bearing on any assessment of risk to the licensing objectives. The second bullet point can only be relevant if the Licensing Authority’s view is that any person in receipt of benefits or indeed paid employment is to be considered automatically vulnerable. This cannot be the case.

Paragraph 26 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. We welcome the acknowledgement that the mandatory and default conditions are usually sufficient to ensure that premises are operated in accordance with the licensing objectives.

Paragraph 26.2, however, should be re-drafted, this indicates that *“the Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.”* This should be redrafted to avoid any confusion with Licensing Act 2003. Within Licensing Act 2003, applicants are required to explain measures to be undertaken to promote the licensing objectives. These measures are contained within the operating schedule and are then converted into conditions. There is no similar requirement within Gambling Act 2005 applications. Licensees/applicants are not expected to “suggest” their own conditions. Instead, this is dealt with through the risk assessment which is a requirement of SR Code Provision 10. The code provision requires that licensees/applicants conduct a local area risk assessment and specify policies, procedures and mitigation measures to address identified risks. That risk assessment should be submitted alongside a premises licence application.

It is important that these policies, procedures and mitigation measures are dealt with via the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and Licensing Authority.

### **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**

**From:** Cllr Richard Dunbar <Richard.Dunbar@bradford.gov.uk>  
**Sent:** 06 November 2021 22:14  
**To:** Licensing Team <Licensing@bradford.gov.uk>  
**Cc:** David Green <david.green@ageukbd.org.uk>  
**Subject:** RE: Gambling Policy Review - City of Bradford Metropolitan District Council

Hi,

I would like see greater cross departmental collaboration and sorting this policy with a greater emphasis on public health approaches.

I would also be interested in seeing your distribution lists for the consultation

Thanks

**Cllr Richard Dunbar (He/Him)**  
*Representing Thornton, Allerton & Sandy Lane*  
*Bradford District LGBTQ+ Champion*  
*Bradford 2025-Engagement & Inclusion Group Chair*  
*West Yorkshire Police and Crime Panel*

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## Report of the Director of Human Resources to the meeting of the Council to be held on 15 March 2022

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### **Subject:**

**Pay Policy Statement for 2022/23**

### **Summary statement:**

In accordance with the Localism Act 2011 Local Authorities are required to produce and publish a Pay Policy Statement for each financial year. The Pay Policy Statement must be approved by full Council before publication.

### **Equality & Diversity:**

An Equality Impact Assessment is not required as the Pay Policy Statement does not include proposals for new or changing policies, services or functions.

---

Anne Lloyd  
Director of Human Resources

### **Portfolio:**

Corporate

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Employee Relations Manager  
Phone: (01274) 432031  
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### **Overview & Scrutiny Area:**

Corporate

## **1. SUMMARY**

- 1.1 Sections 38 – 43 of the Localism Act 2011 require the Authority to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees.
- 1.2 The Pay Policy Statement for the year 1 April 2022 to 31 March 2023 has been produced taking into account the relevant requirements of the Localism Act 2011 and having regard to the statutory guidance issued by the then Department for Communities and Local Government (DCLG) in February 2012 and the supplementary guidance issued in February 2013 both entitled 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011' ("the Guidance") together with the Local Government Transparency Code 2015 where applicable.
- 1.3 This report provides details of the proposed Pay Policy Statements for the financial year 2022/23.

## **2. BACKGROUND**

- 2.1 Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement for each financial year.
- 2.2 The Pay Policy Statement must:
  - Be produced annually in time for the start of each financial year and be approved by a resolution of full Council (the power cannot be delegated). The 2022/23 Pay Policy Statement must be prepared and approved before 31 March 2022. Any amendments required to the Pay Policy Statement in year must also be considered by full Council.
  - Be published which must include publication on the Council's website, as a minimum, soon after approval or amendment.
  - Set out the Authority's policies on a range of issues particularly relating to its chief officers and lowest paid employees.
  - Be complied with.

The Guidance also states that:

- Full Council be offered the opportunity to vote on salary packages of £100k pa or more in respect of new appointments and severance packages of £100k or more.
- 2.3 The Pay Policy Statement must set out the Authority's policy relating to:
    - The level and elements of remuneration for each Chief Officer, which includes salary, any charges, fees or allowances, benefits in kind, bonuses, the use of performance related pay, increases and additions to remuneration, remuneration on recruitment and the approach to the payment of Chief Officers ceasing to be employed by the Authority.

