



# COUNCIL

## SUMMONS

To the Mayor and Members of Carlisle City Council

You are summoned to attend the Meeting of Carlisle City Council which will be held on **Tuesday, 27 April 2021 at 18:45**, **This meeting will be a virtual meeting and therefore will not take place in a physical location.**

Corporate Director of Governance and Regulatory Services

## AGENDA

### **Virtual Meeting - Link to View**

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

[To view the meeting online click this link](#)

1. **The Mayor will invite the Chaplain to say prayers.**

2. **Register of Attendance and Declarations of Interest**

The Town Clerk and Chief Executive will open the meeting by calling the roll; and at the same time Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

**3. His Royal Highness The Prince Philip, Duke of Edinburgh**

The Council will be asked to pay its respects to mark the passing of His Royal Highness The Prince Philip, Duke of Edinburgh.

**4. Minutes**

The Council will be asked to receive the Minutes of the meetings of the City Council held on 17 and 23 February; and 2 March 2021.

**5. Public and Press**

To determine whether any of the items of business within Part A of the Agenda should be dealt with when the public and press are excluded from the meeting.

To determine whether any of the items of business within Part B of the Agenda should be dealt with when the public and press are present.

**6. Announcements**

- (i) To receive any announcements from the Mayor
- (ii) To receive any announcements from the Leader of the Council
- (iii) To receive any announcements from Members of the Executive
- (iv) To receive any announcements from the Town Clerk and Chief Executive

**7. Questions by Members of the Public**

Pursuant to Procedure Rule 10.1, the Corporate Director of Governance and Regulatory Services to report that no questions have been submitted on notice by members of the public.

**8. Presentation of Petitions and Deputations**

Pursuant to Procedure Rule 10.11, the Corporate Director of Governance and Regulatory Services to report that no petitions or deputations have been submitted by members of the public.

**9. Questions from Members of the Council**

Pursuant to Procedure Rule 11.2, the Corporate Director of Governance and Regulatory Services to report that no questions have been submitted on notice by Members of the City Council

**10. Minutes of the Executive**

The Council will be requested to receive the Minutes of the meetings of the Executive held on 8 March and 6 April 2021 and ask questions of the Leader and Portfolio Holders on those Minutes.

## **11. Executive - Portfolio Holder Reports**

The Council will be asked to receive reports from the following Portfolio Holders:

- |  |                |
|--|----------------|
| <b>(i) <u>Culture, Heritage and Leisure</u></b>      | <b>7 - 8</b>   |
| <b>(ii) <u>Communities, Health and Wellbeing</u></b> | <b>9 - 12</b>  |
| <b>(iii) <u>Environment and Transport</u></b>        | <b>13 - 16</b> |
| <b>(iv) <u>Economy, Enterprise and Housing</u></b>   | <b>17 - 20</b> |
| <b>(v) <u>Finance, Governance and Resources</u></b>  | <b>21 - 22</b> |
| <b>(vi) <u>Leader's Portfolio</u></b>                | <b>23 - 24</b> |
- and ask questions of the Leader and Portfolio Holders on those reports.  
(Copy Reports herewith)

## **12. Minutes**

The Council will be asked to receive the Minutes of the meetings as detailed within Minute Book Volume 47(6); and ask questions of the Leader, Portfolio Holders and Committee Chairs.

For ease of reference the Minutes are:

Committee	Meeting Date
Health and Wellbeing Scrutiny Panel	25 February 2021
Business and Transformation Scrutiny Panel	18 February 2021
Economic Growth Scrutiny Panel	4 March 2021

Regulatory Panel	24 February 2021
Development Control Committee	17 and 19 February 2021
Audit Committee	15 March 2021
Standards Committee	31 March 2021

### 13. **Scrutiny**

The Council will be asked to receive reports from the following:

(i) **Chair and Vice-Chair of the Health and Wellbeing Scrutiny Panel** **25 - 30**

(ii) **Chair of the Business and Transformation Scrutiny Panel** **31 - 32**

(iii) **Chair and Vice-Chair of the Economic Growth Scrutiny Panel** **33 - 36**  
(Copy Reports herewith)

14. **Scrutiny Annual Report 2020/21** **37 - 52**

To consider the Annual Report of the Scrutiny Panels for 2020/21 as required under Article 6 of the Council's Constitution.  
(Copy Report OS.13/21 herewith / Minute Extracts to follow)

### 15. **Notice of Motion**

Pursuant to Procedure Rule 12, the Corporate Director of Governance and Regulatory Services to report that no motions have been submitted on notice by Members of the Council.

16. **Audit Committee's Annual Report** **53 - 70**

To consider the Annual Report of the Audit Committee.  
(Copy Report RD.62/20 and Minute Extract herewith)

- |     |  |                  |
|-----|--|------------------|
| 17. | <b><u>Appointment of Independent Person</u></b>  | <b>71 - 76</b>   |
|     | <p>Pursuant to Minute ST.05/21, to consider a recommendation from the Standards Committee concerning the continuance of the term of office for the Council's two Independent Persons.<br/>(Copy Report GD.30/21 and Minute Extract herewith)</p>   |                  |
| 18. | <b><u>Carlisle City Council Code of Conduct, Arrangements and Guidance Revision</u></b>  | <b>77 - 142</b>  |
|     | <p>Pursuant to Minute ST.06/21, to consider a recommendation from the Standards Committee that Council adopts from the date of today's meeting the LGA Code of Conduct (as amended), the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance, as set out in report GD.31/21.<br/>(Copy Report GD.31/21 and Minute Extract herewith)</p> |                  |
| 19. | <b><u>Extension of Interim Chief Executive Arrangements with Eden District Council</u></b>   | <b>143 - 144</b> |
|     | <p>To consider a report of the Town Clerk and Chief Executive concerning the extension of interim Chief Executive arrangements with Eden District Council.<br/>(Copy Report CE.02/21 herewith)</p>   |                  |
| 20. | <b><u>Operation of the Provisions Relating to Call-in and Urgency</u></b>  | <b>145 - 156</b> |
|     | <p>Pursuant to Overview and Scrutiny Procedure Rule 15(i) and Access to Information Procedure Rule 17.3, the Corporate Director of Governance and Regulatory Services to report on the operation of call-in and urgency procedures over the past year.<br/>(Copy Report GD.29/21 herewith)</p>   |                  |
| 21. | <b><u>Communications</u></b>   |                  |
|     | <p>To receive and consider communications and to deal with such other business as may be brought forward by the Mayor as a matter of urgency, in accordance with Procedure Rule 2.1(xv) to pass such resolution or resolutions thereon as may be considered expedient or desirable.</p>  |                  |

**PART 'B'**  
**To be considered in private**

- NIL -

Meeting Date: 27th April 2021

Public/Private\*: Public

Title: **Culture, Heritage & Leisure Portfolio Holder's Report –  
Councillor Stephen Higgs**

## **CULTURE AND EVENTS**

A COVID recovery plan has been developed which sets out actions for the next twelve months. This includes supporting the re-opening of high streets, new promotional videos, the introduction of a Cumbria Residents Week in October, and re-starting the events programme. A new promotional video for 2021 is in final production and will go live via the Discover Carlisle social media channels and website shortly. Planning for the 2021 Armed Forces Day has commenced, and the event will take place on 26<sup>th</sup> June if restrictions allow. The Discover Carlisle team has been supporting a local tour guide on the production of virtual city tours during this lockdown.

### **Bitts Park Cultural & Creative Village**

Preparations for the construction of the Bitts Park Cultural and Creative Village are well underway following planning approval for the project in late March. Used shipping containers, which will form the infrastructure of the development, have already been purchased and are awaiting conversion by specialist suppliers. Local contractors will soon occupy the site at Bitts Park to begin groundworks, utilities connections, surfacing and landscaping.

### **Local Cultural Education Partnership (LCEP)**

This partnership is focused on developing ways of engaging young people in a more socially aware, creative way and is a collaboration with Tullie House, University of Cumbria, 'Curious Minds' and the City Council. The next steps are to engage with the local schools' council to encourage them to become part of this initiative and to help us to engage with as wide an audience as possible.

### **Trinity Underpass**

Subject to Covid-19 restrictions, we will work with Trinity School and Probation Services in the re-painting of the Trinity subway in June this year. The pupils have been given a brief to create a piece of art which has a positive environmental message attached.

### **SPORTS AND LEISURE SERVICES**

Carlisle City Council successfully applied for a £235,000 National Leisure Recovery Fund Grant on behalf of leisure facilities in Carlisle. The funding will be used to support Carlisle City Council owned facilities (The Sands Centre, The Pools and The Sheepmount) and two other facilities operated by GLL.

### **Carlisle Holidays and Activity Partnership (CHAP)**

Through the CHAP group Carlisle City Council is supporting local community groups and third sector organisations to develop a co-ordinated and strategic approach to holiday provision across the City and District, both for Summer 2021 and in the longer term.

### **TULLIE HOUSE**

On Tuesday, 18<sup>th</sup> May, subject to Government approval, TH will be re-opening with a new exhibition in the Art Gallery: 'Driggsby, A Whale's Tale' is a family-friendly interactive exhibition that explores the life of Driggsby the Fin Whale, one of the most popular displays. The exhibition will run throughout the summer holidays.

TH was successful in its application to Arts Council England's Thriving Communities fund, one of just 37 selected nationally and the only one in Cumbria. TH is the lead organisation for this multi-sector partnership project which will see TH, Carlisle City Council, Cumbria Wildlife Trust, Prism Arts, Susie Tate, NCIC & Carlisle Healthcare develop, pilot and deliver social prescribing programmes in indoor and outdoor spaces across the City. This is a fantastic result for Carlisle and will see our City's reputation for social prescribing and arts, health and wellbeing raised at a national level.

### **CUMBRIA'S MUSEUM OF MILITARY LIFE**

If there are no further changes to the Government's roadmap the Museum will be re-opening on Monday, 17<sup>th</sup> May, operating a joint ticket system with English Heritage. Outdoor activities are planned within the Castle site to engage visitors to the Castle/Museum in the summer months.



Meeting Date: 27th April 2021

Public/Private\*: Public

Title: **Communities, Health and Wellbeing Portfolio Holder's Report –  
Councillor Elizabeth Mallinson**

## **CUSTOMER SERVICES**

We have been reviewing last year's interaction totals to understand the impact of the Coronavirus Pandemic on both demand and any potential channel shift (customers using different methods to contact us).

We have compared the 2019/20 and 2020/21 financial years. Fortunately, our first day working from home was 1<sup>st</sup> April 2020 which has aided direct comparisons.

### **Phone Interactions**

2019/20 – 85,921

2020/21 – 148,678

Demand increase – **73%**

### **Emails**

2019/20 -12,718

2020/2021 – 23,006

Demand increase – **81%**

The increase in demand is largely due to being the first point of contact for business grants and isolation payments. Council Tax payment arrangements and main billing have also impacted demand. We have managed to resource this increase due to the Contact Centre being closed, along with several team members volunteering for additional hours requests in particularly busy periods.

The Customer Service Team have shown incredible resilience over the past year. Not only have we had our busiest year on record, but it has all been done from home, without dropping a minute's service throughout the Pandemic.

## **HOMELIFE**

Homelife will be starting to deliver our Warm and Adapted Homes Scheme from April which aims to offer energy advice and small-scale draught proofing measures and carbon monoxide alarms to DFG recipients. This new scheme is funded by Foundations Independent Living Trust charity (FILT).

## **WHO CARLISLE HEALTH FORUM**

The last meetings focused on the following areas:

- Key Covid Public Health, Community and the latest data updates (and the impact in Carlisle)
- Electricity North West – Priority Services Register and Protecting GP surgeries and Pharmacies on the Business Priority Services Register to ensure key services are maintained
- WHO European Region Annual Business meeting
- Local Covid Research and a discussion about how learning can shape practice and policy
- Mental Health
- Healthy Weight – a paper is being pulled together around the current provision and position of the health weight agenda with support from partners
- Sharing of the latest guidance, funding and policy information

## **CARLISLE COMMUNITY RESILIENCE GROUP**

Carlisle Community Resilience Group was established in March 2020, working with Partners to support resilience work, recovery and cascade key information with a wide range of Community Partners, Organisations and Groups remains jointly chaired by Cumbria County Council and Carlisle City Council.

Sub-groups are working on key themed areas which will link to recovery. These sub-groups have been carefully structured by data and consultation with stakeholders:-

- Children & Families
- Communities Emergency Response Groups
- Health & Wellbeing
- Welfare & Hardship

## **DEFENCE EMPLOYER RECOGNITION SCHEME**

The Council has submitted its application for the Gold Award of the Defence Employer Recognition Scheme. This scheme encourages employers to demonstrate and advocate support to defence and the armed forces community, and align their values with the [Armed Forces Covenant](#).

The Council achieved the Silver Award in August 2020 and continues to support work with the armed forces community across the District. Applications will be assessed by a national level selection board and the results announced later this year.

## **HEALTHY CITY TEAM**

### **Thriving Communities Fund**

The Healthy City Team forms part of a 'North Cumbria Arts, Health & Wellbeing Partnership' which was successful in being awarded £50,000 from the Thriving Communities Fund.

The partnership is made up of the City Council, Tullie House Museum & Art Gallery, North Cumbria Integrated Care Foundation Trust, Carlisle Healthcare, Prism Arts, Susie Tate Projects and Cumbria Wildlife Trust. They will be working with other partners to increase the uptake of social prescribing to help improve the health and resilience of communities most impacted by the COVID-19 pandemic.

### **Community Centres**

We are currently working with the Federation of Carlisle Community Centres to develop family days in four different areas on each Sunday in July. The centres currently involved are Brampton, Morton, Harraby and Longtown.

The day will bring together many partners to deliver healthy, sporting, cultural and signposting opportunities. Already on board are members of the NHS, the local Police Force, Carlisle United, Tullie House, Multi-Cultural Carlisle, the Army, the Fire Service. Other potential partners including local sports, who we hope will be able to encourage more participants.

### **Space to Talk Partnership**

A training model has been put together by partners and is currently being reviewed by volunteers from a variety of organisations before being distributed to various interested parties. Once finalised, the training package will then allow 'Space to Talk' to reach many more communities throughout the County and further afield.

### **Food Carlisle**

A £10,000 food resilience grant was awarded to the partnership from Sustainable Food Places. This will be used to support the Affordable Food Hubs (AFHs), food banks and local growing projects in becoming more sustainable in the longer term. Food Carlisle is also part of a small group deciding how to best monitor social impact of AFH's.

The food partnership are developing a project to work alongside the various Community Centres to pilot a local healthy food scheme later this year.

### **Play Areas**

There are two refurbishment projects happening during this current period:

- Cummersdale Play Area - repairs to existing swings and resurface the whole site with new wet pour rubber surfacing
- Hadrian's Gardens Play Area, off Brampton Old Road - refurbish an existing swing frame and provide all new surfacing utilising long lasting hard wood play chip



Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Environment & Transport Portfolio Holder's Report –  
Councillor Nigel Christian**

## **NEIGHBOURHOOD SERVICES**

The Enforcement Team have adopted new powers to request drivers of parked vehicles to switch off their engines to reduce harmful emissions from engine idling. The Team will be focussing their efforts in the city centre initially but have also been in discussion with interested schools to reduce emissions from parents parked when dropping off / picking up children. New signage has been produced and this action has also received positive coverage through the local media. We hope to see a positive change in the behaviour of some drivers as awareness of this issue grows. Officers will however take enforcement action where needed; an offence is committed should a driver fail to switch off their engine when requested to do so by an Officer. The Parking and Enforcement Team are keen to hear from any Members on suggested locations for signage or increased patrols so this can be programmed in amongst the many other activities carried out by this Team. Any queries, please email [enforcement@carlisle.gov.uk](mailto:enforcement@carlisle.gov.uk)

Following the Christmas campaign to reduce the incidence of fly-tipping at recycling sites, 81 investigations have now been carried out resulting in 36 fixed penalty notices (fines) issued. A further five interviews are scheduled. In addition, over 120 warning letters have been issued.

Executive confirmed the release of £60,000 additional funding, approved by Council, to support clean-up and enforcement. This will fund for a further year the appointment of an additional Civil Enforcement Officer as well as providing additional staffing resources to support the Clean Neighbourhoods Team at key times of the year as well as supporting additional planned litter clearance activity from roadside verges. The funding will also support new awareness raising campaigns to target the stubborn problem of dog fouling with the potential to involve school children in a competition to design new posters for dog fouling and littering.

The camera van continues to carry out its programmed patrols and has raised its profile in a number of areas where issues have been raised. We welcome reports of any areas that should be considered.

Since April 2020 we have issued the following:–

OFFENCE	NUMBER OF NOTICES ISSUED
Litter	60
Fly tipping	27
Dog fouling	4
Dog off lead in a designated area	2
Household duty of care (passing their waste onto an unauthorised person)	2
Microchipping	50
Breach of a community protection notice	9
Abandoned vehicle	1

The Enforcement Team also have 34 prosecutions awaiting to be heard in the Magistrates Court for the past year. Members will be aware of the current pressure on the Court system in bringing cases forward.

### **NEW CHARGES ETC**

Members are reminded that from 1<sup>st</sup> April 2021, residents now have the option to purchase a new 180l bin size for £20 as opposed to a 240l bin for £40 or the 140l bin for £16. The new 180l size is three quarter the size of the 240l bin that will be familiar to most. This new bin represents a more achievable step down for families keen to reduce their household waste, increase recycling, support the climate change strategy and provide a cheaper alternative for replacement bins.

Members will also be aware that residents will now also be able to apply to purchase a second garden waste bin. Applications will be reviewed to determine if there is capacity on the round to approve the award of the second additional bin, taking into account the pressures and demands on the individual collection round that day.

Residents can now also take advantage of a more flexible bulky waste offer. Bulky waste items can be collected for a charge of £25.00 for the first three, plus £5.00 for each additional item up to a maximum of six items. Four bulky items therefore now costs £30.00. Previously, residents would have had to pay £50.00.

### **WORKPLACE TESTING OF STAFF**

Staff in Neighbourhood Services have taken advantage of workplace Lateral Flow Covid Testing in recent weeks. This has allowed a return to more typical working arrangements and allowed the Waste Team in particular to return to three-in-a-cab working with the confidence that staff have all returned a negative test. Members will be aware that for the last year, the service has operated with two-in-a-cab with the second loader using a pool car or shuttle bus to travel around. I would like to place on record my thanks for the fantastic effort and resilience of our frontline teams throughout this pandemic. And,

thanks to the small team of volunteers (Council Staff) for supporting the testing process for our teams.

## **REGULATORY SERVICES**

Rules and practices to keep us safe from Covid infections have dominated our lives over the last year. Regulatory Services have been responsible for the enforcement of most of the business Covid controls. Since March last year 512 complaints or enquires have been responded to by Regulatory Services in relation to the new Covid requirements. From October 2020 Regulatory Services has reported its enforcement activities to the Cumbria Enforcement Subgroup, a group set up from the Health Protection Board. Since October the Service has reported a total of 1,019 business contacts, including 824 visits and 195 records of advice following these visits. Despite the large amount of proactive activity only 12 Statutory Notices have had to be issued, these include: 5 Prohibition Notices for businesses operating when they should be closed; 1 Immediate Restriction Notice issued for serious Covid control concerns; 1 Improvement Notice, and 5 fixed penalty notices. I am grateful to the vast majority of businesses who have complied over this challenging time.

## **CLIMATE CHANGE**

On April 22<sup>nd</sup> is Earth Day, an event aimed at promoting environmental and ecological awareness, around the world. Members of the Advisory Group (MAG) on Environment (Climate Change) will meet with our colleagues from Carlisle, Pennsylvania that day to share ideas. This follows a meeting at the end of March where Officers and Members introduced our Environment (Climate Change) Strategy and our plans for the Garden Village. The latter in particular was well received.

## **GREEN SPACES**

Tree work at the Swifts Urban Nature Site plus removal of non-native shrub species, was completed in early March. The timber arising from these operations will be removed from site when ground conditions allow for use as bio-energy. This fits into the wider work that the team does across the district in managing sites for biodiversity e.g. - woodland and meadows at Talkin Tarn and Kingmoor Nature Reserves, Yellow Hay Rattle Meadow at Chances Park and Conservation grass areas in closed churchyards, cemeteries and parks throughout the district.

## **BEREAVEMENT SERVICES**

Government guidance continues to affect the provision of funeral services and we continue to have restrictions in place. During February and March, the service was working at near capacity. The live streaming has proved very popular with approximately 70% of families taking advantage of the service.





Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Economy, Enterprise & Housing Portfolio Holder's Report –  
Councillor Paul Nedved**

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### **ST CUTHBERT'S GARDEN VILLAGE**

Once adopted, the St Cuthbert's Local Plan will be the primary document by which future planning applications will be assessed. The Strategic Design Supplementary Planning Document (SPD) will provide advice and guidance to potential applications that come forward within the Garden Village ahead of the Plan's adoption.

Following consultation on both documents in November/December 2020, those comments submitted to the draft SPD have now be assessed and the necessary amendments made. The final document was subsequently adopted by Executive on 6<sup>th</sup> April.

Work continues to assess those comments submitted to the Local Plan and we are now also pulling together a detailed work programme to deliver a range of supporting evidence to further inform the Plan's formal advancement to its next stages. St Cuthbert's Members Advisory Group has met regularly and is actively involved in the work programme.

Following Cumbria County Council's approval of the Carlisle Southern Link Road in November 2020, a Compulsory Purchase Order (CPO) inquiry will now commence on 14<sup>th</sup> June 2021 and completion of this road is programmed to be completed in 2024.

### **FUTURE HIGH STREET FUND**

- The Ministry for Housing Communities and Local Government (MHCLG) has confirmed that the City Council has been successful in securing £9.1m from the Future High Street Fund (FHSF)

- The FHSF programme will run for the next three years: starting in 2021-22 until 2023-24
- Carlisle's FHSF programme consists of four projects:
  - Redevelopment of the Central Plaza site
  - Creation of a meeting / events space Market Square (Old Town Hall / Green Market)
  - Environmental improvements / pedestrian prioritisation on Devonshire Street
  - Repurposing of 6 - 24 Castle Street
- The next stage in the process is to commence the next stage of project development and begin to plan for delivery. The City Council will be working in partnership with Cumbria County Council on the development and delivery of the Market Square and Devonshire Street projects

## TOWN DEAL

- The Ministry for Housing Communities and Local Government (MHCLG) has confirmed that the City Council has been successful in securing £19.7m from the Town Deal programme
- The Heads of Term offer of £19.7m has been accepted and the next stage is for the Council and the Town Deal Board to confirm the projects to be included in the programme. The MHCLG require this confirmation
- Once the projects and programme for the Town Deal have been agreed, there will be a 12-month period for the production of the business cases required to release the funding for the individual projects

## PROJECTS

**Business Support:** The Facebook Group 'Small Business Support Carlisle' was established at the end of May 2020 and is supported by Carlisle Ambassadors. Membership has now exceeded 4,200 made up of small and medium Carlisle businesses. The group provides businesses with a place to find information, share best practice, do business and promote themselves to each other.

### Buy Local Carlisle Project

The Buy Local Carlisle Project started just before Christmas 2020 and has delivered one to one mentoring to 60 Carlisle businesses. The project also established a web directory for Carlisle businesses which can be found at [www.buylocalcarlisle.co.uk](http://www.buylocalcarlisle.co.uk). To date 320 local businesses have registered on the platform which allows business to business engagement and customer searches to take place. This gives us all the ability to buy local and protect our local business economy and supply chain.

## COVID-19 AND IMPACT ON CARLISLE'S ECONOMY

- The City Council commissioned specialist support to undertake a detailed study on the short, medium and longer-term impacts of COVID-19 on the national and

local economy and key employment sectors within the District – both urban and rural

- This piece of work has been fed directly into the Future High Street Fund business and Town Deal submissions to demonstrate that the identified projects addresses the challenges presented by the COVID-19 pandemic

The Council has now commissioned the preparation of an investment framework for responding to COVID-19 in Carlisle city centre. This will be shared with Members for comment in the coming weeks for consideration and feedback.

## **ECONOMIC STRATEGY**

- Good progress on the development of the Council's Economic Strategy continues to be made and the COVID-19 studies have informed the approach
- The Strategy has been considered by Members, who have agreed the strategic priorities, which are:
  - Driving the recovery from Covid-19
  - Levelling up our communities
  - Delivering clean, green growth
- Six objectives for the Strategy have been agreed:
  1. Driving housing and population growth
  2. Growing our target employment sectors and levelling up our skills base and productivity
  3. Increasing city centre vibrancy
  4. Enhancing digital and transport connectivity
  5. Supporting rural development and innovation
  6. Raising the profile of Carlisle as a place to invest and do business in and to live, work and visit

## **REGULATORY SERVICES**

**The Warm Homes Fund Project**, to offer funded gas connections and funded first time central heating, has been successfully delivered despite delays due to the pandemic. Through this project, Homelife HIA delivered 120 first time central heating systems, 195 other measures including 146 gas grid connections.

Homelife HIA are working with the NW Energy Hub provided by the LEP and Eden District Council as the lead accountable body on a Cumbrian consortium **Green Homes Grant Local Authority Delivery Project** for energy efficiency measures of approximately 75 private sector homes. (Please note that this is a separate scheme to the Green Homes Grant voucher scheme that ended in March).



# Report to Council

Agenda  
Item

11(v)

Meeting Date: 27th April 2021

Public/Private\*: Public

Title: **Finance, Governance & Resources Portfolio Holder's Report –  
Councillor Gareth Ellis**

## **FINANCIAL SERVICES**

### 2019/20 and 2020/21 Final Accounts Process

Work is continuing to conclude the 2019/20 Statement of Accounts and work is commencing on the 2020/21 closedown process to enable the draft Statement of Accounts to be prepared and approved by the Corporate Director of Finance and Resources by the statutory deadline of 31st July. The publication dates for draft and audited accounts for Local Authorities in England has been extended from 1st June and 31st July to 1st August and 30th September respectively for the next two accounting years (2020/21 and 2021/22).

The Council is continuing to monitor the financial impact of the COVID-19 pandemic and is submitting returns to MHCLG on a monthly basis outlining the actual and potential financial losses being incurred. The Council is also continuing to work closely with other authorities around Cumbria to understand the impact on wider issues such as Council Tax and Business Rates.

## **ICT UPDATE**

- The Microsoft licensing three-year agreement is due for renewal and all work has been completed to understand Carlisle's licensing requirements for the next three years whilst taking advantage of any discounts and subscription options to ensure best value for money
- A new and improved arrangement with a new supplier, to support patching and updates of some of the Council's key infrastructure has been agreed and procured

## **ELECTORAL REGISTRATION**

The Elections Team are continuing with the planning of the Elections on 6th May 2021 (Police & Crime Commissioner, City Council and County Council by-elections and Parishes). There are local by-elections in Brampton County Division and the City Wards

Cathedral & Castle, Harraby South & Parklands and Newtown & Morton North. The nomination period ends at 4.00 p.m. on 8th April.

The plans are progressing well and all staff have now been appointed and all the venues are booked, however, there have been a number of changes to Polling Station venues, due to availability issues regarding Covid-19. The team are working closely with the Health & Safety Team to ensure that everything possible is in place to ensure Staff and Candidate/Agent safety.

### **ORGANISATIONAL DEVELOPMENT**

- Further attendances by Managers on the MCF(2) workshops including Coaching & Developing Others, a new workshop within the programme
- Joint Staff and Member workshops including Visual Awareness, Speed Reading & Retention and Memory Skills & Mind Mapping

### **INFORMATION MANAGEMENT – LEGAL SERVICES**

Recent counts for information requests (from 31st January 2021 – 6th April 2021):

- Environmental Information Regulations requests received - 10
- Environmental Information Regulations requests responded to - 11
- Freedom of Information Act requests received – 124
- Freedom of Information Act requests responded to - 116
- Data Protection Act requests received – 7
- Data Protection Act requests responded to – 6

### **PERFORMANCE MANAGEMENT**

Work is ongoing to refresh the Council's performance management arrangements through a review of 2020/21 measures (Key Performance Indicators and Service Standards) and the performance reporting. The 2020/21 End of Year Performance Report will be presented to Scrutiny Panels and the Executive in June.

### **FUNDING STRATEGY**

Work is ongoing to refresh the Council's Funding Strategy. Areas of focus include:

- Building on previous successes
- Identifying any gaps in our ability to deliver on the funding strategy
- Mapping of funding into Carlisle – impact and opportunities
- Impact of funds distributed by Carlisle City Council
- Developing key strategic contacts to improve the funding success and impact
- Links with Borderlands, Towns Fund, High Street Fund etc
- Link to Medium Term Financial Plan –opportunities to support savings, capital projects
- How will success be monitored in future? When will it be reviewed?
- Links with new Open4Business Portal

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Leader's Portfolio Holder Report –  
Councillor John Mallinson**

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### **BORDERLANDS INCLUSIVE GROWTH DEAL**

The Borderlands Inclusive Growth Deal was formally signed on the 18<sup>th</sup> March 2021, bringing in up to £452million of fresh investment to the Borderlands area. Ministers of the UK and Scottish Governments and representatives of the five Councils of the Borderlands Partnership signed the Deal at a virtual ceremony.

A Borderlands Economic Forum has been set up to form a central part of how the Growth Deal will be delivered, embedding the voice of businesses, third sector and regional strategic economic partners. This Forum will provide an opportunity for individuals from the business community who are passionate about the place they live and work to contribute to the future of the Borderlands. Two members are being recruited from each of the partners Councils. For Carlisle, one candidate has been identified and a second is to follow shortly.

### **CARLISLE PARTNERSHIP EXECUTIVE**

Carlisle Partnership Executive met in March, this quarter being chaired by our Carlisle City Council Co-chair.

The meeting focused on:

- The latest Covid Resilience updates (Including the Local Resilience Forum, Cumbria and Carlisle Community Resilience Group and Vaccinations)
- Economic impacts of Covid and the development of Carlisle Economic Strategy
- Transformative Partnerships Research call
- The development of a short-term Partnership Place Plan
- System Infrastructure and Business updates (including Roles And Responsibilities, Audit, Risk and Collaborative Funding)

The Partnership and two Carlisle City Council Officers were also asked to speak to the LGA about Urban Recovery and Covid across the Carlisle District – the meeting provided useful information for national level awareness and recovery planning.

We are grateful to all partners for the continued roles they play across the District.

### **PARTNERSHIP COVID COMMUNICATIONS**

The Carlisle Partnership continues to send a weekly communication email and the funding newsletter to Resilience Group Partners and over 900 emails across the District. Partners continue to contribute to these updates. The communications have been well received and a number of Partners have benefitted from them.

### **EMERGENCY PLANNING: COVID-19**

The Council continues to respond to the Covid-19 emergency through the Cumbria Local Resilience Forum (LRF), Health Protection Board and Strategic Recovery Coordination Group. The lifting of restriction on 12<sup>th</sup> April, in line with the national roadmap out of Lockdown, Step 2, will see the re-opening of specific business and community activities.

The LRF meeting structure has been refined to reflect the change from emergency response to recovery and many groups and sub-groups have now been stood down.

The Strategic Recovery Co-ordination Group have extended the deadline for feedback on the draft strategy until 25<sup>th</sup> April 2021. This strategy has been developed by an extensive range of partners across our County and the details of who has been involved can be found at [www.cumbriarecovery.org](http://www.cumbriarecovery.org)

The draft strategy describes what good recovery could look like, the priorities for recovery and also begins to identify some high-level measures of progress.

The recovery strategy is attached or you can view it at <https://cumbria.gov.uk/elibrary/Content/Internet/536/44211153225.pdf>

To have your say, complete the survey online at <https://www.surveymonkey.com/r/yylj5gw>.



Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Health & Wellbeing Scrutiny Panel Vice Chair's Report –  
Councillor Christine Finlayson**

### **Homeless Strategy Special Meeting – 28<sup>th</sup> January 2021**

The Homeless Prevention and Accommodation Services has taken a comprehensive review of Homelessness.

There are many factors addressed in regard to homeless.

Firstly, an updated Strategy will help to prevent homelessness, rather than deal with homeless after it has occurred.

Part of the development of the Strategy reinforced the needs of care leavers, armed forces personnel, those at risk of multiple exclusions and domestic abuse. The Domestic Abuse Bill comes before Parliament in April 2021.

There are not many rough sleepers in the District but the Pandemic highlighted a different group of people at risk; those living with friends or family due to not having their own accommodation. The Covid 19 restrictions meant they had to find alternative accommodation of their own effectively making them homeless. This became a new awareness for the Homeless Team when people came to them for help.

The Government's Instruction to "Get Everyone In" during the cold weather of the first national lockdown was achievable because the Homelessness Team operated and implemented their Winter-Readiness Plan, which requires all rough sleepers to be accommodated during winter.

The Council has suitable accommodation for most needs. Even if a person has a pet they will be suitably accommodated whenever possible, if not arrangements are made to ensure their pet stays safe and well, whilst the person themselves are accommodated and looked after.

There was also a national freeze on evictions, the Council employed a Private Rented Sector Officer working with landlords in relation to evictions. The Team provided ongoing tenancy support and skills as well as providing rent safeguards in case of rent arrears. I'm sure it is worth mentioning the Team were able to draw down external funding that helped with the work. Well Done.

The Officers worked with Churches Together and other organisations providing support when individuals were ready, with the help of the Council, to move on to their own accommodation. This partnership support has included extra help with a furniture pack, and tenancy support. Churches Together then help people integrate into their community and supported them until they get settled.

There are many other elements included in the updated Strategy.

Full details of the discussions are to be found within the Minute Book.

**Cllr Christine Finlayson**  
**Vice Chair**

# Report to Council

Agenda  
Item

13(i)

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Health & Wellbeing Scrutiny Panel Vice Chair's Report –  
Councillor Christine Finlayson**

## **Panel Meeting – 25<sup>th</sup> February 2021**

### **Community Centre Update**

On considering the Report it was established that regular financial support from the City Council had continued during the Pandemic to all community centres. 7 No further request for financial assistance was required as Central Government offered various support packages to community centres.

It was confirmed that the City Council did liaise with Carlisle and District Federation of Community Organisations (Federation) to support community centres. The importance of good working relationships between the City Council and the Federation places the community centres in a good position to apply/access funding for all Centres.

The Health and Wellbeing benefits provided by community centres is invaluable. We are, I'm sure, very grateful for the diversity of programmes available to the communities in which they serve.

I would like to give a special thanks to those who work tirelessly in serving their communities in all they do that brings so much pleasure and enjoyment to many. Thank You.

### **A year of responding to the Covid-19 Pandemic**

There have been many agencies involved in the response to the Covid-19 Pandemic.

Funding submissions were made to the Lottery Fund which unfortunately were unsuccessful as the focus had changed from recovery work to funding projects. In light of this the Council were able to apply for other streams of funding.

Cumbria Community Resilience Forum met bi-weekly throughout this first year, operating as an information base that had been fed into. The Resilience Forum became a good

source of information in order to facilitate real help and resources to the community, which had worked extremely well. So successful was the working together, that the Officers had been recognised by an award from the High Sheriff of Cumbria. They were also commended for their work throughout the year.

Finance came in various forms of support from Central Government to individuals, businesses and the Council.

The Panel asked that their thanks be conveyed to all the organisations involved in the response to the Pandemic.

### **Quarter 3 Performance Report.**

The Report made mention of how local authorities were seen to be a reliable source of information, particularly in times of emergency such as the pandemic. It was also mentioned that the Council's use of social media was regarded as outstanding and a very useful resource for residents and businesses

Waste recycling and ongoing delivery of services had been exceptional considering the restrictions under which the staff were operating.

### **Food Hub**

There was a new Food City Co-ordinator appointed for a two-year period to ensure continuity of food supply.

Members of the Panel expressed their thanks to staff across the organisations for all their hard work during the Pandemic.

Full details of the discussions are to be found within the Minute Book.

**Cllr Christine Finlayson**  
**Vice Chair**

# Report to Council

Agenda  
Item

13(i)

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Health & Wellbeing Scrutiny Panel Chair's Report – Councillor Jack Paton**

First of all I would like to thank Cllr Finlayson for the excellent job she has done during my absence.

## Healthy City Plans

We were given a detailed account on the healthy city by one of our Senior Officers which was very well presented and the graphs that were included were easy to follow.

We spoke about the 6ps := Planet, Place, People, Participation, Prosperity and Peace of this programme for Carlisle Healthy City Strategy and response to Covid, we believe St Cuthbert's planning policies need to link in with this work.

There are a lot of partners including Cumbria County Council, Cumbria Public Health to name two who are working together to achieve the 6ps.

We were assured that the resources are in place to deliver this, we wish them every success.

## Greenwich Leisure

We received a comprehensive report from Tom Rice (GLL) outlining the future plans of GLL, he told us that they were successful in obtaining grants from various sources and don't envisage having to get the Council to help them with more monies.

They told us about the opening plan for their centres, two of these have now been started on March 8<sup>th</sup> - Trinity Leisure Centre and Harraby Sports Campus were open for School use only.

March 28<sup>th</sup> Harraby Sports Campus, Sheepmount Athletics Stadium were open for outdoor sports only, there was also some outdoor sessions at Old Newman School. Coming for the future on April 12<sup>th</sup> Carlisle Pools for swimming and the Old Newman School for Gym and junior club activities.

May 17<sup>th</sup> the majority of activities will be available like Indoor Group Exercise, and organised indoor sports for Adults.

June 21<sup>st</sup> Social bookings for Adults, including Sands Events

Initially there will be a limited service from Portacabins for Refreshments. There are 92 events that are confirmed between September and December 2021.

#### Carlisle Plan

I am not going to write anything about the Carlisle Plan as Members have returned it to the Executive to be adjusted and returned to Scrutiny at a later date.

#### Local Environmental Crime

A brilliant Report was submitted by the Officers outlining the work that has been done and the plans for the future including keeping the streets and local areas clear of litter, dog fouling, fly tipping and to deal with local issues working with partners on Anti-Social Behaviour.

They want to have clean and attractive streets across the region where people can enjoy where they live or work also for people visiting. Building a strong sense of community and having pride in where they live and making it a clean and safe place to be for everyone to enjoy.

Our Officers can patrol the area in state of the art Electric Vehicles one of which is fitted with cameras so if a crime is being witnessed it can be recorded on camera and hopefully the Courts will give the appropriate punishment. They have been successful in getting some prosecutions and they also have some pending cases.

The job they do is very difficult and sometimes they could be subjected to lots of abuse which is totally unacceptable and as a result I am told they now wear body cams.

On behalf of the HWSP Members and myself I would like to thank all the Officers and Staff for their hard work and dedication throughout this past year as we have been in unprecedented times they deserve all the praise we can give them.

Full details of the discussions are to be found within the Minute Book

**Cllr Jack Paton**  
**Chair**

# Report to Council

Agenda  
Item

13(ii)

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Business & Transformation Scrutiny Panel Chair's Report –  
Councillor James Bainbridge**

## 18<sup>th</sup> February 2021

Within the outturn reports reviewed, although impacted by continued Covid-19 exceptions on income and expenditure on one hand, and on the other continued support through national grants to local government, there is a sign of some normality returning to monitoring process. Of note to Members is the impact of the rent reviews on industrial and business units within the ownership of the City Council. After a number of delays whilst the necessary legal challenges were adjudicated upon, the increased flow of income has begun being seen in the monitoring process.

We moved onto the present update on the Sands Centre development. The project is reassuringly at present on track in terms of the revised budget and timescale and is being delivered in a Covid secure manner.

The update of sickness and absence. The key issues which I took away from that is whilst the Covid-19 impact, which will include an element of mental health wellbeing has impacted on attendance levels over the last twelve months, and the impact of the third lockdown is yet to appear in the data, it has not mushroomed as an issue beyond all comparisons. Of perhaps greater concern will be the detail that 42% of absence is allocated to depression, stress and mental health.

The Part B agenda items discussed the asset management of the Kingstown Industrial Estate and the present position of the Junction 44 development. Members can access the Part B agenda through Legal and Democratic Services, and the positive outturns of the present situation development.