- The remuneration of the lowest paid employees in the workforce.
  - The relationship between the remuneration of Chief Officers and other employees.
  - The publication of and access to information relating to remuneration of Chief Officers.
- 2.4 The provisions of the Localism Act 2011 do not apply to employees of schools maintained by the Authority and therefore they are not within the scope of the Pay Policy Statement.
- 2.5 Chief Officers are defined in the Pay Policy Statement as the posts of Chief Executive, Strategic Directors, Directors, Deputy Directors and Assistant Directors.
- 2.6 The Pay Policy Statement must be approved by a resolution of the full Council before it comes into force.
- 2.7 The proposed **Pay Policy Statement for 2022/23** can be found at **Appendix 1**. The proposed Statement is based on the approved 2021/22 statement which has been updated and amended in relation to the following:
- 2.7.1 The pay multiple has been recalculated based on the pay awards effective from 1 April 2021 that have recently been agreed. The value of the 'pay multiple' between the highest paid salary and the median earnings figure of the whole of the Council's workforce has reduced from 8.8:1 to **8.5:1**
- NB. The pay multiple is **not** based on the lowest paid employee nor the simple average salary but it is based on the median earnings figure ie the 'mid-point'.*
- 2.7.2 The national pay awards effective from 1 April 2022 have not been agreed and therefore all salaries quoted in the pay policy statement are based on salary levels at 1 April 2021.
- 2.7.3 Revised salary bandings for the application of LGPS employee pension contribution rates have been updated from 1 April 2022 in Appendix A of the Pay Policy Statement.
- 2.8 The meeting of Staffing Committee on 7<sup>th</sup> February 2022 resolved to change the post title of the post of City Solicitor to Director of Legal & Governance. The Council's constitution will be amended to reflect that change.
- 2.9 The post of Programme Director Mental Health has been established to act on behalf of the Bradford District and Craven health & care system to direct the Mental Health transformation programme that will drive the overall clinical and service strategy for Bradford and Craven. The mental health transformation programme is a series of system wide programmes to transform outcomes and experiences for priority populations based on our population health insight and will develop a blue print for the future that, when combined with other programmes and our core business, will form our overall mental health strategy. This time limited part time post was approved

by the Chief Executive under delegated powers in accordance with article 14.20.3 of the Council's constitution. The costs will be met from existing budget provision. The post has been included in Appendix B of the Pay Policy Statement.

### **3. FULL COUNCIL CONSIDERATION**

- 3.1 Full Council will consider this report and the proposed Pay Policy Statement at **Appendix 1** on Tuesday 15 March 2022.

### **4. OTHER CONSIDERATIONS**

- 4.1 The Council may, by resolution of the full Council, amend this Pay Policy Statement during the course of the year to which it relates.

### **5. FINANCIAL & RESOURCE APPRAISAL**

There are no direct financial implications arising from this report.

### **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

No significant implications have been identified.

### **7. LEGAL APPRAISAL**

- 7.1 The Authority is under a statutory duty to prepare and publish a Pay Policy Statement for the financial year 2022/23 and each subsequent financial year pursuant to the requirements set out in sections 38-43 of the Localism Act 2011. The Pay Policy Statement should be approved by a resolution of the Authority before it comes into force. The Authority must have regard to the Guidance referred to in this report in preparing and approving the Pay Policy Statement together with the provisions of the Local Government Transparency Code 2015 where applicable.

### **8. OTHER IMPLICATIONS**

#### **8.1 SUSTAINABILITY IMPLICATIONS**

Not applicable.

#### **8.2 GREENHOUSE GAS EMISSIONS IMPACTS**

Not applicable.

#### **8.3 COMMUNITY SAFETY IMPLICATIONS**

Not applicable.

#### **8.4 HUMAN RIGHTS ACT**

No implications arising from this report.

#### **8.5 TRADE UNION**



There is no formal requirement to consult about the Pay Policy Statement however it will be shared with the recognised Trade Unions for information.

The Pay Policy Statement brings together the Authority's existing policies which have been subject to consultation where required.

## **8.6 WARD IMPLICATIONS**

Not applicable.

## **8.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

Not applicable.