## 1<sup>st</sup> April 2021

The Panel met for the final time in the Civic Year, the main two items being the Corporate Risk Register and the Corporate Projects Report.

Members will be aware that Councils across the western world are having to pay more attention to the status and security of their IT. Not only is there a sea change occurring in the move from servers to cloud based storage, but legacy systems are becoming more out of date and less able to be 'patched' in a cost effective or secure way. Whilst Councils are rarely successfully attacked by hackers, when this does occur the effects, as seen in Copeland and in Hackney, are pretty extensive and far-reaching. With a new IT Manager in post and having undertaken a 'deep dive' of the service akin to Jacques Cousteau exploring the Mariana Trench, the results and the requirement for additional investment in IT was evident in the Report. With the needs identified, the IT Manager is proceeding with a funding request. The Panel felt that it was advisable to request a update on this in three months' time.

The Improving Attendance Policy was agreed by the Panel. Members who were initially a little concerned that the recent staffing vacancies in HR and revisions to the implementation process seemed to be reassured by the answers given. One more Task & Finish Group will be held before the policy is sent to the Employment Panel for their agreement.

We viewed the initial draft of the Carlisle Plan. Members raised their concerns over the elements that they felt were missing such as Tourism and had a firm view that the length and style of the document would prevent it being relatable with the wider public and our stakeholders. Our thoughts, along with those of the other Panels, will now go back into the review process.

The Annual Scrutiny Report is before you as a separate agenda item, but members will note that Scrutiny has performed online in a positive and progressive way. My thanks to all Members and Officers who have attended and contributed.

Full details of the discussions are to be found within the Minute Book

**Cllr James Bainbridge**  
**Chair**



# Report to Council

Agenda  
Item

13(iii)

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Economic Growth Scrutiny Panel Vice Chair's Report –  
Councillor Keith Meller**

## **Panel Meeting – 4<sup>th</sup> March 2021**

A detailed report from the M.D. of Kingmoor Park, Mr. McIntyre, was presented to the Committee. The occupancy rates of the Enterprise Zone is over 98% a very positive performance for the current economic climate we find ourselves in. The Panel were updated with ongoing projects within the Park such as the Solar Farm, the Modular Village for small enterprises and the Gateway Signage.

Clarification for future development was sought for initiatives such as the Incinerator and the opportunity for further re-cycling, for a Rail Head at the Park which would improve connectivity and encourage more business migrate to Carlisle, as well as measures taken to become fully green and sustainable.

One major drawback for investment in the Carlisle Enterprise Zone was the lack of a skilled workforce.

The Empty Property Grant was reported upon and found to work well in bringing properties back into use. The Panel supported an increase to the grant and were re-assured a five-year local land charge to recoup grants awarded was placed on the properties if they were sold within that period of time.

Full details of the discussions are to be found within the Minute Book

**Cllr Keith Meller**  
**Vice Chair**

# Report to Council

Agenda  
Item

13(iii)

Meeting Date: 27<sup>th</sup> April 2021

Public/Private\*: Public

Title: **Economic Growth Scrutiny Panel Chair's Report – Councillor Lisa Brown**

Monday the 12<sup>th</sup> of April saw our final Scrutiny meeting of the year. As always it was interesting and well attended.

As a mark of respect following the sad death of HRH Duke of Edinburgh, we called a minutes silence after the roll call of the meeting and I thank all the Members, Portfolio Holders, Officers and guests for joining me in that moment of reflection.

The Panel was pleased to hear from Riverside and had many questions over the plans for the future of affordable housing in Carlisle.

It was disappointing to here that Impact Furniture Services was now closed, having made the decision after the service became unviable financially. It has been a great help to many low income residents over the years and I hope that Riverside continue to work with partners and ensure that none of their residents in most need are affected. The Panel was also concerned by the empty office on Botchergate, and that given we are trying to boost the high street and Town Centre, would hope that they can work on finding an alternative use for the year rather than us having just another empty building on Botchergate.

We also received the draft version of the Carlisle Plan. Full details of the discussion can be found in the Minutes, but the Panel largely felt that the plan was lacking in various aspects. The need for public consultation is absolutely vital and this could not be stressed enough. The main driver of the plan should be people and tackling inequality, boosting the local economy and tourism and making Carlisle thrive. The Panel asked for the plan to be returned to Scrutiny in the new civic year and I know the Panel is looking forward to adding value to this.

We also accepted the Scrutiny Annual Report and thanks were given to the Overview and Scrutiny Officer for her excellent work over the year, and for all the assistance and advice she has provided to me as Chair. I would also like to take this opportunity again to

thank all the Panel members who have always fully engaged in the process and made every meeting interesting. Thanks also go to the Corporate Director of Economic Development who normally presents several Reports to the Panel at each meeting and faced many questions from the Panel this year, also to the Portfolio holders for attending and offering greater explanation and views on the Reports we have been presented.

Full details of the discussions are to be found within the Minute Book

**Cllr Lisa Brown**  
**Chair**



# Council

**Agenda  
Item:**

**14**

Meeting Date: 27<sup>th</sup> April 2021

Portfolio: Cross-cutting

Key Decision: No

Policy and Budget  
Framework

Public / Private Public

Title: Scrutiny Annual Report 2020-21

Report of: Overview and Scrutiny Officer

Report Number: O&S 13/21

## Purpose / Summary:

The Overview and Scrutiny Annual Report 2020-21 summarises the role of Scrutiny at Carlisle City Council and reports on the work of the Scrutiny Panels during 2020-21.

## Recommendations:

That the Council formally accept this report.

## Tracking

Executive:	N/A
Scrutiny:	Business and Transformation Scrutiny Panel 01/04/2021 Health and Wellbeing Scrutiny Panel 08/04/2021 Economic Growth Scrutiny Panel 12/04/2021
Council:	27/04/2021

## 1. BACKGROUND

- 1.1 The Constitution: Article 6 – Overview and Scrutiny Committees, 6.03 Specific functions [c] states that:

***‘Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate’.*

- 1.2 The Overview and Scrutiny Annual Report 2020-21 summarises the role of Scrutiny at Carlisle City Council and reports on the work of the Scrutiny Panels during 2020-21.

## 2. RECOMMENDATIONS

- 2.1 That Council formally accept the report.

**Contact Officer:** Rowan Jones

**Ext:** Rowan.jones@carlisle.gov.uk

**Appendices attached to report:** Scrutiny Annual Report 2020-21

**Note:** in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

### **CORPORATE IMPLICATIONS:**

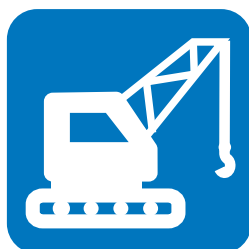
**LEGAL –** None

**FINANCE –** There are no explicit financial comments relating to this Annual Scrutiny report.

**EQUALITY –** None

**INFORMATION GOVERNANCE –** None

# Overview and Scrutiny Annual Report 2020/21



# Scrutiny in Summary

## 3 Panels



**Health and Wellbeing Scrutiny Panel (HWSP)**



**Business and Transformation Scrutiny Panel (BTSP)**



**Economic Growth Scrutiny Panel (EGSP)**



panel meetings



**3** special meetings



**2** task and finish groups



workshops



**86**  
agenda items  
scrutinised



information reports

### Partners engaged with:

Tullie House, Kingmoor Park,  
GLL, Carlisle Partnership,  
LEP, Carlisle Ambassadors,  
Police, Riverside





# Introduction

The Annual Report for the Civic Year 2020-21 will reflect on a year of significant change for Scrutiny Panels at Carlisle City Council. The changes for Scrutiny reflect how the City Council as a whole has adapted to remote working and virtual meetings in response to the unprecedented challenges of the Covid-19 Pandemic.

Carlisle City Council has three scrutiny panels:

- Business and Transformation Scrutiny Panel.
- Economic Growth Scrutiny Panel.
- Health and Wellbeing Scrutiny Panel.

Over the course of the year each Panel has run a full and varied workplan, reflecting aspects of the City Council's function that fall within that Panel's remit. Members have looked carefully at their work programmes, working with council officers to ensure that their scrutiny activity is targeted at the most important issues and decisions that are facing the City Council as Carlisle looks to recover and move forward from the Covid-19 pandemic.

## Scrutiny Response to Covid-19

During 2020/21 all Panel meetings have taken place in a virtual setting, following guidelines set out in the Coronavirus Act 2020.

Carlisle City Council was quick to respond to the need to deliver virtual committee meetings and we would like to note our substantial achievement in having delivered all planned scrutiny meetings during 2020/21. Panel Members and Officers have worked together to develop a new way of working, adapting and persevering with new IT skills, supporting each other and showing tolerance and humour at the bumps in the road that have sometimes accompanied the shift to virtual meetings.

Maintaining scrutiny activity during the pandemic has been important because:

- Significant decisions with impacts on Carlisle have been made during this time.
- Councillors represent their local communities; their knowledge and perspective are vital to ensuring a robust, democratic response to the crisis and recovery plans that are suitable for local needs.

Scrutiny Chairs have worked closely together to co-ordinate their Panel's activities to ensure a good level of oversight across the City Council's role in Covid-19 response and recovery.

Scrutiny Panel Members would like this Annual Report to highlight how well the Council as a whole has responded to the challenge of remote working. The Council has continued to perform extremely well and key decisions have been made, despite both Members and Officers working from home. Members would like to acknowledge the volume of work and learning new skills that has taken place behind the scenes to make meetings happen this year. Thank you to all who have contributed to this work, both Members and Officers.

## **Comment from Leader of the Council, Councillor John Mallinson**

This Civic Year has been like no other experienced by Carlisle City Council with the ongoing Covid-19 Pandemic impacting hugely on our lives and services.

Continuing to function and provide the services that we do to our residents; Members and Officers have risen to the challenge and embraced virtual meetings with staff continuing to support whilst working from home. Although particular mention should be made of our frontline staff who have had to continue their public facing roles whilst remaining safe throughout. Thank you to everyone for your ongoing commitment.

The work of the Chairs, Vice-Chairs, Members and Officers on all three Scrutiny Panels has never been more important. They have focused on ensuring and challenging the work of the Executive to take forward plans, while at the same time making sure the health and wellbeing of our residents is also considered.

Many of the major projects mentioned last year are now coming to fruition. In particular the signing of the Borderlands Deal will see huge investment in our City, as will the imminent start on the Station Gateway and Citadels projects together with major investment through the Towns Deal and Future High Street Fund. This will allow us the platform to ensure the economic growth of Carlisle going forward and a very exciting future lies ahead. Our Economic Development Team have worked tirelessly to ensure maximum funding is received, which in turn will allow the future of our City to be secured. Through grants from central Government we have also assisted countless businesses, which is a positive going forward once we begin the path out of lockdown. Demolition of the former Central Plaza Hotel has also opened up opportunities for investment with a prime site now available for potential developers.

All Members of the Executive and I have ensured we “Listen, Look & Action” all recommendations from Scrutiny Panels and on their behalf I would like to thank you all for your input and support throughout this very challenging year.

Thank you all once again.



## Corporate Peer Challenges, January and November 2020 - implications for Scrutiny

The Carlisle Corporate Peer Challenge undertaken in January 2020 was positive and highlighted a number of strengths for the Council. This Peer Challenge focussed on leadership, governance, corporate capacity and financial resilience. This Peer Challenge included some comments around the role of scrutiny. Scrutiny Panels, led by their Chairs, have made some steps in beginning to respond to these comments. For example, in recognising that developing robust workplans can help Scrutiny to focus on key strategic issues for Carlisle and making recommendations that will add value to the decision making process.

A further Corporate Peer Challenge, undertaken remotely in November 2020, reviewed the Council's use of existing governance arrangements. There are likely to be further implications of this Peer Challenge for scrutiny panels that can be considered over the coming scrutiny year.

### Public engagement in Scrutiny

Scrutiny Panels are open to the public to attend at the Civic Centre, when Panels are meeting at a physical location. Panel meetings can be viewed online via the Council's website, whilst virtual meetings are taking place as part of Covid-19 social distancing measures.

Agendas, report and minutes from Scrutiny Panel meetings are available on the City Council website. Members of the public can also submit questions for meetings; these need to be submitted 11 full days before the Panel Meeting.

For more information on these meetings or on how to engage with the Scrutiny process, please contact: **[scrutiny@carlisle.gov.uk](mailto:scrutiny@carlisle.gov.uk)**.

# Business and Transformation Scrutiny Panel (BTSP)

## Chair's Report, Councillor James Bainbridge

At the time I wrote my last annual report, if you had said that over the coming year the Council would see an extensive level of direct and sustained financial support from Government, which would enable both the Council and the wider local economy to exist as solvent entities through a global pandemic, I would have thought it far-fetched. However, in terms of the remit of this panel, 2020 has been one of the most varied and unpredictable years in local government finance.



The financial performance of the Council at this time, has been very much on the radar of BTSP. In addition to the regular quarterly reports, the panel has reviewed the impact of Covid on our financial position. This we will continue to monitor in the coming months through further reports and study of budget outturns.

The present work of the Council on the major capital projects at the Sands Centre and on the ground floor of the Civic Centre both came before the panel for review. There has been a reassuring degree of oversight by Officers in the projects, which at this point are both on schedule and within agreed budgets.

With the conclusion of the Junction 44 drawing near, we have taken the opportunity to review this project and consider it within the context of wider commercialisation work that Carlisle City Council has undertaken and wishes to undertake in the future. Some Councillors, myself included, had expressed some concern when the project was commenced. It is fair to say that the work of BTSP has assisted in offering members a reassurance that such projects can enhance the City as a whole, as well as providing a secure level of income to the Council to fund service provision.

On the horizon there is the final report due from the Corporate Peer Review. The previous initial reported firmly highlighted the need for enhancements in the present scrutiny arrangements. In the likely two years that we have ahead of us as an authority, this will be an issue that will require our further attention.

We held an extremely positive and productive Task and Finish Group on the revision on the management of the long-term absence and attendance. As a Panel, we are extremely proud of the collaborative work undertaken in this area and the potential improvements this could bring the Council on many levels. The work gave an interesting insight into the need to keep our employment policies up to date. Thank you to the members and staff of the Council who gave additional time to take this project forward. Our next area of Task and Finish work will relate to the commercialisation strategies and policies of the of the Council.

I wanted to take a brief moment in this report to thank Rowan, Jacqui and Rachel for their work in establishing and managing the online meetings. I am sure that Members will be aware that several Councils in the UK took the position that Covid restrictions on meetings would result in their own Scrutiny Panels being put on hold, in a few cases they still are in abeyance a year later. In Carlisle, we missed the last cycle of meetings in the previous civic year, but virtual meetings commenced in May 2020 at the start of this Civic Year. We were amongst the first Councils (if not the first) to establish online Scrutiny meetings. The meetings have been professionally delivered by the Council, and I am sure that we are appreciative for the efforts made to keep Member involvement in the scrutiny of policies and projects active at this time.

### **Comment from Councillor Gareth Ellis, Portfolio Holder for Finance, Governance and Resources**

2020 has been a difficult year for the city and the organisation. Scrutiny has managed to adapt to the virtual meetings with ease and have continued to assist the Executive in improving services for the city.

I make it my aim to attend all the scrutiny panels to ensure I get as wide a perspective as possible on the feelings of those councillors who aren't members of the Executive, they are informative and play a part in the Executive's decision making process.

Carlisle is bursting at the seams with ambition, funded projects and potential for growth and further investment. Hundreds of millions of pounds of investment is coming via the city council, and the scrutiny process will help to make sure we continue to use the resources we have wisely.

Carlisle is coming out of a difficult period in our history, but we will be coming out with the tools to make Carlisle a more prosperous place for its citizens.



### **Key items for Business and Transformation Scrutiny Panel in 2021-22**

The following items are topics that Business and Transformation Scrutiny Panel have identified will be key their workplan for 2021/22:

- Commercialisation Strategy task and finish group.
- Covid-19 impacts and challenges to business recovery.
- Local Government re-organisation in Cumbria.

# Economic Growth Scrutiny Panel (EGSP)

## Chairs Report, Councillor Lisa Brown

It has been a both a challenge and privilege to Chair the EGSP this past year, one year on since the country went into a National Lockdown. My thanks go to Cllr Mellor as Vice Chair and all the Members and substitutes for their support and attendance, it is very clear that each member wants to see the very best for the City of Carlisle and its residents.

The majority of items coming to the panel this year have been the many key projects for the City across, all promising a bright future for Carlisle if successful, particularly the ambitions for growth in St Cuthbert's Garden Village and Borderlands Inclusive Growth Deal. It has never been more important that the word "Inclusive" used here is number one priority for the Council. We must ensure that all its residents benefit from these deals and projects especially since the Coronavirus pandemic has drastically changed lives over this last year. We must use all the tools available to us to reduce poverty and improve quality of life for each person living in the urban or rural parts of the district.

It is clear to see that the Council benefits from some dedicated and experienced members of staff and their ambition for Carlisle is obvious when reading the reports presented to the panel. We have also had some excellent contributions from outside organisations such as the CLEP, Riverside and Carlisle Ambassadors. The panel is keen to see the Ambassadors continue their work promoting the City and was interested to find out what Scrutiny could do to aid that.

Every meeting has been held virtually this year, not something any of us thought we would be doing. It hasn't reduced the quality of the meetings, and every meeting has run effortlessly which is entirely down to the hard work and patience of the staff behind the scenes. On behalf of the panel, I would like to thank them for all their time and effort especially doing it all from home.

Looking towards the new Civic Year, I hope that we start beginning to see work start on the key projects for Carlisle, and that we can start to build a clearer picture of Carlisle as it enters the recovery phase of the pandemic.





## **Comment from Councillor Paul Nedved, Portfolio Holder for Economy, Enterprise and Housing**

Overview and Scrutiny has a significant role in policy development, scrutinising Executive decisions and holding the Executive to account positively and constructively. This has been undertaken this year wholly by virtual meetings.

The Economic Growth Panel has scrutinised a wide range of reports with clearly a key focus on one hand on the COVID 19 challenges on economic growth and recovery whilst considering the wide range of positive outcomes on Borderlands key projects, Future High Street Fund, Towns Deal and Fund and ongoing reporting on progress with St Cuthberts Garden Village and Carlisle Southern Link Road.

I welcomed the valued input from Scrutiny on the Economic Strategy which included a virtual workshop and is now reaching completion.

Equally EGSP has been able to engage with partners over the year including Cumbria LEP, Kingmoor Park, Carlisle Ambassadors and Riverside.

Housing needs and strategy have been major considerations and I thank Health and Wellbeing Panel for their detailed consideration of the Homelessness and Rough Sleeping Strategy. The Climate Change Strategy has also been central to Scrutiny determination.

I would like to thank the Chair, Vice-Chair and Panel Members for their robust questioning and discussions which has been valuable in shaping the decision-making process. Equally considerable thanks to Officers and Support Staff for their support and professionalism in these difficult times.



## **Potential items for Economic Growth Scrutiny Panel in 2021-22**

The following items are topics that Economic Growth Scrutiny Panel are likely to find particularly helpful to include in their workplan for 2021/22:

- Borderlands Inclusive Growth Deal.
- St Cuthbert's Garden Village.
- Economic recovery from Covid-19.



# Health and Wellbeing Scrutiny Panel (HWSP)

## **Chairs Report, Councillor Christine Finlayson (Vice Chair)**

I consider it a deep privilege to be a Member and part of what our City Council achieves for the City of Carlisle and its surrounding district and communities.

I would like to pay tribute to Cllr Jack Paton, Chair of Health and Wellbeing Scrutiny Panel, who unfortunately has been unwell. Jack was looking forward to having more time due to his retirement to spend in service to the City Council and his constituents. I'm sure it won't be long until he is back in full health and look forward to his return. As Vice Chair, I have led HWSP in Jack's absence, which has been a very positive experience.

The standard and professionalism of Managers and Officers during this very challenging last year has, in my eyes, been exceptional. The Council and its staff have been dedicated in working smoothly for the benefit of the health and wellbeing of Carlisle communities. I can say this from my experience as Vice Chair of HWSP.

Over the past year Health and Wellbeing Scrutiny Panel have received detailed reports on many issues that support health and wellbeing, such as the Sands Leisure Centre Project, Tullie House Museum, housing, homelessness, emergency response and community resilience. All this has been achieved working across political parties with much agreement for the benefit of Carlisle residents.

Scrutiny by the Health and Wellbeing Panel has achieved a number of positive outcomes this year. Some examples of our achievements include:

- The Executive accepted recommendations from Scrutiny on the Homelessness and Rough Sleeping Strategy 2021-2026 (considered at HWSP on 28 January 2021) that the Action Plan should include timescales for delivery, and that an Executive Summary should be produced to go alongside the more detailed Strategy. These are important as timescales will allow delivery of the strategy to be monitored more effectively and an Executive Summary will be a useful tool for communicating priorities around homelessness to partners and local communities.
- The Executive accepted HWSP recommendations following their scrutiny of the Local Environment (Climate Change) Strategy on 14 January 2021. The resolutions were incorporated into the Action Plan for this Strategy and covered important issues such as the importance of behaviour change being done in partnership, training for officers and Members and partnerships with schools in tackling climate change.



- At their meeting on 27 August 2020, HWSP made a recommendation that the content of performance reports which come to scrutiny should be reviewed. A cross Scrutiny Panel Task and Finish group is currently in progress to reconsider the aspects of Carlisle City Council Performance that are scrutinised. It is intended that this work will ensure that scrutiny focusses on the performance on issues that are most important to local people. Performance reports should communicate achievements, or areas of poor performance, in a way that is clear and accessible to all.

I look forward to the new Civic Year 2021 and seeing a lot of the plans and projects unfold. I have great confidence these plans will put our great City and Cumbria firmly on the map as an outstanding place to live, work and thrive.

## **Comment from Councillor Elizabeth Mallinson, Portfolio Holder for Communities, Health and Wellbeing**

In this year of Covid-19 pandemic, Health and Wellbeing Scrutiny Panel has continued to work and so well via virtual meetings and I have to thank them for all the hard work that has gone into the area covered by my Portfolio.

Scrutiny work is to make sure that the forward plan, work and reports coming to the Executive within my portfolio have been considered, reflecting aspects of the Council's functions. Scrutiny is targeted to the most important issues that are facing the City Council coming out of the pandemic to ensure that it is fit for purpose for all our residents.

Over the last year Health and Wellbeing Scrutiny Panel has looked into the following items within my Portfolio:

- Introduction to Health and Wellbeing Team including Sport Development.
- Emergency Planning and Resilience for Covid-19.
- Annual Equality Report and Action Plan.
- Corporate Peer Challenge.
- Homelessness Strategy (including Domestic Violence, Children Leaving Care and Armed Force Veterans).
- Public Space Protection Order and Enforcement Strategy.
- Response to Covid-19 – one year review.

The County Wide Public Health Policy Document that we have signed up to is now fully embedded in all the Council Portfolio areas making sure that Council policies reflect these aims and objectives for the health and wellbeing of all our communities as we go forward.

I would like to wish the Chairman who has had Covid all the best and to thank the Panel and the Vice Chair for all the positive work that they have done over the last twelve months.



## **Potential items for Health and Wellbeing Scrutiny Panel in 2021-22**

The following items are topics that Health and Wellbeing Scrutiny Panel are likely to find particularly helpful to include in their workplan for 2021/22:

- Covid-19 recovery for Carlisle communities.
- Local Environment (Climate Change) Strategy.
- GLL – post Covid service delivery and sports development.
- Active transport – developing walking and cycling opportunities.
- Choice based lettings system – accessibility of IT platform and process.



# Report to Council

Agenda  
Item:

**16**

Meeting Date: 27 April 2021  
Portfolio: Finance, Governance and Resources  
Key Decision: Not applicable  
Within Policy and Budget Framework: Yes  
Public / Private: Public

Title: AUDIT COMMITTEE'S ANNUAL REPORT  
Report of: Chair of Audit Committee.  
Report Number: RD62/20

## Purpose / Summary:

This report provides a summary of the work undertaken by the Audit Committee during 2020/21.

## Recommendations:

It is recommended that Council note and accept this report.

## Tracking

Executive:	<b>Not applicable</b>
Overview and Scrutiny:	<b>Not applicable</b>
Council:	<b>27<sup>th</sup> April 2021</b>

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

# Report to Audit Committee

Agenda  
Item:

Meeting Date: 15 March 2021  
Portfolio: Finance, Governance and Resources  
Key Decision: Not applicable  
Within Policy and Budget Framework: Yes  
Public / Private: Public

Title: AUDIT COMMITTEE'S ANNUAL REPORT  
Report of: Chair of Audit Committee.  
Report Number: RD62/20

## Purpose / Summary:

This report provides a summary of the work undertaken by the Audit Committee during 2020/21.

## Recommendations:

It is recommended that the Audit Committee note and accept this report for recommendation to Council.

## Tracking

Executive:	<b>Not applicable</b>
Overview and Scrutiny:	<b>Not applicable</b>
Council:	<b>27<sup>th</sup> April 2021</b>

## 1. **BACKGROUND**

In accordance with paragraph 3.3 of the Audit Committee's Rules of Governance - attached to this report for Members' information as **Appendix A** - the Chair of the Audit Committee is required to present an Annual Report on the work of the Audit Committee to the full Council.

## 2. **PURPOSE OF THE REPORT**

2.1 This report summarises the work carried out by the Audit Committee during 2020/21. It demonstrates to Council and stakeholders the effectiveness of the Committee in maintaining the organisation's internal control environment and governance arrangements.

### 2.2 The Committee

2.2.1 The Members of the Audit Committee for this municipal year are -

<b>Conservative</b>	<b>Labour</b>	<b>Independent</b>
Cllr Meller (Chair)	Cllr Ms Patrick (vice chair)	Cllr Bomford
Cllr Mrs Bowman	Cllr Birks	Cllr Paton (Sub)
Cllr Mrs McKerrell	Cllr Dr Tickner	
Cllr Mrs Finlayson (sub)	Cllr Alcroft (Sub)	
Cllr Morton (sub)	Cllr Miss Whalen (Sub)	
Cllr Shepherd (sub)	Cllr Atkinson (Sub)	

2.2.2 This Report covers the meetings of the Audit Committee held on:

30<sup>th</sup> July 2020

24<sup>th</sup> September 2020

18<sup>th</sup> December 2020

15<sup>th</sup> March 2021

Details of the agenda items covered at each meeting are given at **Appendix B**.

2.2.3 The External and Internal Auditors, the Portfolio Holder for Finance, Governance and Resources, the Corporate Director of Finance and Resources, the Corporate Director of Governance & Regulatory Services and the Designated Head of Internal Audit are invited to all Committee meetings. The Committee can seek attendance from any officer or Member of the Executive and has exercised this right on several occasions.

2.2.4 The 2020/21 Audit Committee schedule was impacted by the ongoing Coronavirus pandemic with all meetings held virtually via Microsoft Teams. The work of the committee was curtailed in March 2020 when the Committee scheduled for 16 March was cancelled. The items scheduled for this meeting were therefore considered at the meeting of 30th July.

2.2.5 The use of Microsoft Teams for holding Audit Committee meetings virtually has functioned well with the Committee able to receive all reports and consider, debate and make resolutions virtually.

2.2.6 At each meeting the Committee receives, for information purposes, the minutes of the Business and Transformation Scrutiny panel.

2.2.7 Training is an essential element for an Audit Committee. The Committee usually receive annual training and are updated on statutory accounting requirements and are alert to the possibility of areas in which their knowledge could be extended. The Committee also use the pre-meeting briefing sessions for planned training; however, due to the Coronavirus pandemic it has not been possible to undertake the normal schedule of training during 2020/21.

2.2.8 During the year Members and Substitutes of the Committee were invited to attend an Effectiveness Review workshop. This took place in October 2020 following the completion of a CIPFA Good Practice Survey by attendees; the results of which being the focus of the session. It was agreed that the CIPFA Skills and Knowledge Framework be used to inform a new training programme for Audit Committee Members for 2021/22, and details of the framework has been issued to all Audit Committee Members and Substitutes - a further workshop may be required to analysis the results of this new survey, once completed.

## 2.3 External Audit

2.3.1 The Audit Committee received and approved the external auditor's Annual Audit Plan. It commented on the fee rates and work programme consultation carried out by Grant Thornton based on fees set by Public Sector Audit Appointments Ltd, the independent company set up by the Local Government Association with delegated statutory functions to set audit fees and make arrangements for certain audits.

2.3.2 The Audit Committee also received the draft Annual Findings Report in relation to the Statement of Accounts, however, it was not possible for the Committee to receive the final version, nor sign off the 2019/20 Statement of Accounts due to



ongoing work to ensure the Statements are finalised . A judgement was included in the Annual Governance Report indicating whether the Council has adequate arrangements to secure Value for Money in the use of resources. The Annual Audit Letter was not received due to the ongoing work to complete the Statement of Accounts.

2.3.3 Finally, the External Auditor also provided the Committee with informative updates on key areas of interest in Local Government which were well received by the Committee and which the Committee referred on to other groups who may find them useful, e.g. Executive or Council.

2.3.4 The proposed external audit fee for 2020/21 was £51,033, however, this actual fee is likely to rise as additional work has had to be undertaken in relation to the Statement of Accounts and as yet this has not been quantified.

## 2.4 Internal Audit

2.4.1 The Committee has overseen the work undertaken by Internal Audit throughout the year, including the delivery of the Annual Audit Plan.

2.4.2 Due to the COVID-19 pandemic the Committee only approved the Internal Audit Plan at its first scheduled meeting of the year in July 2020. This set out the individual audit review areas to be carried out. The Internal Audit Plan focused on a Risk Based approach to establishing which reviews to undertake and where resources should be focussed.

2.4.3 The Committee received quarterly update reports from Internal Audit highlighting performance against the plan as well as reports of completed reviews. Each report is supplemented by a verbal update on key areas of success or concern in each completed audit review from the Designated Head of Internal Audit and the Principal Auditor.

2.4.4 The Committee also received updates on the progress against Audit recommendations and monitors closely where these are not completed to a satisfactory level.

2.4.5 As of the date of this meeting, the Committee had received twelve final reports with the following assurance levels.

<b>Assurance Level</b>	<b>Number of Final Reports</b>
Substantial	1
Reasonable	7
Partial	1
n/a	3
<b>Total</b>	<b>12</b>

- 2.4.6 Although the 2020/21 Audit Plan has been impacted by COVID, 50% (13 of 26) of planned reviews have been finalised to draft stage and an additional 20% of the plan is in progress. The remaining audits are scheduled to begin in March and will be concluded early in 2021/22.
- 2.4.7 The Committee concentrates its attention to high priority recommendations made in reports. Where a report carries a partial assurance level, the Committee usually receives a verbal update from the relevant Director or Service Manager to outline how the review is being dealt with and how the assurance can be improved. Where a partial assurance is given, the Internal Audit team will perform a formal follow up within six months and report back to the Audit Committee to outline how recommendations have been implemented and whether the assurance level has increased.
- 2.4.8 The Internal Audit team operate under the guidelines laid down by the Public Sector Internal Audit Standards and the Council also has an Audit Charter in place that is brought to the Committee for approval annually.
- 2.4.9 Internal Audit also provide assurance through an Annual Report that the Council's overall control environment is satisfactory and whether any key weaknesses should be addressed in the Annual Governance Statement. This report was received in July 2020 and highlighted no new areas of concern.
- 2.5 Accounts
- 2.5.1 Due to the COVID-19 pandemic the requirements for the completion and auditing of the Statement of Accounts were reviewed by Government. The deadline for the completion of the unaudited accounts was moved from 31 May to 31 August.
- 2.5.2 The Committee therefore considered the Council's draft accounts at its September meeting. The Committee received the draft Audit Findings report at its meeting on 18 December 2020, where the External Auditors reported their findings and noted

that further work to clarify the Council's asset valuations was needed before they could issue their overall opinion. This work is still ongoing and the Committee will receive the final audited set of accounts for approval once this work is completed.

2.5.3 The External Auditor also reported alongside their draft Audit Findings that the Council has proper arrangements in place for securing Value for Money.

2.5.4 The Committee will receive the Annual Audit Letter once the audit is concluded.

## 2.6 Corporate Governance

2.6.1 The Committee is responsible for ensuring the Council meets the requirements of the Code of Corporate Governance and the Good Governance Principles. The CIPFA/SOLACE document 'Delivering Good Governance in Local Government: Framework's core principal is that local government develop and shapes its own approach to governance. The Council has a Local Code of Corporate Governance and Good Governance Principles which the Committee have previously reviewed.

## 2.7 Treasury Management

2.7.1 The Audit Committee has responsibility for monitoring the Council's arrangements for Treasury Management and received reports for scrutiny on a quarterly basis, together with consultation on the proposed Treasury Management Strategy Statement.

2.7.2 The Committee take a keen interest in Treasury Management matters and question Officers around the security of the Council's investments and its approach to capital financing.

## 2.8 Risk Management Monitoring

2.8.1 The Committee has received regular updates on the risk management process and that the corporate risk register is being looked at on a regular basis. It is not the Committee's duty to determine that risks are being correctly identified and managed, more that the process of monitoring risks is being adhered to and that regular updates on risk management are given to the Executive and Scrutiny Panels where appropriate.

## 2.9 Fraud Prevention and Whistleblowing

2.9.1 The promotion of fraud awareness is important to Audit Committee Members who encourage officers in their efforts. Any incidences of fraud are reported to the Committee through the Internal Audit quarterly reports.

### **3. CONSULTATION**

None

### **4. CONCLUSION AND RECOMMENDATION**

4.1 Audit Committees are a key component of an authority's governance framework. The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process. By overseeing internal and external audit, it makes an important contribution to ensuring that effective assurance arrangements are in place.

4.2 The Audit Committee's annual report (together with the Audit Committee Minutes which are reported to Council throughout the year) provides the Council with information to show how the Audit Committee has fulfilled its role during the year and provides independent assurance to the Council on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.

4.3 Thanks to the work of all members of the Committee, as well as the support of officers and the work and support of the external auditor, the Committee has continued to provide robust challenge to all audit and governance arrangements within their remit.

**4.4 It is recommended that the Audit Committee note and accept this report.**

### **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

5.1 The Audit Committee ensures that an effective governance framework is in place to underpin the delivery of Carlisle City's Priorities.

**Contact Officer: Chair of Audit Committee Ext: n/a**

**Appendix A Rules of Governance  
Appendix B Audit Committee Agendas  
attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- **None**

#### **CORPORATE IMPLICATIONS:**

**Legal** – The administration of the Council and its financial transactions must be subject to some form of check and accountability. In addition to political accountability through elected members and central government, and judicial review through the courts, there is accountability and control through the audit system. Internal audit controls are governed mostly by the non-statutory codes of practice developed by the profession. External audit controls are subject to a much greater body of law and, while always important, became more extensive in recent years. This Report forms part of our Governance procedure to provide reassurance that the Council operates properly and that there are checks in place to ensure maintain and improve that position.

**Finance** – It is best practice for the Chair of the Audit Committee to prepare an Annual Report outlining the work undertaken by the Audit Committee during the year.

**Equality** – None

**Information Governance** – There are no information governance implications with this report

**Property Services** - None

## **RULES OF GOVERNANCE**

### **1. STATEMENT OF PURPOSE**

- 1.1 The purpose of an Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

### **2. TERMS OF REFERENCE**

#### **2.1 Audit Activity**

To consider the Designated Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.

To consider summaries of specific internal audit reports as requested.

To consider reports dealing with the management and performance of the providers of internal audit services.

To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To liaise with Public Sector Audit Appointments Ltd over the appointment of the Council's external auditor.

To commission work from internal and external audit.

#### **2.2 Regulatory Framework**

To maintain an overview of the Council's Constitution in respect of Contract Procedure Rules, Financial Regulations and relevant Codes of Conduct.

To review any issue referred to it by the Town Clerk and Chief Executive or a Chief Officer, or any Council body.

To monitor the effective development and operation of risk management and corporate governance in the Council.

To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy and the Council's complaints process.

To oversee the production of and approve the authority's Annual Governance Statement.

To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.

To consider the Council's compliance with its own and other relevant published standards and controls.

### **2.3 Accounts**

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

To approve the Annual Statement of Accounts, income and expenditure and balance sheet. To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

To approve the Letter of Representation

## **3. ACCOUNTABILITY**

3.1 The Audit Committee shall be a stand-alone Committee of the Council. All Audit Committee members shall act in the interests of the Council and not on behalf of any political party, constituency, ward, or interest group.

3.2 The Chair of the Audit Committee shall be appointed by the Committee. The Chair and the Committee shall ensure that relevant issues are promptly brought to the attention of the Executive, Overview and Scrutiny Panels and Regulatory Committees or the full Council.

3.3 The Chair of the Audit Committee shall present an Annual Report on the work of the Audit Committee to the full Council.

## **4. AUTHORITY AND ACCESS**

4.1 The Audit Committee has a right to request relevant information from appropriate or relevant Members and Officers of the Council.

4.2 The Audit Committee shall not be able to transact the powers, functions and duties reserved to the full Council, the Executive, Overview and Scrutiny Panels and other Regulatory Committees.

4.3 The Audit Committee shall have access to in-house financial, legal and any other professional advice necessary to carry out its functions.

4.4 The Chair of the Audit Committee and the external and internal auditor shall meet as necessary and the Council's Designated Head of Internal Audit shall provide necessary services and support and assistance to the Audit Committee.

4.5 Any Member, Officer or member of the public who has any concern covered by the Terms of Reference of the Audit Committee may raise the matter with the Chair of the Committee who shall obtain, if necessary, relevant advice from the Council's Monitoring Officer or the Section 151, Corporate Director of Finance and Resources before taking any action with regard to the same.

## **5. MEMBERSHIP**

- 5.1 Audit Committee members shall be appointed by the Council and consist of 7 members in accordance with the rules governing political balance. No member of the Executive and no chair of the Overview and Scrutiny Panels shall be eligible to be a member of the Audit Committee.
- 5.2 The Audit Committee shall be provided with administrative support by the Governance & Regulatory Services Directorate and reports/decisions of the Audit Committee shall be recorded and published on CMIS in the usual way. Financial Services shall provide technical support to the Committee when required. As the decisions of the Audit Committee shall not be of an executive nature, the decisions shall not be the subject of a request for call-in. If any Member is concerned about any decision of the Audit Committee, s/he should raise the matter with the Chair of the Audit Committee, the Monitoring Officer and/or the Section 151 Finance Officer and/or ask an oral question of the Chair of the Audit Committee at the Council meeting in accordance with the relevant Council Procedure Rules.

## **6. ATTENDANCE**

- 6.1 The Audit Committee shall meet on a regular basis as provided for in paragraph 7 below. Officers and others may attend all or part of the meeting at the invitation of the Committee. Attendees may include:
- The Leader or Deputy Leader
  - The Portfolio Holder for Finance
  - Portfolio Holders
  - Town Clerk and Chief Executive
  - Corporate Director of Finance and Resources (Section 151)
  - Corporate Director of Governance and Regulatory Services (Monitoring Officer)
  - Designated Head of Internal Audit
  - Other Chief Officers and Managers, as required
- 6.2 Subject to the relevant meeting complying with the Access to Information paragraphs for the exclusion of members of the public, the Audit Committee shall at least annually meet:
- (i) in private, with the external and internal auditors together; and/or
  - (ii) in private, with the external auditor.

## **7. MEETINGS**

- 7.1 The Audit Committee shall meet at least four times a year in accordance with the schedule of meetings agreed by the Council. The External Auditor or the Designated Head of Internal Audit may request a meeting if they consider it necessary and other special meetings may be called in accordance with the Council's Procedure Rules.
- 7.2 The members of the Audit Committee shall commit to receiving appropriate training and development necessary to fulfil their roles.

## **8. QUORUM**

- 8.1 The quorum for any meeting shall be one quarter of the elected members of the Committee, subject to there being not less than two elected members present at any time.