## **8.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

None

## **9. NOT FOR PUBLICATION DOCUMENTS**

None

## **10. OPTIONS**

10.1 The production and publication of a Pay Policy Statement is a statutory requirement under the Localism Act 2011 for the financial year 2022/23 and each subsequent financial year.

## **11. RECOMMENDATIONS**

That the Pay Policy Statement for the financial year 2022/23 as set out at Appendix 1 to this report, be approved.

## **12. APPENDICES**

Appendix 1: Proposed Pay Policy Statement 2022/23.

## **13. BACKGROUND DOCUMENTS**

- Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011, February 2012. [Openness & Accountability in Local Pay - Feb 2012](#)
- Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011 (Supplementary Guidance) February 2013. [Openness and Accountability in Local Pay - Feb 2013](#)
- Local government transparency code 2015  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/408386/150227\\_PUBLICATION\\_Final\\_LGTC\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf)

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# **PAY POLICY STATEMENT**

## **FOR THE FINANCIAL YEAR**

### **2022/2023**

### Statement of Pay Policy for the year 1 April 2022 to 31 March 2023

#### 1. Introduction

Sections 38 – 43 of the Localism Act 2011 require the Authority to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable.

This pay policy statement does not apply to employees of schools maintained by the Authority and is not required to do so.

In accordance with the provisions of the Localism Act 2011 this pay policy statement is required to be approved by a resolution of the Authority before it comes into force.

Once approved by the full Council, this policy statement will come into immediate effect, superseding the 2021/22 pay policy statement and will be reviewed annually.

#### 2. Definitions used in this Pay Policy Statement

All the posts below are collectively referred to as **Chief Officer**.

- **Chief Executive**, who is the Authority's **Head of the Paid Service** under section 4(1) Local Government and Housing Act 1989.
- **Statutory Chief Officers**, which in this Authority are:-
  - Strategic Director - Children's Services**
  - Strategic Director - Health & Wellbeing** who is the Authority's designated Director of Adult Social Services.
  - Director of Finance** who is the Authority's Chief Finance Officer under section 151 Local Government Act 1972 and section 6 Local Government and Housing Act 1989
  - Director of Legal & Governance** who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989.
  - Director of Public Health**
- **Non-statutory Chief Officers and Deputy Chief Officers**, which in this Authority are:-
  - All other Strategic Directors, Directors, Deputy Directors and Assistant Directors.

The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 1 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 5 below).

### 3. The Overall Approach to Pay and Remuneration

The Authority's overall approach to pay and remuneration for its employees is based on:

- Ensuring that the overall remuneration aligns with: -
  - The responsibilities and accountabilities of particular posts
  - Market norms for the local government and public sectors
  - Pay levels in the local area, including neighbouring public sector employers.

The Authority seeks to maintain this overall approach by carefully monitoring pay data provided by the Joint Negotiating Committees (JNCs) for Chief Officers and Chief Executives of Local Authorities, Local Government Association/Employers and other pay surveys.

### 4. Policy on Remunerating Chief Officers

#### **Policy on Remunerating the Chief Executive**

The Chief Executive is employed pursuant to the terms and conditions of employment of the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities as amended and supplemented by local agreements, decisions and the rules of the Council.

The Authority recognises that the role of Chief Executive is to lead the Authority's workforce, has the greatest level of accountability and so warrants the highest pay level in the Authority.

When setting the remuneration for the Chief Executive the Authority will compare the current salary of the post with comparable salaries for Chief Executives at councils of a similar size, type and location. Specialist advice will normally be sought on an appropriate starting salary.

The Chief Executive is employed on a defined salary (not a grade range) and this salary is increased in accordance with any nationally agreed pay awards as determined by the national Joint Negotiating Committee for Chief Executives of Local Authorities.

Salary of the Chief Executive as at 1 April 2021 is £197,547 p.a. which has been increased in accordance with the nationally agreed pay award as determined by the national Joint Negotiating Committee for Chief Executives of Local Authorities.

#### **Policy on Remunerating Other Chief Officers**

Chief Officers are employed pursuant to the terms and conditions of employment of the Joint Negotiating Committee (JNC) for Chief Officers as amended and supplemented by local agreements and decisions.