## **9. WORK PROFILE OF THE AUDIT COMMITTEE**

9.1 In furtherance of the Terms of Reference and not otherwise, the Audit Committee is likely to receive and advise upon the following areas of work:

- Whether there is an appropriate culture of risk management and related control throughout the Council;
- the Annual Governance Statement;
- the annual Statement of Accounts, including changes in and compliance with accounting policies and practices, major judgemental areas and significant adjustments resulting from the audit;
- significant changes required to Financial Procedure Rules and the Contracts Procedure Rules.
- the framework and processes for risk assessment, analysis and management within the Council;
- the effective co-ordination between internal and external audit;
- the budget needed to resource effective internal and external audit and other responsibilities of the Audit Committee; and
- generally, on how the Audit Committee could add value to the work and operation of the Council.

9.2 External Audit and Inspection Agencies

- To note the fees and terms of engagement of the external auditor.
- To review the planned programme of work with the external auditor.
- To consider the annual statutory audit and to advise the Executive on any response to any audit management letters, reports and investigations, including Value for Money studies and other inspection reports.
- To review whether agreed external or internal audit or inspection recommendations have been implemented by the Executive as timetabled.
- To discuss with the external auditor any problems, reservations or issues arising from the interim or final audit or other investigations.
- To review the external auditor's independence and objectivity and annually appraise the Executive on the effectiveness and value for money of the external audit service.

9.3 Corporate Governance Framework

- To review and advise the Executive on the embedding and maintenance of an effective system of corporate governance including internal control and risk management.

- To give an assurance to the Council that there is a sufficient and systematic review of the corporate governance, internal control and risk management arrangements within the Council.
- To review the Annual Governance Statement and make appropriate recommendations to the Council, the Executive, the Overview and Scrutiny Panels and Regulatory Committees.
- To ensure that any significant weaknesses identified are remedied.
- To commission, if necessary, any relevant investigations into matters of particular concern relating to internal control.
- To ensure that the impact of any alleged or fraudulent activity on the Council's framework of internal control is reviewed and, where necessary, to recommend changes to strengthen the control framework.
- To receive reports relating to those aspects of whistle blowing or alleged or actual fraudulent activity which relate to the Terms of Reference of the Audit Committee.

#### 9.4 Internal Audit

To review and make recommendations to the Executive regarding:

- The effectiveness of internal audit;
- the internal audit function to ensure it is adequately resourced;
- the internal audit strategy, annual plan and to monitor delivery of the plan;
- any internal audit protocols and policies;
- significant audit findings, together with the response from managers to these reports;
- any difficulties encountered by internal audit including any restrictions on the scope of activities or access to required information;
- agreed internal audit recommendations to ensure they are implemented by management as timetabled; and
- the annual report from the Designated Head of Internal Audit.

#### 9.5 Other

- To consider and make recommendations to the Executive on:
- the selection and terms of appointment of other appropriate advisors and consultants;
- governance issues relating to the operation of the Audit Committee, and
- the proportionality, independence, and appropriateness of any of the Council's policies relating to any audit or governance matters;
- such other matters of an audit, financial or governance nature as fall within the terms of reference of the Committee or as may be referred by the Council.

**Audit Committee Agenda's**

**30<sup>th</sup> July 2020**

- A1. Minutes of Business & Transformation Scrutiny Panel
- A2. External Audit Plan
- A3. External Audit Progress report and sector update
- A4. Internal Audit Annual Report 2019/20
- A5. Audit Committee's Annual Report 2019/20
- A6. Internal Audit Progress 2019/20 (January – March)
- A7. Internal Audit Plan and Progress 2020/21 (April – June)
- A8. Draft Annual Governance Statement 2019/20
- A9. Draft Statement of Accounts (Progress Report) – 2019/20
- A10. Treasury Management Outturn 2019/20

**24<sup>th</sup> September 2020**

- A1. Minutes of Business & Transformation Scrutiny Panel
- A2. External Audit Progress report and sector update
- A3. Internal Audit Progress 2020/21 (April – September)
- A4. Statement of Accounts 2019/20
- A5. Treasury Management: April – June 2020

**18<sup>th</sup> December 2020**

- A1. Minutes of Business and Transformation Scrutiny Panel
- A2. External Audit Findings for Carlisle City Council
- A3. Statement of Accounts 2019/20 and 2020/21
- A4. Internal Audit Progress 2020/21 (October - December)
- A5. Internal Audit Report – Local Air Quality Management
- A6. Internal Audit Report – City Centre
- A7. Internal Audit Report – Carlisle Partnership
- A8. Draft Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2021/22
- A9. Treasury Management Quarter 2 2020 and Forecasts for 2021/22 to 2025/26

**15<sup>th</sup> March 2021**

- A1. Minutes of Business and Transformation Scrutiny Panel
- A2. External Audit Progress Report and Sector Update
- A3. Audit Committee Annual Report
- A4. Internal Audit Plan 2021/22

- A5. Treasury Management October to December 2020
- A6. Internal Audit Progress 2020/21 (January to March)
- A7. Internal Audit Reports
- A8. The Redmond Review

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## **EXCERPT FROM THE MINUTES OF THE AUDIT COMMITTEE HELD ON 15 MARCH 2021**

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### **AUC.07/21      AUDIT COMMITTEE'S ANNUAL REPORT**

The Chair presented report RD.62/20, the purpose of which was to summarise the work carried out by the Audit Committee during 2020/21; and to demonstrate to Council and stakeholders the effectiveness of the Committee in maintaining the organisation's internal control environment and governance arrangements.

With reference to paragraph 2.25 of the report, a Member requested that the word "exceedingly" be removed. She accepted that the virtual meetings of the Committee had worked well, but in comparison to in person meetings felt it would be more appropriate to describe their operation as "well".

The Chair agreed the amendment.

**RESOLVED** – That the Annual Report of the Audit Committee, which would be submitted to the City Council on 27 April 2021, be noted and accepted, subject to the removal of the word "exceedingly" from paragraph 2.25.



# Council

**Agenda  
Item:**  
  
**17**

Meeting Date: 27 April 2021  
 Portfolio: Finance, Governance and Resources  
 Key Decision: Not applicable  
 Policy and Budget Framework: Yes  
 Public / Private: Public

Title: Appointment of Independent Person  
 Report of: Corporate Director of Governance & Regulatory Services  
 Report Number: GD.30/21

## Purpose / Summary:

The Localism Act 2011 requires that the Council has at least one Independent Person to advise it in relation to Standards Matters (and other matters relating to any proposed dismissal of a statutory Chief Officer). The Council has two IPs and the report seeks the continuance of the term of office for both the IPs with staggered end dates.

## Recommendations:

The Standards Committee recommends to Council that it continue the appointment of Jane Elliott until a review date of 30 June 2024 and Keith Thomas as an Independent Person(s) until a review date of 30 June 2023 (min ref ST.04/21).

## Tracking

Standards Committee:	31 March 2021
Council:	27 April 2021

## **1. BACKGROUND**

- 1.1** The Localism Act 2011 introduced a new role of Independent Person (IP) to provide advice and guidance to the Monitoring Officer and Members who are the subject of a standards allegation. Following advertisement and a full recruitment process the Council has two IP's, Mr Keith Thomas and Ms Jane Elliott, who have held the said appointment since 2013. Their current terms of appointment expire on 30 June 2021.
- 1.2** Following changes to the Officer Employment Procedure Rules from May 2015 the Independent Person must be invited to be considered for appointment to any Panel which may be set up to deal with any disciplinary cases involving the Head of Paid Service, Monitoring Officer or Chief Finance Officer. Accordingly, the Council's IPs were co-opted onto the Employment Panel for relevant matters. If additional support is required then the Council can also call upon Independent Persons from neighbouring authorities for this.
- 1.3** Ms Elliot's term of office would have been considered and reappointed at the Annual Council meeting which had been scheduled for 18 May 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowed for the Annual Council Meeting to be cancelled. Appointments which would have been made at the said Annual Meeting continued with the current appointed persons until the next Annual Meeting. Ms Elliot's appointment was extended for one year.
- 1.4** As a result of the extension the IPs' terms of office are due to end in June 2021. If the Council does not continue with both of the appointments then it will be necessary to advertise for new Independent Persons and it is likely that, due to their co-option as a members of the Employment Panel, they will not be able to apply. This is a quirk of the legislation unforeseen by the legislative draftsmen.
- 1.5** Ms Elliot and Mr Thomas applied for the positions of IP, were interviewed, and subsequently chosen by the Standards Committee, from amongst several other candidates, for the role of IP. The said Committee recommended Ms Elliott and Mr Thomas to Council as suitable appointments. Nothing has altered their suitability for the post; therefore, the appointments having been reviewed by the Standards Committee (Min ref ST.04/21), it is recommended by the said Committee that their appointments be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024). Both Ms Elliot and Mr Thomas have confirmed that they are willing to continue as the Council's IPs. The dates return the Council to the preferred



staggered expiry of appointments to reduce the likelihood of the Council being without the required IP.

## **2. PROPOSALS**

- 2.1** The Standards Committee recommends to Council that Mr Keith Thomas's appointment as Independent Person be continued until 30 June 2023 and Ms Jane Elliot's appointment as Independent Person be continued until 30 June 2024.

## **3. CONSULTATION**

- 3.1** Ms Elliot and Mr Thomas have been consulted to ascertain whether they would be prepared to continue as the Council's IPs; they confirmed that they are.
- 3.2** The Standards Committee considered this matter at their Meeting on 31 March 2021.

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1** The best route to retain an IP as required by the Law is as detailed in the Report.

## **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1** Having an IP to play a role in both Standards and the Employment Panel is both required by Law and also contributes to the proper, transparent running of the authority; factors which assist us in delivering our Carlisle plan priorities.

**Contact Officer: Mark Lambert**

**Ext: 7019**

**Appendices** Extract from the recruitment pack including role description  
**attached to report:**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

**• GD.37/13, GD.14/17, OD.78/20, GD.28/21**

### **CORPORATE IMPLICATIONS:**

**LEGAL** – Contained within the Report.

**FINANCE** – There are no financial implications arising from the continuation of these appointments.

**EQUALITY** – None

**INFORMATION GOVERNANCE** – None.

## **INDEPENDENT PERSON**

### **SELECTION CRITERIA**

#### **SKILLS AND COMPETENCIES**

An Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

An Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

**NOTE:** You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

#### **Eligibility for Appointment**

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority.
- a member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

However, by virtue of transitional arrangements this will not prevent existing independent members of the Council's Standards Committee from being eligible to apply for the role.

## **ROLE OF INDEPENDENT PERSON – CARLISLE CITY COUNCIL**

### **ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the City Council and Town and Parish Councillors within the district.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Carlisle City Council and town and parish councillors and in particular to uphold the Code of Conduct adopted by the Council concerned and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer before a decision is made on an allegation and to be available to attend meetings of the Hearing Panel for this purpose.
3. To be available for consultation through the Monitoring Officer before a decision is taken as to whether to investigate a complaint or to seek a local resolution.
4. To be available for consultation by any elected member, including town and parish councillors, who is the subject of a complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Council and town and parish councils in the district.
6. To participate in training events to develop skills, knowledge and experience.
7. To attend training events organised and promoted by the Council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

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## **EXCERPT FROM THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 31 MARCH 2021**

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### **ST.05/21 APPOINTMENT OF INDEPENDENT PERSON**

The Monitoring Officer submitted report GD.28/21 regarding the appointment of the Council's Independent Person.

The Monitoring Officer reminded the Committee that the Localism Act 2011 introduced a new role of Independent Person (IP) to provide advice and guidance to the Monitoring Officer and Members who were the subject of a standards allegation. Following advertisement and a full recruitment process the Council appointed two IP's, Mr Keith Thomas and Ms Jane Elliott, who have held the said appointment since 2013. Their current terms of appointment expire on 30 June 2021.

Ms Elliot's term of office would have been considered and reappointed at the Annual Council meeting which had been scheduled for 18 May 2020. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allowed for the Annual Council Meeting to be cancelled. Appointments which would have been made at the said Annual Meeting continued with the current appointed persons until the next Annual Meeting. Ms Elliot's appointment was extended for one year.

As a result of the extension both of the IPs term of office were due to end in June 2021. If the Council did not continue with both of the appointments then it would be necessary to advertise for new Independent Persons and it was likely that, due to their co-option as members of the Employment Panel, they would not be able to apply.

The Monitoring Officer reported that nothing had altered Mr Thomas and Ms Elliot's suitability for the post; therefore, it was recommended that their appointments be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).

In response to a Member's question the Monitoring Officer explained that, should the local government re-organisation move forward, the Government would publish transitional rules setting out the arrangements for matters such as the Independent Person.

**RESOLVED** – That the Standards Committee recommends to Council that Mr Thomas and Ms Elliot's appointments as the Council's Independent Person be continued for a period of two years for Mr Thomas (until a review date of 30 June 2023) and three years for Ms Elliot (until a review date of 30 June 2024).

# Council

Agenda  
Item:

**18**

Meeting Date: 27 April 2021  
Portfolio: Finance, Governance and Resources  
Key Decision: No.  
Within Policy and Budget Framework Yes.  
Public / Private Public

Title: Carlisle City Council Code of Conduct, Arrangements and Guidance Revision  
Report of: Monitoring Officer  
Report Number: GD.31/21

## Purpose / Summary:

In December 2020 the Local Government Association published its Model Code of Conduct for Local Authority Members. Via this Report the Standards Committee recommends adopting the said Code (with suitable local revisions) together with revisions to the Council's Arrangements for Dealing with Code of Conduct Matters and Guidance so as to implement the Committee for Standards in Public Life's Best Practice Recommendations (Min Ref ST.05/21).

## Recommendations:

The Standards Committee recommends to Council that it adopts from the date of today's Meeting the LGA Code of Conduct (as amended), the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance, as set out in the Report.

## Tracking

Standards Committee:	<b>31 March 2021</b>
Council:	<b>27 April 2021</b>

## 1. BACKGROUND

- 1.1 Members will be aware that in 2019 the Committee on Standards in Public Life published a Report which reviewed ethical standards in Local Government and set out several statements of best practice which it recommended should be implemented. The best practice recommendations are set out for ease of reference in Appendix 1 and following is a link to the full report should Members wish to read it:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 1.2 Many of the recommendations in the Report require changes to legislation and so are the responsibility of Central Government to implement, however, a number are within our gift. The Council already complies with most of the suggested best practice but the opportunity presents itself to review and refresh our Code and associated documentation.
- 1.3 The first recommendation was that the Local Government Association (“LGA”) should create an updated Model Code of Conduct. The LGA has been working on this (Members will recall that they had the opportunity to contribute to this via a consultation process) and the LGA Model Code was published in December 2020. The Council’s existing Code of Conduct was adopted in 2012 and is broadly similar across all of the Councils in Cumbria. The county wide consistency worked well so the Cumbrian Monitoring Officers have worked together on the Model Code to make appropriate local amendments (the Model Code is promoted as a template to be amended for local circumstances).
- 1.4 This Report contains sections on the Best Practice Recommendations and then deals with how our documentation may be amended. If the recommendations suggested are approved then the Council will be fully compliant with all of the best practice recommendations.

## 2. BEST PRACTICE RECOMMENDATIONS AND CITY COUNCIL RESPONSE

	Recommendation	Response
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	The existing code dealt with this but the proposed revisions do so more explicitly.

	examples of the sort of behaviour covered by such a definition.	
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.	The proposed Code does this and there is a filtration process to stop trivial and malicious allegations by any person.
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.	We will do this in future.
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.	It is.
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.	The Council's register is maintained on an ongoing basis.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Included in the proposed revisions.
7	Local authorities should have access to at least two Independent Persons.	The Council has two Independent Persons.
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.	The Council's arrangements for dealing with Code of Conduct matters already includes this provision.
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.	The Council's arrangements currently deal with publication but are recommended to be extended so as to comply with the additional suggestions.
10	A local authority should have straightforward and accessible guidance on its website on how to	This information is on the Council's website.

	make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	
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 as a whole, rather than the clerk in all but exceptional circumstances.	This recommendation does not require any amendment to the City Council's arrangements.
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.	The Council's Monitoring Officer fulfils this role.
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.	The suggested arrangements deal with this recommendation.
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.	The Council does not have any such bodies but if we did then it would seek to comply with the recommended best practice.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This occurs.

### 3 **CODE OF CONDUCT (Appendix 2)**

- 3.1 The Model Code of Conduct including amendments is shown as Appendix 2 of the Report. If Members wish to view the amendments via tracked changes then these may be seen for the Code and other relevant documents referred to in this Report via Standards Committee Report GD.27/21 accessed through the following link:



- 3.2 Additional detail of the amendments approved by the Standards Committee for recommendation to Council is as follows:
- 3.3 Paragraph 7.2 deals with the use of Council resources for political purposes. At the moment the position is clear, Members may not use Council resources to promote any particular political party. The Cumbrian Monitoring Officers are of the opinion that the suggested wording in the LGA Model Code would introduce ambiguity where none currently exists, hence the amendment to the effect that Council resources remain unable to be used for political purposes.
- 3.4 Paragraph 10.2 covers the value of gifts/hospitality to be recorded. The Standards Committee recommend that the value remain at £25.
- 3.5 In relation to matters where Members disclose a disclosable pecuniary interest, the amendment to the proposed code continues the current arrangement whereby if the public has the right to speak then so does the Member. The Member, having spoken, then must leave the room/meeting. This ensures that Members do not have fewer rights than they would do as ordinary members of the public.
- 3.6 In relation to other declarations of interest (non-pecuniary) the LGA Code requires the Member to leave the room/meeting. However, this goes further than the law requires and is unnecessary; not participating when it would be inappropriate to do so is the more important point. The local amendment covers this point.
- 3.7 In paragraph 9 on page 13 of the Code, the LGA attempts to revert to the pre 2012 Statutory Code of Conduct. The test they suggested as to whether a Member's financial position is affected "to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision" is too imprecise a test to apply. The suggested local amendment of whether an ordinary member of the public would believe the Member's judgement be affected is a far clearer, objective judgement and should be easier to apply and use.
- 4 **ARRANGEMENTS FOR DEALING WITH STANDARDS MATTERS (Appendix 3)**
- 4.1 Section 28(6) of the Localism Act 2011 requires that the Council must have in place arrangements under which investigations can be investigated and under which

decisions on allegations can be made. Arrangements with suitable amendments are attached as Appendix 3 to the Report.

4.2 Other than minor amendments, the Arrangements have been amended so as to:

4.2.1 Explicitly deal with conflicts of interest.

4.2.2 Include a section setting out the Public Interest Test as per the recommendation from the Committee on Standards in Public Life (Section 7 of the Arrangements).

4.3 More specific requirements regarding the published Decision Notice are set out in Section 9 and in paragraph 34 of the procedure for dealing with matters.

## **5 CODE OF CONDUCT GUIDANCE (Appendix 4)**

5.1 The suggested Guidance includes new sections on Bullying and Harassment.

## **6 RISKS**

6.1 The risk to the Council in not implementing the proposed changes is that it will fall behind the recommended best practice in the area of our ethical conduct practice, policies and procedures.

## **7 CONSULTATION**

7.1 The Local Government Association carried out a wide consultation when formulating its proposed Code of Conduct. This was promoted with Members at the time in order that they could contribute. The suggested Code and amendments have been consulted upon and discussed by the Cumbrian Monitoring Officers.

7.2 The Council's appointed Independent Person, Jane Elliott, was also consulted and advised the Standards Committee:

"I can see that the changes outlined in the list of recommendations have been included in the revised Code of Conduct 2021. I note the extended definition of bullying and harassment in recommendation 1, and examples of the sort of behaviour involved, this makes it very clear. I also note the changes to recommendation 9, whereby after a decision is made on an allegation of misconduct following formal investigation, the notice should be published on the website with a brief statement of facts, the provisions of the code related to the allegations, the view of the Independent Person and reasoning of the decision

maker, along with any sanctions. This seems a comprehensive overview of the situation.

“I think it is sensible to take the new National Code and amend only where appropriate, given that it will continue to be reviewed on an annual basis taking into account the views of the public, community organisations and neighbouring authorities.”

## **8 CONCLUSION AND REASONS FOR THE RECOMMENDATIONS**

- 8.1 In order to comply with recommended best practice and also maintain consistency in Cumbria, it is recommended that the LGA Code of Conduct, with suggested amendments, together with the revised Arrangements and Guidance be adopted by Council as from the date of today's Meeting.
- 8.2 Once the new Code is in place, training (to a large extent refresher) will be provided for Members by training sessions and via the Council's e-learning system.