Grades for Chief Officer posts are determined through job evaluation which is a systematic way of determining the value of a job in relation to other jobs in the organisation and provides an analytical approach to evaluating the job value through allocating points to different factors (responsibilities and duties) of the job role, the total score of which equates to a grade range within the Authority's pay and grading structure for Chief Officers. These grade ranges are set out below.

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A grade range consists of a number of incremental salary points through which employees

## **Pay Policy Statement**

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may progress until the top of the grade is reached. Progression within each grade range will normally be by annual increment at 1 April each year until the top of the grade range is reached.

The grades and salary ranges as at 1 April 2021 are:

Strategic Director 1	£144,091 - £151,062 (SD1)
Strategic Director 2	£118,529 - £130,148 (SD2)
Director 1	£110,686 - £121,753 (Dir 1)
Assistant Director 1	£100,749 - £106,677 (AD1)
Assistant Director 2	£ 88,896 - £100,749 (AD2)
Assistant Director 3	£ 77,045 - £ 88,896 (AD3)

All the posts referred to as 'Chief Officer' for the purpose of this pay policy statement and the respective salary ranges are attached at Appendix B.

### **Other Aspects of Chief Officer Remuneration**

Other aspects of Chief Officer remuneration covered by this pay policy statement include the policies in respect of recruitment, pay increases, performance related pay, earn back (withholding an element of base salary related to performance), bonuses, ex gratia payments, honoraria (payment for increased duties and responsibilities), termination payments and re-employment when in receipt of a Local Government Pension Scheme (LGPS) pension or a redundancy/severance payment. These matters are addressed in the schedule that is attached to this pay policy statement at **Appendix A**.

### **Public Health**

Following the transfer of responsibility for public health to local authorities on 1 April 2013, those employees of the NHS assigned to the area transferring, transferred to the employment of the Authority and remain on their current terms and conditions of employment including salary and membership of the NHS pension scheme.

There are a number of the Public Health Consultants who report to the Director of Public Health on NHS pay rates which fall within the pay ranges assigned to JNC Chief Officers within the Council. As such, some or all of this pay policy statement may not apply to them.

### **Tax Avoidance Measures**

All chief officers are remunerated via monthly salary payments through PAYE. Appropriate tax and national insurance deductions are made in accordance with HMRC regulations and there are no arrangements in place for the purpose of minimising tax payments.

Where the Council is unable to recruit senior managers, or there is a need for interim support to provide cover for a substantive Chief Officer role, the Council will, where necessary, consider engaging individuals under a "contract for service". These will be sourced through a relevant procurement process ensuring the Council is able to demonstrate the maximum value for money benefits from competition. In these cases, appropriate tax and national insurance deductions will be assessed and deducted as required in accordance with HMRC regulations.

## **5. Policy on Remunerating the Lowest Paid Employees in the Workforce**

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## Pay Policy Statement

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Pay levels for specific posts are determined through a job evaluation system. Job Evaluation is a systematic way of determining the value of a job in relation to other jobs in the organisation. The job evaluation scheme provides an analytical approach to evaluating the job value through allocating points to different factors (responsibilities and duties) of the job role, the total score of which equates to a grade within the Authority's pay and grading structure. The Authority uses the National Joint Council Local Government Services Job Evaluation Scheme (the NJC Scheme) to evaluate all posts on Bands 1 to 8 (this covers spinal column points 1 to 22 of the NJC pay spine.)

The pay levels are increased in accordance with any nationally agreed pay awards as determined by the National Joint Council (NJC) for Local Government Services.

### Remuneration of Lowest Paid Employees

- a. The lowest pay point in this Authority as at 1 April 2021 is spinal column point 1 which relates to an annual full time salary of £18,333 p.a. and can be expressed as an hourly rate of pay of £9.50. This pay point and salary is the lowest pay point routinely used by the Authority for its substantive roles determined by the Authority as part of its pay and grading structure for employees employed on Local Government Services Terms and Conditions. This is the definition of the "lowest paid employees" adopted by the Authority for the purposes of this Pay Policy Statement and is only increased in accordance with any nationally agreed pay awards as determined by the NJC for Local Government Services. The Council adopted the then current level of the Living Wage Foundation voluntary living wage rate of £9.50 per hour with effect from 1<sup>st</sup> April 2021. This did not have an impact in the last year as the NJC rate of pay for SCP1 was subsequently increased to the same level of £9.50 per hour from 1<sup>st</sup> April 2021.
- b. There is no bonus pay.
- c. Additional allowances or other payments are made in connection with an employee's pattern of hours e.g. shift work, but these are only paid in accordance with the terms and conditions of employment that have been negotiated and agreed through appropriate collective bargaining mechanisms (national or local) or as a consequence of Authority decisions.
- d. There are no benefits in kind.
- e. Redundancy payments are paid in accordance with the Authority's Discretionary Compensation Policy. [Discretionary Compensation Policy.doc](#)
- f. Based on the application of the job evaluation process, the Council uses the nationally negotiated, National Joint Council (NJC) pay spine as the basis for its local grading structure for all posts graded up to and including Band 8 (this covers spinal column points 1 to 22 of the NJC pay spine.)

### 6. Policy on the Relationship between Chief Officer Remuneration and that of Other Staff

This section sets out the Authority's overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation, including the current pay multiple which applies within the Authority.

The Authority believes that the principle of fair pay is important to the provision of high quality and well-managed services and is committed to ensuring fairness and equity in its remuneration practices. The Authority's pay policies, processes and procedures are designed to ensure that pay levels are appropriately aligned with, and properly reflect, the relative demands and responsibilities of each post and the knowledge, skills and capabilities

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## **Pay Policy Statement**

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necessary to ensure that the post's duties are undertaken to the required standard, as well as taking account of relevant market considerations, if necessary. This includes ensuring that there is an appropriate relationship between the pay levels of its senior managers and of all other employees.

The Local Government Transparency Code 2015 requires the Authority to publish its 'pay multiple', i.e. the ratio between the highest paid salary and the median average salary of the whole of the Authority's workforce. Guidance issued under the Localism Act 2011 recommends that the 'pay multiple' is included in the Authority's pay policy statement.

From 1 April 2021 the highest paid salary in this Authority is £197,547 p.a. which is paid to the Chief Executive. The median average salary in this Authority (not including employees in schools maintained by the Authority) is £23,212 p.a. The ratio between the two salaries, the 'pay multiple' is 8.5:1. This Authority does not have a policy on maintaining or reaching a specific 'pay multiple', however the Authority is conscious of the need to ensure that the salary of the highest paid employee is not excessive and is consistent with the needs of the Authority as expressed in this pay policy statement.

### **7. Approval of New Posts with a Salary Package of £100,000 p.a. or more**

All the posts referred to as 'Chief Officer' for the purpose of this pay policy statement and the respective salary ranges are attached at Appendix B.

The Authority will ensure that full Council must approve any salary package of £100,000 p.a. or more before it is offered in respect of a new post not listed in Appendix B or if it is proposed to pay more than the top of the salary range for an existing post in Appendix B (excluding pay awards) unless paragraph 9 of this pay policy statement applies. This does not apply to offers of appointment made to employees employed in schools maintained by the Authority. The salary package will be defined as base salary, routinely payable allowances and any benefits in kind that are due under the contract.

### **8. Severance Payments for Chief Officers**

If the Council is considering making a severance payment to a Chief Officer the decision as to whether such a payment should be made will be taken by Staffing Committee or a sub-committee of Staffing Committee both of which are sub-committees of full Council provided that if the proposed severance payment is £100,000 or more, (excluding accrued pension rights) then the decision as to whether the payment should be made will be taken by full Council.

### **9. Flexibility to Address Recruitment Issues for Vacant Posts**

In the vast majority of circumstances, the provisions of this pay policy statement will enable the Authority to ensure that it can recruit effectively to any vacant post. There may be exceptional circumstances when there are recruitment difficulties for a particular post and where there is evidence that an element of the overall remuneration is not sufficient to secure an effective appointment. This pay policy statement recognises that this situation may arise in exceptional circumstances and therefore a departure from this policy can be implemented without having to seek full Council approval for a change of the pay policy statement. Such a departure from this pay policy statement will be expressly justified in each case and will be approved through an appropriate Authority decision making process.

### **10. Amendments to the Policy**



## **Pay Policy Statement**

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If a major change to this pay policy statement is considered to be appropriate during the year, then a revised draft pay policy statement will be presented to full Council for consideration.