**Contact Officer:** Mark Lambert

**Ext:** 7019

### **Appendices attached to report:**

- 1. Recommendations of the Committee for Standards in Public Life**
- 2. Proposed Code of Conduct**
- 3. Proposed Arrangements for Dealing with Standards Matters.**
- 4. Proposed revised Guidance for Standards Matters**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- Standards Committee Report GD.27/21

### **CORPORATE IMPLICATIONS:**

**LEGAL – Incorporated within the body of the report**

**FINANCE – None**

**EQUALITY – None**

**INFORMATION GOVERNANCE – None**



# List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
<b>23</b>	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
<b>24</b>	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
<b>25</b>	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
<b>26</b>	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

## Appendix 2

### **CARLISLE CITY COUNCIL** **Councillor Code of Conduct**



## **Definitions**

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

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

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

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

## **Purpose of the Code of Conduct**

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

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

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

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

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

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

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

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

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

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

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

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

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

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

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. Bullying, harassment and discrimination**

### **As a councillor:**

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

#### **2.2 I do not harass any person.**

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, 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 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.**

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 £25 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 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/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. 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 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 Registrable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other

Registrable Interests (as set out in Table 2), you must disclose the interest. If you have such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances 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. If it is a 'sensitive interest', you do not have to disclose the nature of the interest

## Disclosure of Non- Registrable 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 but otherwise must not take part in any discussion or vote on the matter 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 friend, relative, close associate; or
  - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

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

9. Where a matter **affects** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may 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 but otherwise must not take part in any discussion or vote on the matter.

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

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

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

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<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 has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

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

## **Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body 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)

## Appendix 3 (note this appendix contains appendices)

# The Council of the City of Carlisle

## Arrangements for dealing with standards allegations under the Localism Act 2011

### 1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on any allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation has been made.

### 2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council Offices, Civic Centre, Carlisle.

Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should do so by going to the website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.

### 3 Making a complaint

If you wish to make a complaint, please write or email to –

Monitoring Officer  
Carlisle City Council,  
Civic Centre,  
Carlisle,  
Cumbria, CA3 8QG

Or –

[StandardsCttee@carlisle.gov.uk](mailto:StandardsCttee@carlisle.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website and is available on request from Reception at the main council Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

The Monitoring Officer will seek to identify any conflicts of interest which may arise at any stage of the process and put alternative arrangements in place as appropriate.

#### **4 Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person and Chair of the Council's Standards Committee, take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

In certain cases the Monitoring Officer may refer particular complaints to the Standards Committee where he/she feels that it would be inappropriate for him/her to take a decision on it, for example where he/she has previously advised the member on the matter or the complaint is particularly sensitive.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Clerk before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

#### **5 How is the investigation conducted?**



The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix Two to these arrangements.

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint, so that you can explain your understanding of events, suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

**6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and (following consultation with the Independent Person and Chair of the Standards Committee), if he is satisfied that it is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. The matter will be reported to the Standards Committee. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

**7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, after considering the public interest, will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

**The Public Interest Stage**

In every case where there is sufficient evidence to justify an investigation or formal hearing, Monitoring Officer must go on to consider (in consultation with the Independent Person) whether an investigation or formal hearing is required in the public interest.

It is not the case that an investigation or formal hearing will automatically take place once the evidential stage is met. An investigation or formal hearing will usually take place

unless the Monitoring Officer is satisfied that there are public interest factors tending against such an investigation/hearing which outweigh those tending in favour. In some cases, the Monitoring Officer may be satisfied that the public interest can be properly served by offering the relevant elected Member the opportunity to have the matter dealt with by an alternative remedy rather than bringing the complaint before a formal hearing of the Standards Committee.

When deciding the public interest, Monitoring Officer should consider each of the questions set out below as paragraphs a) to e) so as to identify and determine the relevant public interest factors tending for and against investigation/hearing. These factors should enable the Monitoring Officer to form an overall assessment of the public interest.

The explanatory text below each question in paragraphs a) to e) provides guidance to the Monitoring Officer when addressing each particular question and determining whether it identifies public interest factors for or against investigation/hearing. The questions identified are not exhaustive, and not all the questions may be relevant in every case. The weight to be attached to each of the questions, and the factors identified, will also vary according to the facts and merits of each case.

It is quite possible that one public interest factor alone may outweigh a number of other factors which tend in the opposite direction. Although there may be public interest factors tending against an investigation or in a particular case, the Monitoring Officer should consider whether nonetheless an investigation/formal hearing should go ahead and those factors put to the Standards Committee for consideration when coming to its decision.

The Monitoring Officer should consider each of the following questions:

**a. How serious is the breach of the Code?**

- The more serious the breach, the more likely it is that a formal hearing is required.
- When assessing the seriousness of a breach, the Monitoring Officer should include in their consideration the elected Member's culpability and the harm caused, by asking themselves the questions at b) and c).

**b) What is the level of culpability of the elected Member?**

- The greater the Member's level of culpability, the more likely it is that an investigation is required.
- Culpability is likely to be determined by:
  - the Member's level of involvement;
  - the extent to which the breach of the Code was premeditated and/or planned;

- the extent to which the Member has benefitted from the conduct;
- whether the Member has previously breached the Code of Conduct;
- whether the breach was or is likely to be continued, repeated or escalated;

**c) What are the circumstances of and the harm caused to the complainant?**

- The circumstances of the complainant are highly relevant. The more vulnerable the complainant's situation, or the greater the perceived vulnerability of the complainant, the more likely it is that a formal investigation or hearing is required.
- This includes where a position of trust or authority exists between the Member and complainant.
- It is more likely that a formal hearing is required if the conduct complained of was motivated by any form of prejudice against the complainant's actual or presumed ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity; or if the Member targeted or exploited the complainant, or demonstrated hostility towards the complainant, based on any of those characteristics.
- The Monitoring Officer also needs to consider if a formal hearing is likely to have an adverse effect on the complainant's physical or mental health, always bearing in mind the seriousness of the conduct complained of, the availability of special measures and the possibility of a formal hearing without the participation of the complainant.
- The Monitoring Officer should take into account the views expressed by the complainant about the impact that the conduct has had. In appropriate cases, this may also include the views of the complainant's family.
- However, the Monitoring Officer does not act for complainants or their families in the same way as solicitors act for their clients, and Monitoring Officers must form an overall view of the public interest.

**d) What is the impact on the community?**

- The greater the impact of the conduct complained of on the community, the more likely it is that an investigation or formal hearing is required.
- Community is not restricted to communities defined by location and may relate to a group of people who share certain characteristics, experiences or backgrounds, including an occupational group.

**e) Is an investigation or formal hearing a proportionate response?**

- In considering whether investigation or formal hearing is proportionate to the likely outcome, the following may be relevant:
  - i. The cost, especially where it could be regarded as excessive when weighed against any likely penalty. The Monitoring Officer should not decide the public interest on the basis of this factor alone. It is essential that regard is also given to the public interest factors identified when considering the other questions in paragraphs a) to e), but cost can be a relevant factor when making an overall assessment of the public interest.
  - ii. Cases should be dealt with in accordance with principles of effective case management.

## 8.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Parish Council for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

## 9 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as Appendix Three to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss

the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

## **10 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 10.1 Publish its findings in respect of the member's conduct;
- 10.2 Send a formal letter to the Member;
- 10.3 Report its findings to Council or to the Parish Council for information;
- 10.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 10.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 10.6 Instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the member;
- 10.7 Remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 10.8 Withdraw or recommend to the Parish Council that it withdraws certain facilities provided to the member by the Council; or
- 10.9 Exclude or recommend that the Parish Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **11 What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member and to the Parish Council, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

The decision notice will include a brief statement of the 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. The decision notice will be published on the Council's website.

## **12 Who are the Hearings Panel?**

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise three members of the Council, appointed on a political balance basis.

The Independent Person is invited to attend all meetings of the Hearings Panel and his/her views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **13 Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area, or
- 13.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
  - 13.3.1 Spouse or civil partner;
  - 13.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 13.3.3 Grandparent of the other person;
  - 13.3.4 A lineal descendent of a grandparent of the other person;
  - 13.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
  - 13.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
  - 13.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

## **14 Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## 15 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One	The authority's Code of Conduct [New one to be inserted]
Appendix Two	Procedure for Investigations
Appendix Three	Procedure for Hearings

Appendix 1

# [New Code of Conduct]

## APPENDIX 2

### CARLISLE CITY COUNCIL

## Procedure for Local Investigation of Referred Complaints

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### Introduction and Summary

This note sets out the procedure which will be followed in the local investigation of allegations of misconduct by Councillors or Co-opted Members (for ease of reference, hereinafter jointly referred to as "Councillors"). No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Councillor against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.

This procedure applies to breaches of the authority's Code of Conduct for Members.

When the Monitoring Officer receives an allegation of a failure by a Councillor to comply with the Code of Conduct, and, following consultation with the Independent Person and

Chair of the Standards Committee, he is of the opinion that the allegation merits investigation, he shall arrange for an Investigating Officer to investigate the allegation and to report to the Monitoring Officer.

Where the Investigating Officer has found, after investigation, that the Councillor has not acted in breach of the authority's Code of Conduct for Members or a local protocol, the Monitoring Officer will review the Investigating Officer's report and, following consultation with the Independent Person and the Chair of the Standards Committee, if he/she is of the view that the report is sufficient he/she will write to you, enclosing a copy of the report and advise you that no further action will be taken.

Where the Investigating Officer has found that there has been a failure to comply with the Code of Conduct for Members or a local protocol and a Local Resolution has not been possible then the Monitoring Officer, following consultation with the Independent Person and the Chair of the Standards Committee, may decide to hold a full hearing to determine whether a breach of the authority's Code of Conduct has occurred and whether any action should be taken in consequence.

In this process, the function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Monitoring Officer, to enable him/her, in consultation with the Chair of the Standards Committee, to make an informed decision as to whether the Councillor has failed to comply with the authority's Code of Conduct for Members, and upon any consequential action. At any Hearing, the Standards Committee acts in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on the balance of the information available to it, and may commission further investigation or information if it needs to do so in order to come to a decision. In the event of the Investigating Officer requiring information from, or the attendance of, any Officer or elected Member in connection with the conduct of an investigation, such Officer or Member will be expected to co-operate fully with the Investigating Officer in accordance with their responsibilities under their contracts of employment and Code of Conduct respectively.

## **1. Interpretation**

'Councillor' means the member or co-opted member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's representative.

'Investigating Officer' means the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer and/or his or her representative).

'The Matter' is the subject matter of the Investigating Officer's report.

'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing, unless the context indicates that it refers only to the Standards Committee itself.

## **2. Notification of Reference of Allegation to the Monitoring Officer**

### **(a) Appointment of Investigating Officer**

If it is determined that an investigation is appropriate, the Monitoring Officer will appoint an Investigating Officer in respect of the allegation and instruct him/her to conduct an investigation of the allegation and to report thereon to the Monitoring Officer. The Investigating Officer may be an officer of the authority, an officer of another local authority, or an external Investigating Officer.



The Investigating Officer may appoint persons to assist him/her in the conduct of his/her functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

(b) Notification to the Councillor

The Monitoring Officer will then notify in writing the Councillor against whom the allegation is made:

- (i) that the allegation has been referred to him for local investigation and determination;
- (ii) the identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or put the complainant at risk);
- (iii) of the conduct which is the subject of the allegation;
- (iv) of the section(s) of the Code of Conduct or local protocol which appear to him to be relevant to the allegation;
- (v) of the procedure which will be followed in respect of the allegation, and
- (vi) of the identity of the Investigating Officer.

(c) *Notification to the Parish or Town Council Clerk*

*Where the allegation relates to the conduct of a member of a Parish or Town Council in his/her capacity as such, at the same time as notifying the Councillor, the Monitoring Officer will notify the Clerk of the Parish or Town Council concerned in writing of the matters set out in paragraphs 2(b)(i) - (iv) and (vi) above.*

(d) Notification to the Person who made the Allegation

At the same time as notifying the Councillor, the Monitoring Officer will notify the person who made the allegation in writing of the matters set out in paragraphs 2(b)(i) - (iv) and (vi) above.

(e) Initial response of the Councillor

In notifying the Councillor of receipt of the allegation, the Monitoring Officer shall request the Councillor to respond to the Investigating Officer in writing within 14 days of notification as follows:

- (i) advising the Investigating Officer whether the Councillor admits or denies the breach of the Code of Conduct or local protocol which is the subject of the allegation;
- (ii) listing any documents which the Councillor would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected,
- (iii) providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of any person or organisation whom the Councillor would wish the Investigating Officer to interview in the

course of any investigation of the allegation (providing that, in the reasonable opinion of the Investigating Officer, the number of such is not excessive or disproportionate), and

- (iv) providing the Investigating Officer with any information which the Councillor would wish the Investigating Officer to seek from any person or organisation.
- (f) Supporting information from the person who made the allegation

In notifying the person who made the allegation as above, the Monitoring Officer will request the person to respond to the Investigating Officer within 14 days

- (i) listing any documents which the person would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected,
- (ii) providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of any person or organisation whom the person would wish the Investigating Officer to interview in the course of any investigation of the allegation, and
- (iii) providing the Investigating Officer with any information which the person would wish the Investigating Officer to seek from any person or organisation.

### **3. Conduct of Investigation**

- (a) Purpose of the Investigation

The purpose of the Investigating Officer's investigation is to enable him/her to prepare and present to the Monitoring Officer a report which, if subsequently referred to the Standards Committee, would provide it with sufficient information to determine whether the Councillor has acted in breach of the Code of Conduct or local protocol and, where there has been a breach of the Code of Conduct or local protocol, whether any action should be taken in respect of the Councillor or in consequence of the breach, and what any such action should be.

- (b) Termination of the Investigation

The Investigating Officer may terminate his/her investigation at any point, where he/she is satisfied that he/she has sufficient information to enable him/her to report to the Standards Committee and to enable the Standards Committee to come to a considered decision on the allegation.

- (c) Additional Matters

Where, in the course of his/her investigation, the Investigating Officer becomes aware of any other matter which appears to him/her to indicate a breach of the Code of Conduct or local protocol by the Councillor other than the breach which he/she is currently investigating, the Investigating Officer shall either:

- (i) *(where the additional matter relates to an apparent breach of the authority's Code of Conduct by a member of the principal authority)* report the matter to the Monitoring Officer who will provide the Councillor with details of the matter in the form set out in paragraphs 2(b)(iii) and (iv) above and invite the Councillor to provide a statement as to why the additional matter does

not constitute a breach of the Code of Conduct;

- (ii) *(where the additional matter constitutes an apparent breach of the authority's local protocols but not a breach of the Code of Conduct by a member of the principal authority)* report the matter to the Monitoring Officer who will provide the Councillor with details of the matter in the form set out in paragraphs 2(b)(iii) and (iv) above and invite the Councillor to provide a statement as to why the additional matter does not constitute a breach of the authority's code of conduct. The Monitoring Officer, in consultation with the Independent Person and the Chair of the Standards Committee, will then take a decision whether to refer the matter to an Investigating Officer for local investigation and/or report to the Standards Committee as appropriate.;
  - (iii) *(Where the additional matter relates to an apparent breach of the Code of Conduct by a Parish or Town Councillor)* notify the Clerk to the Town or Parish Council of the additional matter, and take no further action in respect thereof.
- (d) Following notification to the Councillor, the Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation. Where the Councillor has provided the Investigating Officer with the information requested in accordance with Paragraphs 2(f)(ii) and (iii) above, the Investigating Officer shall include in this list each document, person and organisation referred to in that response, unless he/she is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation rather than contribute to the accuracy of the Investigating Officer's final report. The Investigating Officer may supplement or amend this list at any stage of the investigation.
- (e) Production of documents, information and explanations
  - (i) In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may make such enquiries of any person or organisation, and request any person or organisation to provide any document or information which is in his/its possession or control, or provide any explanation, as he/she thinks necessary for the purposes of carrying out the investigation.
  - (ii) In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may require any authority of which the Councillor is a member to provide any document which is in his/its possession or control which he/she thinks necessary for the purposes of carrying out the investigation.
  - (iii) Any decision about whether any particular document is sensitive or commercially sensitive and thus not suitable for publication shall rest with the Monitoring Officer in consultation with the Independent Person and Chair of the Standards Committee.
- (f) Interviews
  - (i) Requesting attendance

In the course of the investigation the Investigating Officer may request any person to attend and appear before him or otherwise provide any

information, document or explanation for the purpose of Paragraph 3(e), as he/she thinks necessary for the purposes of carrying out the investigation.

(ii) Representation

Any person who appears before the Investigating Officer may arrange to be accompanied at their own expense by a solicitor or friend.

(iii) Notes of interviews

Where practicable, following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

(g) Costs

The Investigating Officer may, where he/she considers that it is appropriate in order to facilitate the conduct of the investigation, pay to any person who provides any document, information, advice or explanation in response to his/her request, such fees or allowances as he/she considers to be appropriate subject to any maxima set by the authority.

#### **4. The Draft Report**

(a) When the Investigating Officer is satisfied that he/she has sufficient information to meet the requirement set out in Paragraph 3(a), or has obtained as much information as is likely to be reasonably capable of being obtained, he/she shall prepare a draft report with a “confidential” and “draft” marking setting out:

- (i) the details of the allegation;
- (ii) the relevant provisions of statute, of the Code of Conduct and any relevant local Protocols
- (iii) the Councillor’s initial response to notification of the allegation (if any);
- (iv) the relevant information, evidence, advice and explanations which he/she has obtained in the course of the investigation;
- (v) a list of any documents relevant to the matter;
- (vi) a list of those persons whom he/she has interviewed and those organisations from whom he/she has sought information;
- (vii) a note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to co-operate;
- (viii) a statement of his/her draft findings of fact;
- (ix) his/her conclusion (with reasons) as to whether the Councillor has or has not failed to comply with the Code of Conduct for Members of any authority or a local protocol, and
- (x) any recommendations which the Investigating Officer is minded to make to any authority concerned for reviewing or reconsidering any decision which

was the subject of the breach of the Code of Conduct or local protocol, for rectifying any deficiency in the authority's decision-making procedures or for preventing or deterring any breach of the Code of Conduct or local protocol or to remedy the position of any person who may have suffered detriment or injustice as a result of the breach. *Where the allegation relates to a Parish or Town Councillor, such recommendations would be recommendations which the Investigating Officer would recommend that the Standards Committee make to the Parish or Town Council.*

- (b) The draft report should also state that the report does not necessarily represent the Investigating Officer's final finding, and that the investigating Officer will present a final report to the Monitoring Officer once he/she has considered any comments received on the draft report.
- (c) The Investigating Officer shall then send a copy of his/her draft report in confidence to the Councillor and the person making the allegation, and request that they send any comments thereon to him/her within 14 days.
- (d) The Investigating Officer may send a copy of, or relevant extracts from his/her draft report in confidence to any person on whose evidence he/she has relied in compiling the draft report, and request that they send any comments thereon to him/her within 14 days.

## **5. The Final Report**

- (a) After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend his/her draft report in the light of any comments received, and produce and send to the Monitoring Officer his final report. The final report should be marked "final" and state that the report represents the Investigating Officer's final findings and may, if necessary, be presented to the Standards Committee, and should, subject to 3(e)(iii), have appended to it copies of any documents which the Investigating Officer has relied on in reaching his/her conclusions, such as background documents of telephone conversations, letters, notes of interviews with witnesses and a chronology of events;
- (b) The Monitoring Officer shall then send a copy of the final report to the Councillor, advising that:
  - (i) where the final report concludes that there has not been a failure to comply with the Code of Conduct for Members or a local protocol, (if the Monitoring Officer, in consultation with the Independent Person and Chair of the Standards Committee are satisfied) that no further action is required, and
  - (ii) where the final report concludes that there has been a failure by the Councillor to comply with the Code of Conduct for Members or with a local protocol, he/she will consider, in consultation with the Independent Person and Chair of the Standards Committee, whether the matter be further dealt with by Local Resolution or a Local Hearing.
- (c) If the complaint is dealt with by Local Resolution then that is the end of the matter.
- (d) If it is determined that there should be a Local Hearing then the Procedure for Determination of Allegations about the Personal Conduct of Members will apply.

**CARLISLE CITY COUNCIL****PROCEDURE FOR DETERMINATION OF ALLEGATIONS ABOUT THE  
PERSONAL CONDUCT OF COUNCIL MEMBERS****INTRODUCTION**

1. The local determination of complaints by the Standards Committee (or sub-committee thereof) following a local investigation and referral by the Monitoring Officer, will be governed by this procedure.
2. The person[s] making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member. The allegation will be heard by the Standards Committee or a Sub-Committee of the Standards Committee.

**PRE-HEARING PROCESS [LOCAL INVESTIGATIONS]**

3. Upon receipt of the final report of the Investigating Officer including a finding that the Member failed to comply with the Code of Conduct for Members and where it has not been possible to reach a local resolution or the Monitoring Officer, in consultation with the Independent Person and the Chair of the Standards Committee, finds that the matter should be considered at a formal hearing the Monitoring Officer shall arrange for the Standards Committee to consider the matter.
4. Where the Monitoring Officer is the Investigating Officer he/she must arrange for a separate legal advisor to the Committee to be appointed in respect of the allegation.

**NOTIFYING THE MEMBER AND COMPLAINANT**

5. Within five working days of the receipt of the Investigating Officer's report the Monitoring Officer shall send a copy of the report to the Member and, where possible, the Complainant, making the provision of the report conditional upon any appropriate undertaking of confidentiality. The Chairman and Members of the Committee shall be informed of the allegation by the Monitoring Officer, as well as any Parish or Town Council Clerk where the allegation relates to conduct of a Member in his/her capacity as a member of a Parish or Town Council.

6. The Member shall be asked for a written response, within fifteen working days of the receipt of the report, which response shall set out the reply to the Investigating Officer's report and state whether or not he/she:
  - i. disagrees with any of the findings of fact in the Investigating Officer's report, including the reasons for any disagreement;
  - ii. wants to be represented, at his/her own expense, at the hearing by any other person;
  - iii. wants to give evidence to the Committee, either verbally or in writing;
  - iv. wants to call relevant witnesses to give evidence to the Committee;
  - v. wants any part of the hearing to be held in private;
  - vi. wants any part of the Investigating Officer's report or other relevant documents to be withheld from the public.
7. The Member shall be informed that if, at the meeting of the Committee, he/she seeks to dispute any matter contained in the Investigating Officer's report without having previously notified the Monitoring Officer of the intention to do so the Committee may either [a] adjourn the meeting to enable the Investigating Officer to provide a response, or [b] refuse to allow the disputed matter to be raised.
8. Upon receipt, the Monitoring Officer shall invite the relevant Investigating Officer to comment, within ten working days, on the Member's response, and to say whether or not he/she:
  - i. wants to be represented or be present at the hearing;
  - ii. wants to call relevant witnesses to give evidence or submit written or other evidence to the Committee;
  - iii. wants any part of the hearing to be held in private;
  - iv. wants any part of the Investigating Officer's report or other relevant documents to be withheld from the public.
9. Upon receipt of the Investigating Officer's response, the Monitoring Officer will consider the responses of the Member and the Investigating Officer and request the Monitoring Officer to set a date for the hearing in consultation with the Chairman.
10. The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chairman of the Hearing may limit the number of witnesses to be called, if he/she believes the number requested is unreasonable and that some witnesses will simply be repeating the

evidence of earlier witnesses, or else not providing evidence that will assist the Committee to reach its decision.

11. Nothing in this procedure shall limit the Chairman of the Hearing from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Committee to reach its decision.
12. The Monitoring Officer, in consultation with the Chairman, will:
  - i. confirm a date, time and place for the Hearing, which must be within three months from the date that the Investigating Officer's report was received;
  - ii. confirm the main facts of the case that are agreed;
  - iii. confirm the main facts that are not agreed;
  - iv. provide copies of any written evidence to the relevant parties;
  - v. confirm which witnesses will be called by the parties;
  - vi. provide the parties with a copy of the proposed procedure for the Hearing, specifying which parts of the matter, if any, may be considered in private; and
  - vii. ensure the appropriate information, with the agenda, is provided to everyone involved in the Hearing at least two weeks before the proposed date of the Hearing.

## **THE HEARING**

13. The Committee shall decide, on a balance of probabilities, whether the complaint[s] is or are upheld upon the evidence presented to it.
14. Each Committee Member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast. If there are equal numbers of votes for and against, the Chairman will have second or casting vote.
15. The meeting of the Committee will be open to the public and press unless confidential information or exempt information is likely to be disclosed.

## **PROCEDURE AT THE HEARING**

16. The initial order of business at the meeting shall be as follows:-
  - i. Establishing whether the Committee is quorate;
  - ii. Declarations of interest;



- iii. Introductions
  - iv. Consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
  - v. Consideration of any procedural issues and, in particular, any representation from the Investigating Officer and/or the Member as to reasons why the Committee should exclude the press and public and determination as to whether to exclude the press and public.
17. The purpose of the Hearing is to determine the facts at issue and what action, if any, should be taken. An inquisitorial approach will be adopted by the Committee members in seeking information and clarifying facts and issues. The Chairman will control the procedure and evidence presented at the Hearing, including the questioning of witnesses.
  18. The Committee members may at any time seek legal advice from their advisor. [Such advice will be notified to the public in the presence of the Investigation Officer and the Member.]
  19. The procedure will be as follows, subject to the Chairman being able to make changes as he or she thinks fit in order to ensure a fair and efficient hearing.

## **PROCEEDING IN THE ABSENCE OF THE MEMBER**

20. If the Member is not present at the start of the Hearing:
  - i. The Chairman will ask the Monitoring Officer whether the Member has indicated his/her intention not to attend the Hearing;
  - ii. The Standards Committee shall then consider any reasons which the Member has provided for not attending the Hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
  - iii. If the Standards Committee is satisfied with such reasons, it shall adjourn the Hearing to another date;
  - iv. If the Standards Committee is not satisfied with such reasons, or if the Member has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the member or to adjourn the Hearing to another date.
21. **Presentation by the Investigating Officer**
  - 21.1 The Investigating Officer will present the evidence which is relevant to the matter. The Investigating Officer may introduce any witness required

to substantiate any matter contained in the report which has been disputed and present any other relevant evidence.

21.2 The Member or his/her representative may ask questions of the Investigating Officer or any witness.

21.3 The Committee members may ask questions of the Investigating Officer or any witness.

## **22. Presentation by the Member**

22.1 The Member or his/her representative will present the evidence which is relevant to the matter. The Member or his/her representative may introduce witnesses or present any other relevant evidence.

22.2 The Investigating Officer may ask questions of the Member, or any witness.

22.3 The Committee members may ask questions of the Member or any witness.

## **23 Summing Up**

23.1 The Investigating Officer and then the Member or his/her representative will be given the opportunity to sum up.

## **24 Power to Adjourn**

24.1 If the Committee at any time prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter the Committee may (on not more than one occasion) adjourn the hearing and make a request to the Monitoring Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

## **24. Decision by the Committee**

24.1 The Committee will consider in private all the evidence which it has heard in order to establish its findings of fact.

24.2 At any stage in the consideration of the matter the Committee may return to ask further questions of the Investigating Officer or the Member or seek further information. The other party will be given an opportunity to comment upon the questions asked or the responses made.

24.3 The Committee may seek legal advice at any time. Such advice may be given in the presence of the Investigating Officer and the Member if appropriate.

- 24.4 At the conclusion of their deliberations, the Chairman will advise the Member and the Investigating Officer of their findings and whether the Code of Conduct has been breached.
- 24.5 If the Committee concludes that the Member has acted in breach of the Code representations will be invited from the Investigating Officer and the Member as to what action, if any, it should take. The Committee may ask questions of the Member and the Investigating Officer.

### **Determining the Matter**

25. The Committee, having heard any representations, will consider what actions, if any, to take.

The findings that the Committee may make are:

- a) That there has been no breach of the Code;
  - b) That the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
  - c) That the Member has failed to comply with the Code of Conduct and the sanction(s) should be that the Standards Committee:
    - ❖ Publish its findings in respect of the Member's conduct;
    - ❖ Send a formal letter to the Member
    - ❖ Report its findings to the Council or Parish Council for information;
    - ❖ Recommend to the member's Group Leader (or in the case of an ungrouped member(s), recommend to Council or Committees) that he/she be removed from any or all committees or sub-committees of the Council;
    - ❖ Recommend to the Leader of the Council that the member be removed from the Executive or removed from particular Portfolio responsibilities;
    - ❖ Instruct the Monitoring Officer or recommend that the Parish Council arrange training for the member;
    - ❖ Remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Council or the Parish Council;
    - ❖ Withdraw or recommend to the Parish Council that it withdraws certain facilities provided to the member by the Council; or
    - ❖ Exclude or recommend that the Parish Council exclude the member from the member from Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committees and Sub-Committee meetings.
26. In deciding what penalty to set, the Committee will consider all relevant circumstances.

27. The Chairman will announce the decision of the Committee, the action, if any, it will take and the reasons for the decision.
28. The Committee will then consider in open session whether there are any recommendations which should be made to any Authority concerned arising from the consideration of the allegation.

## **APPEAL**

28. There is no right of appeal against the decision of the Hearing Panel.

## **NOTICE OF FINDINGS**

29. A full written decision in draft [including the reasons for it] will be prepared as soon as practicable. The draft decision will be forwarded to the Chairman of the Committee for approval.
30. Once approved and as soon as reasonably practicable after the Hearing the full written decision will be forwarded to the Member, the Complainant [where possible], the Investigating Officer and any other Authority concerned.
31. If the Hearing Panel wishes to publish its finding, the Monitoring Officer, subject to paragraph 32, shall arrange for a summary of the findings to be published in one newspaper circulating in the area of the Authority in accordance with paragraphs 33 and 34 or in such other manner as the Hearing Panel may determine (for example, by reporting the matter to Council for information).
32. Where the Committee determines that there has not been a breach of the Code of Conduct, the notice shall:
  - i. State that the Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and
  - ii. Not be published in the local newspaper if the Member so requests.

33. Where the Committee determines that there has been a failure to comply with the Code of Code but no action is required, the notice shall:

- i. State that the Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
- ii. Specify the details of the failure;
- iii. Give reasons for the decision reached; and

34. Where the Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall include a brief statement of the 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. The decision notice will be published on the Council's website.

35. Copies of the agenda, reports and minutes of a Hearing, as well as any background papers, apart from sections of documents relating to parts of the Hearing that were held in private, shall be available for public inspection for six years after the Hearing.

## GUIDANCE ON CODE OF CONDUCT

This document has been produced by the Cumbria Monitoring Officers to offer guidance on the Code of Conduct for Members as adopted by the principal authorities with effect from 27 April 2021. The code, amended from time to time to reflect current guidance, applies to all members and co-opted members of the principal authorities within Cumbria.

The code does not apply to the actions of authorities as a whole, or to the conduct of its officers and employees.

Ultimately, it is the members' responsibility to take specific advice from the Monitoring Officer where appropriate and to make a decision as to the most suitable course of action.

### Code of Conduct

The Code of Conduct ("the Code") is not intended to be an exhaustive list of all the obligations that are placed on Members, but it is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time.

The Code is intended to be consistent with the seven principles as attached to the code which define the standards that members should uphold. A failure to act in accordance with these general principles may amount to a breach of the Code of Conduct. For example, by placing yourself in situations where your honesty and integrity may be questioned, your conduct may be conduct which could "bring your office or your Authority into disrepute".

### When does the Code apply to you?

The Code applies to you whenever you act in your official capacity as a Member or co-opted member of the Authority. A co-opted member is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council and who is entitled to vote on any question that falls to be decided at that meeting of that committee or sub-committee.

For the purposes of the Code, a "meeting" is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

### General Obligations under the Code

**You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or business carried on by you.**

For example, your behaviour would be improper if you sought to further your private interests through your position as a member.

**You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.**

It would not be appropriate to accept favours, gifts or hospitality from someone that may, at a later date, require something from the Council that you are in a position to influence. For example, you may be offered a discount by a business in the area which subsequently applies for planning permission and/or a licence. You may be on the relevant committee dealing with the application and, therefore, be in a difficult position.

## **You must not disclose any information given to you as a Member in breach of any confidence**

There may be circumstances where you are required to do so by law but you should seek the advice of the Monitoring Officer if there is any doubt about this.

You must not disclose confidential information, or information which you believe to be of a confidential nature, except in any of the following circumstances:

- 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. This is only justified in limited circumstances, when all of the following four requirements are met:
  1. the disclosure must be reasonable
  2. the disclosure must be in the public interest
  3. the disclosure must be made in good faith
  4. 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 to be met 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 recur.
- 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) A criminal offence is committed.
- (b) Your authority or some other person fails to comply with any legal obligation to which they are subject.
- (c) A miscarriage of justice occurs.
- (d) The health or safety of any individual is in danger.
- (e) The environment is likely to be damaged.

(f) That information tending to show any matter falling within (a) to (e) 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 authority, means that before making the disclosure you must comply with your 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.

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.

### **You must not bring your office or your Authority into disrepute**

You must not bring your office or authority into disrepute whilst acting in your official capacity.

As a member, 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 your office or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

**You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the authority's statutory officers and its other employees.**

### **Respect**

You must treat others with respect. In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the politics and actions of their opponents. Criticism of ideas and opinion is part of democratic debate and does not in itself amount to failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attacks. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst there may be unreasonable demands on members, members should, as far as possible, treat people courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

### **Equality**

You must not do anything which may cause your authority to breach any equality laws. You must be careful not to act in a way which may amount to any of the prohibited forms of discrimination, or do anything which hinders your authority's fulfilment of its positive duties under equality laws.



Such conduct may cause your authority to breach the law, and you may find yourself subject to a complaint that you have breached this paragraph of the code of conduct.

## **Bullying**

You should not bully any person. As an elected Member you are in a position of authority and power over Council employees and others. Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- (a) physical or psychological threats;
- (b) overbearing and intimidating levels of supervision/instruction;
- (c) inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## **Harassment**

You should not harass any person. Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (b) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (c) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);

- (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (e) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (f) outing or threatening to out someone as gay or lesbian;
- (g) offensive e-mails, text messages or social media content; or
- (h) mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

### **Impartiality and integrity of officers of the authority**

You should respect the impartiality and integrity of the Authority's statutory officers and its other employees.

You should not approach or pressure anyone who works for, or on behalf of the authority to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. 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.

Although you can robustly 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, 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.

### **When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.**

As an elected Member of the Council you are responsible for administering resources on behalf of the public of the area that you serve. You should administer these resources fairly and in accordance with the law. It is inappropriate for the Council's resources or powers to be used in such a way that the authority and its Members be left open to accusations that in appropriate influence played a part, for example, "it's not what you know, it's who you know!"

### **You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.**

This requirement is linked to carrying out all duties in a fair and transparent manner. Members are able to be held to account for their actions and, this being the case, you must be open to and cooperate with any legitimate scrutiny that is to be applied.

### **You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.**

The law requires that Members give reasons for their decisions. This is so that the public we serve are able to understand why we have taken a course of action and, if necessary, exercise any right of challenge that is open to them.

**You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interest in a matter which conforms to the procedures within the code.**

The Code of Conduct contains a scheme for the registration of interests. It exists to support openness and transparency; the public are able to see where you may have an interest. Secondly, the scheme of registration exists to protect individual Members against accusations of a conflict of interest etc. Lastly, the registration of disclosable pecuniary interests is required by law.

**You must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.**

Where your authority provides you with resources (for example telephone, computer and other IT facilities, transport or support from council employees), you must only use these resources or employees for carrying out your local authority business and any other activity which your authority has authorised you to use them for.

You must be familiar with the rules applying to the use of these resources made by your authority. Failure to comply with the 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 authority's resources, you must take care to ensure that this is allowed by the authority's rules.

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

**You must promote and support high standards of conduct when serving in your office.**

You have a duty to promote and support high standards of conduct and be consistent with the seven general principles attached to the Code.

## INTERESTS

### Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

You have two types of registrable interests

- a) A Disclosable Pecuniary Interest and
- b) Interests other than pecuniary interests that the Council has decided should be registered

### Disclosable Pecuniary Interests

1. These are interests which must be notified to the Council's Monitoring Officer within 28 days beginning with the day on which you become a member or co-opted member of the authority in accordance with the statutory requirements of the Localism Act 2011. These are enforced by criminal sanction, and failure to declare is a criminal offence.
2. You need to register your interests so that the public, authority staff and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a potential conflict of interest.
3. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other members, 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 government is maintained.
4. 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) of the following descriptions:
  - (a) Details of any employment, office, trade, profession or vocation carried on for profit or gain
  - (b) Details of 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 you in carrying out duties as a member, or towards your election expenses. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
  - (c) Details of 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 under which goods or services are to be provided or works are to be executed; and which has not been fully discharged.
  - (d) Details of any beneficial interest in land which is within the area of the relevant authority.
  - (e) Details of any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
  - (f) Details of any tenancy where (to your knowledge) the landlord is the relevant authority; and the tenant is a body in which the relevant person has a beneficial interest.

- (g) Details of any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the relevant authority; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if that 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.

For the purposes of the foregoing “relevant authority” means the District Council, and “relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of your disclosable pecuniary interest.

### **Notification of Other Interests**

5. In addition to the disclosable pecuniary interests, you must, within 28 days of the Code being adopted by or applied to your 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 the Council has decided must be included in the register of 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 the District Council;
- (b) Details of any body of which you are a member or in a position of general control or management and which –
  - (i) exercises functions of a public nature,
  - (ii) is directed to charitable purposes or
  - (iii) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade union);
- (c) Details of any persons from who you have received a gift or hospitality with an estimated value of at least £25. (You must register any gifts and hospitality worth £25 or over that you receive personally in connection with your official duties).

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

6. 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 your authority, school governing bodies.

If you need further information or specific advice, please contact your Monitoring Officer.

## What do things mean?

Here are some definitions from the legislation that may help you. Ask for advice if necessary:

<b>"the Act"</b>	means the <a href="#">Localism Act 2011</a> ;
<b>"body in which the relevant person has a beneficial interest"</b>	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
<b>"director"</b>	includes a member of the committee of management of an industrial and provident society;
<b>"land"</b>	excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
<b>"M"</b>	means a member of a relevant authority;
<b>"member"</b>	includes a co-opted member;
<b>"relevant authority"</b>	means the authority of which M is a member;
<b>"relevant period"</b>	means the period of 12 months ending with the day on which M gives a notification for the purposes of <a href="#">section 30(1)</a> or <a href="#">section 31(7)</a> , as the case may be, of the Act;
<b>"relevant person"</b>	means <ul style="list-style-type: none"> <li>(i) M</li> <li>(ii) M's spouse or civil partner,</li> </ul>

	<p>(iii) a person with whom M is living as husband and wife, or</p> <p>(iv) a person with whom M is living as if they were civil partners,</p>
"securities"	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the <a href="#">Financial Services and Markets Act 2000</a> and other securities of any description, other than money deposited with a building society.

### Gifts and Hospitality

7. You must register the gift or hospitality and its source within 28 days of receiving it.
8. You should ask yourself would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, we recommend that you register it or speak to the Monitoring Officer or your parish clerk where appropriate.
9. You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

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

10. 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.
11. You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you received from the same source over a short period that add up to £25 or more should be registered.

### Changes to Interests

12. You must, within 28 days of becoming aware of any new interest or change to any interest registered notify the Monitoring Officer of the details of that new interest or change.

## **Disclosure of Interests**

13. Where you have a registrable interest in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

## **Sensitive interests**

14. 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?**

15. It may include your sensitive employment (such as certain scientific research or the Special Forces) or other interests that are likely to create serious risk of violence or intimidation against you or someone who lives with you.
16. 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 a disclosable pecuniary interest in the matter concern.

## **Non participation in case of disclosable pecuniary interest**

17. If you are present at a meeting of the Council, Executive 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.

**In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.**

18. Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.