### **11. Policy for Future Years**

This pay policy statement will be reviewed each year and will be presented to full Council each year for consideration in order to ensure that a policy is in place for the Authority prior to the start of each financial year.

### **12. Publication**

The Authority will publish this pay policy statement on its website ([www.bradford.gov.uk](http://www.bradford.gov.uk)) as soon as is reasonably practicable after it has been approved by Council. Any subsequent amendments to this pay policy statement made during the financial year to which it relates will also be similarly published. The Authority currently publishes information on Chief Officer Remuneration in its Annual Statement of Accounts in accordance with the requirements of the Accounts and Audit Regulations 2015 and the Local Government Transparency Code 2015 [Statement of Accounts | Bradford Council](#)

**Other Aspects of Chief Officer Remuneration**

<b>Aspect of Chief Officer Remuneration</b>	<b>Authority Policy</b>
Recruitment	The post will be advertised and appointed to at the appropriate approved salary grade and salary range for the post in question (as set out in Section 4 and Appendix B) unless there is good evidence that a successful appointment of a person with the required skills, knowledge, experience, abilities and qualities cannot be made without varying the overall remuneration. In such circumstances a variation to the remuneration package may be appropriate under the Authority's pay policy statement and any variation will be approved through the appropriate decision making process. The Authority has a relocation scheme that provides assistance to all new employees including Chief Officers meeting the relocation criteria up to a maximum of £5,750.
Pay Increases	The Authority will apply any pay increases that are determined by relevant national negotiating bodies.
Performance Related Pay	The terms of the contract of employment do not provide for performance related pay.
Earn-Back (Withholding an element of base salary related to performance)	The terms of the contract of employment do not provide for an element of base salary to be withheld related to performance. Any areas of underperformance are addressed in accordance with relevant Authority procedure.
Bonuses	The terms of the contract of employment do not provide for the payment of bonuses.
Ex-Gratia Payments	The Authority does not make ex gratia payments.
Honoraria	Honoraria payments are additional payments paid to employees for increased duties and responsibilities. Honoraria will only be considered where employees take on additional duties and responsibilities beyond the remit of their substantive role and would be subject to approval through the appropriate decision making process.
Expenses	The Authority pays reasonable out-of-pocket expenses actually incurred.
Local Government Pension Scheme (LGPS)	<p>The Authority provides access to the Local Government Pension Scheme for Chief Officers in accordance with the statutory provisions of the scheme.</p> <p>The employer's contribution rate for all Authority employees who are members of the LGPS is currently 17.1% (at 1 April 2022) of salary and is set by actuarial valuation of the West Yorkshire Pension Fund every 3 years. How much employees pay themselves in pension scheme contributions depends on how much they earn. The employee contribution rates from 1 April 2022 are:</p> <p>Employees earning up to £15,000 contribute 5.5%            Employees earning between £15,001 and £23,600 contribute 5.8%            Employees earning between £23,601 and £38,300 contribute 6.5%            Employees earning between £38,301 and £48,500 contribute 6.8%            Employees earning between £48,501 and £67,900 contribute 8.5%            Employees earning between £67,901 and £96,200 contribute 9.9%            Employees earning between £96,201 and £113,400 contribute 10.5%.            Employees earning between £113,401 and £170,100 contribute 11.4%.            Employees earning more than £170,101 contribute 12.5%.</p>

## Pay Policy Statement

Aspect of Chief Officer Remuneration	Authority Policy
Termination Payments and payment of pension benefits on termination	<p>There are no separate provisions for termination payments for Chief Officers. Redundancy payments will be paid in accordance with the Authority's <a href="#">Discretionary Compensation Policy.doc</a></p> <p>The Authority has agreed written policies on how it will apply any discretionary powers it has under the LGPS regulations. The Authority's policies are provided at <a href="#">LGPS Pension Discretion Policy Statements</a>. There are no separate policies for Chief Officers.</p> <p>Other than payments referred to above the Authority's policy is not to make any other termination payments, other than where it has received specific legal advice to the effect that a payment may be necessary in appropriate cases to eliminate risk of successful legal claims or to settle legal proceedings against the Authority.</p>
Election Fees	<p>The Chief Executive receives fee payments pursuant to his/her appointment as Returning Officer at national elections. The fees paid in respect of national elections vary according to the size of the electorate and number of postal voters and are calculated in accordance with an allowance set by central government. Fee payments for national elections are, in effect, not paid by the Authority as the fees are reclaimed.</p> <p>The Chief Executive does not receive any additional payment for the role of Returning Officer for local government elections.</p> <p>Separate payments set by the Authority are made to the Director of Legal &amp; Governance as Deputy Returning Officer, in accordance with the same principles for the Returning Officer as described above.</p> <p>The amounts paid are published on the Authority's website in the Annual Statement of Accounts in accordance with the requirements of The Accounts and Audit Regulations 2015. <a href="#">Statement of Accounts   Bradford Council</a></p>
Re-employment of Chief Officers in receipt of a LGPS Pension or a redundancy/ severance payment	<p>The Authority is under a statutory duty to appoint on merit (section 7 Local Government and Housing Act 1989) and has to ensure that it complies with all appropriate employment and equalities legislation. The Authority will always seek to appoint the best available candidate who has the skills, knowledge, experience, abilities and qualities needed for the post. The Authority will therefore consider all applications from candidates to try to ensure the best available candidate is appointed. If a candidate is a former employee in receipt of a LGPS pension or a redundancy payment this will not rule a candidate out from being re-employed by the Authority. If a former employee leaves the Authority by reason of redundancy the individual cannot be reappointed to their old post as it will not exist. The Authority will apply the provisions of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 regarding the recovery of redundancy payments where appropriate. Pension Regulations also contain provisions to reduce pension payments in certain circumstances to those in receipt of a pension who return to work within the local government service.</p>
Car allowance payment	Chief Officers will be paid Car Allowances in accordance with HMRC rates.
Provision of Mobile Telephones/Communication device/ICT equipment	Where appropriate these will be provided for business use and any work related costs will be met by the Authority.
Professional subscriptions	A professional subscription is only paid if membership is required by statute.

SENIOR MANAGEMENT STRUCTURE AND SALARY RANGES AT 1/4/21

JOB TITLE	GRADE	SALARY RANGE
Chief Executive	CEX	£197,547
SD Corporate Resources	SD1	£144,091 - £151,062
SD Children's Services	SD1	£144,091 - £151,062
SD Health & Wellbeing	SD1	£144,091 - £151,062
SD Place	SD1	£144,091 - £151,062
<b>CHIEF EXECUTIVE'S OFFICE</b>		
Director of West Yorkshire Pension Fund	Director 1	£110,686 - £121,753
Deputy Director of Investments	AD2	£88,896 - £100,749
AD of Investments (UK, Overseas, Alternatives) (3)	AD3	£77,045 - £88,896
AD Finance, Admin and Governance	AD3	£77,045 - £88,896
AD Office of the Chief Executive	AD2	£88,896 - £100,749
<b>CORPORATE RESOURCES</b>		
Director of Legal & Governance	AD1	£100,749 - £106,677
Director of Finance	AD1	£100,749 - £106,677
Director of Human Resources	AD1	£100,749 - £106,677
AD Revenue & Benefits	AD3	£77,045 - £88,896
AD Information Services	AD3	£77,045 - £88,896
AD Estates & Property	AD2	£88,896 - £100,749
<b>CHILDREN'S SERVICES</b>		
Deputy Director Children's Social Care	AD1	£100,749 - £106,677
Deputy Director Education & Learning	AD1	£100,749 - £106,677
AD Performance, Commissioning & Partnerships	AD2	£88,896 - £100,749
<b>HEALTH &amp; WELLBEING</b>		
AD Operational Services	AD2	£88,896 - £100,749
AD Commissioning & Integration	AD2	£88,896 - £100,749
Director of Public Health	AD1	£100,749 - £106,677
Programme Director Mental Health Temp 0.65FTE	AD2	£57,782 - £65,487
<b>PLACE</b>		
AD Waste, Fleet & Transport Services	AD2	£88,896 - £100,749
AD Sport & Culture	AD2	£88,896 - £100,749
AD Neighbourhoods & Customer Services	AD2	£88,896 - £100,749
AD Economy & Development Services	AD2	£88,896 - £100,749
AD Planning, Transportation & Highways	AD2	£88,896 - £100,749
Air Quality Programme Director (Temporary)	AD3	£77,045 - £88,896