## Dispensations

19. The Monitoring Officer or Standards Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. These circumstances 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. 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, without a dispensation, no member of the Executive would be able to participate on this matter.
  4. That the authority considers that the dispensation is in the interests of persons living in the authority's area
  5. That the authority considers that it is otherwise appropriate to grant a dispensation.

## Offences

20. It is a criminal offence to
- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
  - 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
  - As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
  - Knowingly or recklessly providing 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 5 years.

## Bias/Predetermination

Although not part of the Code, members need to be clear that they are not biased going into the decision making process.

If you have a personal interest in a matter as a result of the matter affecting the well-being or financial position of yourself, member of your family or close association more than it would affect the majority of other people in the ward or electoral divisions affected by the decision, or in the authority's areas or constituency then there may be potential for bias/predetermination.

The rules against bias say that there are three distinct elements. The first seeks accuracy in public decision-making and 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 prejudices.

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 "appearance" bias.

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 a decision.**

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.

So, you are entitled to have a pre-disposition 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, able to take account of all of the evidence and make your decision on the day.

### What does "affecting well-being" or "financial position" mean?

The term "well-being" can be described as a condition of contentment and happiness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.

A personal interest can 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, a personal interest would need to be declared in both situations.

### **Who is a member of your family or close association?**

A member of your family should be given wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, parent-in-law, a son or daughter, a stepson, or stepdaughter, the child of a partner, a brother or sister of yourself or your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people.

A person with whom you have a close association is someone that 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.

### **What if I belong to an authority without wards?**

If you are a member of an authority that does not have wards, you will need to declare a personal interest whenever you consider a matter in a meeting of your authority if it affects the well-being or financial position of you, your family or people with whom you have a close association, more than it would affect other people in your authority's areas.

### **What if I am not aware of my personal interest?**

Clearly you cannot be expected to declare something of which you are unaware. However, you should not ignore the existence of interests which, from the point of view of a reasonable and objective observer, you should have been aware. If you become aware, or should have realised, that you have an interest during consideration of the item, you should immediately declare this and take the appropriate action.

### **When must I leave the room where the meeting is held?**

You must leave immediately before any debate starts.

### **Non participation in case of pecuniary interest**

#### ***Disclosable Pecuniary Interests***

Subject to the following paragraph below if you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, then you should declare that interest to the meeting and should leave the room whilst any discussion or vote takes place.

If a dispensation has been granted to you in relation to a disclosable pecuniary interest then, subject to the terms of the dispensation, you may be relieved from the above restrictions but will still be required to declare the interest to the meeting.

Where you have a disclosable pecuniary interest in any business of the Council, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose, whether under a statutory right or otherwise. Once any such representations etc have been made, the Member should leave the room whilst any discussion or vote takes place.

This would mean that as under current arrangements, Members will leave the room during an item in which they have a Disclosable Pecuniary Interest.

In the interests of transparency it is good practice for you to make the nature of a disclosable interest known when such a matter arises at a meeting. You should identify the nature of the

interest which you have in any matter so that is known and understood by all and is a matter of public record. If a declaration is not made, other than through the register, it would not necessarily be apparent to anyone who is present at the meeting why a particular Member is not participating or voting in any matter.

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## EXCERPT FROM THE MINUTES OF THE STANDARDS COMMITTEE HELD ON 31 MARCH 2021

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### **ST.06/21      CARLISLE CITY COUNCIL CODE OF CONDUCT, ARRANGEMENTS AND GUIDANCE REVISION**

The Monitoring Officer submitted the proposed Model Code of Conduct for Local Authority Members together with revisions to the Council's Arrangements for Dealing with Code of Conduct Matters and Guidance so as to implement the Committee for Standard's in Public Life's Best Practice Recommendations (GD.27/21).

The Monitoring Officer reminded the Committee that the current Members Code of Conduct had been in place across Cumbria since 2012. In 2019 the Committee on Standards in Public Life published a Report which reviewed ethical standards in Local Government and set out several statements of best practice which it recommended should be implemented. Many of the recommendations required changes to legislation, however, a number were within the Council's remit. The City Council already complied with most of the suggested best practice, but the Report gave the Council the opportunity to review and refresh the Code.

The first Best Practice Recommendation required the Local Government Association (LGA) to create an updated Model Code of Conduct. The LGA undertook the work and the Model Code was published in December 2020. As the county wide consistency of the previous Code had worked well the Cumbrian Monitoring Officers had worked together on the Model Code to make appropriate local amendments.

The Monitoring Officer's report set out the Best Practice Recommendations and how the City Council documentation may be amended. If the recommendations were approved then the Council would be fully compliant with all of the best practice recommendations. The report also included a Model Code of Conduct with suggested amendments and the proposed amendments to the Councils' existing arrangements for dealing with Standards matters.

The Independent Person (Ms Elliot) had been unable to attend the meeting, they were provided with the full suit of documents and asked for a written response. The Monitoring Officer read out the response to the Committee:

*"I can see that the changes outlined in the list of recommendations have been included in the revised Code of Conduct 2021. I note the extended definition of bullying and harassment in recommendation 1, and examples of the sort of behaviour involved, this makes it very clear. I also note the changes to recommendation 9, whereby after a decision is made on an allegation of misconduct following formal investigation, the notice should be published on the website with a brief statement of facts, the provisions*

*of the code related to the allegations, the view of the Independent Person and reasoning of the decision maker, along with any sanctions. This seems a comprehensive overview of the situation.*

*I think it is sensible to take the new National Code and amend only where appropriate, given that it will continue to be reviewed on an annual basis taking into account the views of the public, community organisations and neighbouring authorities. “*

The Monitoring Officer summed up by informing the Committee that the LGA would review the Code annually and the City Council would respond accordingly.

In discussing the amended documents as appended to the report the Committee thanked the Monitoring Officer for his presentation and clear report. They agreed the changes to the Code of Conduct as set out in Section 3 of the report and supported the amendments that were detailed as tracked changes in the appendices.

The Monitoring Officer responded to Members questions clarifying the following:

- training would be provided to Members following adoption of the Code of Conduct by full Council;
- Parish Councils would be expected to adopt new Codes of Conduct and training would be provided by their Parish Clerk or CALC;
- the value of gifts and hospitality would be £25;
- Recommendations 2 and 18 of the Committee for Standards in Public Life were for the Government to undertake.

RESOLVED – 1) That the Standards Committee agreed the changes as detailed in paragraphs 3.3, 3.4, 3.5, 3.6 and 3.7 of report GD.27/21.

2) That the Standards Committee recommends to Council that it adopts the LGA Code of Conduct (as amended), the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance, as set out in report GD.27/21.

# Council

Agenda  
Item:

**19**

Meeting Date: 27<sup>th</sup> April 2021  
Portfolio: Cross Cutting  
Key Decision: No  
Policy and Budget Framework: Yes  
Public / Private: Public

Title: Extension of Interim Chief Executive arrangements with Eden District Council  
Report of: Town Clerk & Chief Executive  
Report Number: CE 02/21

## Purpose / Summary:

The purpose of this report is for Carlisle City Council to consider a request from Eden District Council (EDC) for an extension to the agreement between the two councils for Carlisle provision of a temporary part-time support of Interim Chief Executive at EDC.

The agreement between the two authorities currently runs until 31 May 2021 and can be terminated by either side for any reason with one month's notice. Via its HR and Appeals Panel, Eden District Council have requested an extension until 31 December 2021. The original arrangement was approved by Carlisle City Council on 15 December 2020 (report CE 08/20).

Should the City Council agree it will also be subject to agreement by full council at EDC.

The extension is requested as EDC do not wish to make a decision on permanent appointment of a chief executive until the way forward is clear with regard to local government reorganisation. It is expected that the intention of Government will be known in July of this year. If, for example, LGR is not to proceed then EDC can go ahead with recruitment of a chief executive and have one in post a few months later, depending on notice periods and other factors. The proposed extension therefore allows plenty of time for a handover. Under these circumstances it is unlikely that the arrangement will run until December.

Alternatively, if LGR is to proceed then all local authorities in Cumbria will be working towards service and organisational alignment. The selected option may or may not bring Carlisle and Eden together, which will obviously inform members' intentions and instructions going forward.

Extension of the agreement would mean Carlisle City Council will continue to receive £1,000 per week from EDC in payment for services. The TCCE will receive no additional remuneration.

**Recommendations:**

It is recommended that the City Council:

- i. agree the request from Eden District Council for Carlisle City Council to extend the agreement.
- ii. delegate authority to the Corporate Director of Governance & Regulatory Services to agree the extension with EDC



# Report to Council

Agenda  
Item:

**20**

Meeting Date: 27 April 2021  
Portfolio: Cross Cutting  
Key Decision: Not Applicable  
Policy and Budget Framework: NO  
Public / Private: Public

Title: OPERATION OF THE PROVISIONS RELATING TO CALL-IN AND URGENCY – ANNUAL REPORT  
Report of: Corporate Director of Governance and Regulatory Services  
Report Number: GD.29/21

## Purpose / Summary:

To report on the operation of call-in and urgency over the past twelve months to comply with Rule 15(j) of the Overview and Scrutiny procedure rules.

## Recommendations:

That the report be noted and the current procedures on the operation of call-in and urgency be continued.

## Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	27 April 2021

## **1. BACKGROUND**

- 1.1 This report has been prepared in accordance with Rule 15(j) of the Overview and Scrutiny Procedure Rules which requires the operation of the provisions relating to call-in and urgency to be monitored annually, and a report submitted to Council.

## **2. OPERATION OF THE PROVISIONS RELATING TO CALL IN AND URGENCY**

### **2.1 Call-Ins**

Rule 15 of the Overview and Scrutiny Procedure Rules sets out the procedures in which Overview and Scrutiny can call-in decisions of the Executive, Individual Portfolio Holders and Officers.

During the 2020/21 Municipal Year there have been no call-ins. (Appendix 1)

### **2.2 Urgency Rules**

Rule 15(i) of the Overview and Scrutiny Procedure Rules provides that call-in procedures shall not apply where a decision being taken by the Executive is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.

In these circumstances, the Chair of the Council (i.e. the Mayor) has to agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

During the 2020/21 Municipal Year, the Mayor has agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 2 were urgent and should not be subject to call-in procedures.

### **2.3 Special Urgency**

Paragraph 16 (Special Urgency) of the Access to Information Procedure Rules; and Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 allow for key decision items to be dealt with where there is not 5 clear days before the meeting.

In these circumstances, the Chair of the Executive and the Chair of the relevant Scrutiny Panel have to agree that the decision proposed cannot reasonably be deferred.

During the 2020/21 Municipal Year, the Chair of the Executive and the Chairs of the relevant Scrutiny Panels have agreed that the decisions of the Executive, Individual Portfolio Holders and Officers as set out in Appendix 2 were urgent and should not be subject to call-in procedures.

## **2.4 Private Meetings**

Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provides that the intention to hold a meeting in private must be published at least 28 clear days prior to that meeting.

Where the date by which a meeting must be held makes compliance with the regulation impracticable, the Chair of the relevant Scrutiny Panel or the Chair of the Council may agree that the meeting is urgent and cannot reasonably be deferred.

During the 2020/21 Municipal Year, there were four items which were urgent and could not reasonably be deferred. (Appendix 3)

## **2.5 Items Not in the Notice of Executive Key Decisions**

Rule 15 of the Access to Information Procedure Rules and Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the provision for key decisions to be considered when they have not been included in the Notice of Executive Key Decisions. Appendix 4 details key decisions which have been considered under General Exception rules as they were not included in the Notice of Executive Key Decisions.

## **3. SUMMARY**

- 3.1 In the past 12 months there have been no call-ins. Procedures to deal with call-ins are in place and a proforma is available for Members to use in calling in decisions on which Members are asked to identify the reasons for the call-in. The identification of specific reasons gives Portfolio Holders the opportunity to be prepared and briefed at call-in meetings, although identifying the specific reason is not mandatory in the call-in process. It is considered that the system and processes already in place to deal with call-ins are satisfactory.
- 3.2 With regard to the urgency rules, the decisions on items deemed by the Mayor to be urgent and not subject to 'call in' include instances where recommendations from the Executive have been referred to the City Council for decision and the call-in period would overlap the date of the City Council meeting.

#### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That the report be noted and the current procedures on the operation of call-in and urgency be continued in accordance with Rule 15(j) of the Overview and Scrutiny Procedures Rules.

**Contact Officer: Morag Durham**

**Ext: 7036**

**Appendices attached to report:**

- Appendix 1 - Call Ins**
- Appendix 2 – Urgency Rules**
- Appendix 3 – Private Meetings**
- Appendix 4 – Items not in the Notice of Executive Key Decisions**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- Carlisle City Council's Constitution  
([http://www.carlisle.gov.uk/council\\_and\\_democracy/democracy\\_and\\_elections/about\\_the\\_council/constitution.aspx](http://www.carlisle.gov.uk/council_and_democracy/democracy_and_elections/about_the_council/constitution.aspx))
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

#### **CORPORATE IMPLICATIONS:**

**LEGAL** – Contained within the report

**PROPERTY SERVICES** – Not applicable

**FINANCE** – Not applicable

**EQUALITY** – Not applicable

**INFORMATION GOVERNANCE** – Not applicable

## 2.1 - Appendix 1 – Call Ins

<b>Title</b>	<b>Decision Taken By</b>	<b>Called in by</b>	<b>Relevant Scrutiny Panel</b>	<b>Date scrutinised</b>	<b>Minute Reference and Decision</b>
None					

## 2.2 - Appendix 2 – Urgency Rules

Meeting	Date	Decision Exempt from Call in and Reason
Executive	22 June 2020	<p>EX.54/20 – Provisional General Fund Revenue Outturn 2019/20  EX.55/20 – Provisional Capital Outturn 2019/20 and Revised Capital Programme 2020/21  EX.56/20 – Treasury Management Outturn 2019/20  EX.59/20 – Food Law Enforcement Service Plan 2020/21</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 14 July 2020 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	20 July 2020	<p>EX.86/20 – GLL COVID Support</p> <p>An early final decision on support would assist the Council's leisure management contractor to plan for the rest of July and August 2020. A delay to the decision making would prejudice the Council's interests.</p>
Portfolio Holder decision	24 July 2020	<p>PF.6/20 – COVID-19 – Discretionary Business Grant</p> <p>In order to comply with Government guidance on the administration of the Local Authority Small Business Discretionary Grant, there was an urgent need to have the Council's policy in place alongside our process for the administration of grant applications.  Any delay caused by the call-in process would prejudice the Council's interests.</p>
Leader's decision	31 July 2020	<p>LD.05/20 – Carlisle Southern Link Road, Housing Infrastructure Fund, Grant Determination Agreement ("GDA") and Collaboration Agreement</p> <p>In order to secure government funding for the Carlisle Southern Link Road, it was necessary for the decision to enter into the Agreements to be taken no later than 31 July 2020. Any delay caused by the call-in process would prejudice the Council's interests.</p>

Executive	17 August 2020	<p>EX.88/20 – Medium Term Financial Plan 2021/22 to 2025/26  EX.89/20 – Capital Investment Strategy 2021/22 to 2025/26  EX.90/20 – Asset Management Plan 2021 – 2026  EX.99/20 – Carlisle Southern Link Road Agreements – Financial Implications  EX.100/20 – Business and Planning Act 2020 and Constitutional Amendment Relating to Delegation of Emerging Legislative Powers</p> <p>If a call-in was received, call-in procedures would overlap the meeting of the City Council on 8 September 2020 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	28 September 2020	<p>EX.113/20 – The Sands Centre Redevelopment Project – Final Contract Sum and COVID-19 Implications</p> <p>If a call-in was received, call-in procedures would overlap the special City Council meeting on 13 October 2020 when the matter was scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Leader's Decision	10 November 2020	<p>LD.07/20 – Local Government Reorganisation – Carlisle City Council's Outline Submission</p> <p>The submission of the outline proposal by the deadline of 9 November 2020 is required to participate in the process that will allow submission of the full proposal on 9 December 2020, following consideration by the City Council. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the matter.</p>
Leader's Decision	20 November 2020	<p>LD.08/20 – COVID-19 – Additional Restrictions Grant</p> <p>To adopt the policy which sets out Carlisle City Council's approach to administration of this Government funded discretionary grant scheme.  Any delay caused by the call-in process would prejudice the Council's interests in adopting the Policy.</p>

Executive	7 December 2020	<p>EX.139/20 – Local Government Reorganisation – Approval of Carlisle City Council’s Submission</p> <p>If a call-in was received, call-in procedures would delay transmission of the final submission on the said topic to Government by the 9 December 2020 deadline, thereby prejudicing the Council’s interests.</p>
Executive	14 December 2020	<p>EX.148/20 – Town Deal Capital Accelerated Fund</p> <p>The Funding allocated by the MHCLG to deliver the project must be committed by March 2021 and therefore approval from members needed to be secured before Christmas to enable the project development work and procurement to commence in early January 2021.</p> <p>EX.156/20 – Dates and Times of Meetings 2021/22 EX.158/20 – Tullie House Business Plan 2020/21</p> <p>If a call-in was received, call-in procedures would overlap the virtual City Council meeting on 5 January 2021 when the Council was scheduled to consider the matters. Any delay caused by the call-in process would prejudice the Council’s interests in terms of approving the items.</p>
Executive	13 January 2021	<p>EX.02/21 - Budget Update - Revenue Estimates 2021/22 to 2025/26 EX.03/21 - Revised Capital Programme 2020/21 and Provisional Capital Programme 2021/22 to 2025/26 EX.04/21 - Treasury Management Strategy Statement, Investment Strategy and Minimum Revenue Provision Strategy 2021/22 EX.05/21 - Provisional Local Government Finance Settlement 2021/22 EX.06/21 - Executive Response to the Budget Consultation and Recommendations for the 2021/22 Budget</p>



		<p>If a call-in was received, call-in procedures would overlap the City Council meeting on 2 February 2021 when the 2021/22 Budget proposals were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the items.</p> <p>EX.14/21 – Green Homes Grant Local Authority Delivery Phase 1b</p> <p>It was likely that any grants would have to be accepted quickly and a call in would prejudice the Council's interests as any delay in accepting the grant may result in the loss of the monies.</p>
Leader's Decision	13 January 2021	<p>LD.01/21 - COVID-19 - Local Restrictions Support Grant Open Scheme</p> <p>The Economic Development Team needed to expedite payments under Tier 2 Restrictions which applied 31 October to 4 November 2020 and from 3 December until 30 December 2020 to support businesses impacted by the COVID restrictions.</p> <p>Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	8 February 2021	<p>EX.15/21 - Homelessness Prevention and Rough Sleeping Strategy 2021-26</p> <p>EX.18/21 - Local Environment (Climate Change) Strategy</p> <p>EX.24/21 – Revenue Budget Overview and Monitoring Report – April to December 2020</p> <p>EX.25/21 – Capital Budget Overview and Monitoring Report – April to December 2020</p> <p>If a call-in was received, call-in procedures would overlap the City Council meeting on 2 March 2021 when the matters were scheduled for consideration. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the items.</p>

		<p>EX.28/21 - Borderlands Inclusive Growth Deal – Final Deal Agreement</p> <p>If a call-in was received, call-in procedures would overlap the Special City Council meeting on 23 February 2021 when the Council was scheduled to consider the matter. Any delay caused by the call-in process would prejudice the Council's interests in terms of approving the item.</p>
Executive	15 February 2021	<p>EX.29/21 - Budget 2021/22 - Consideration of Proposed Amendments agreed by the City Council on 2 February 2021</p> <p>If a call-in was received, the call-in procedures would overlap the special City Council meeting on 17 February 2021 when the Council would consider the Executive's response to the amendments and the Executive's final Budget proposals. Any delay caused by the call-in process would prejudice the Council's interests in agreeing a Budget for 2021/22.</p>
Leader's Decision	24 February 2021	<p>LD.02/21 – Paton House Project</p> <ul style="list-style-type: none"> <li>• Variation on roles and responsibilities in the delivery of the demolition of the building</li> <li>• Addition of the project to the Council's capital and revenue programmes for 2020-21 and 2021-22</li> </ul> <p>This process must be expedited in order for the project to keep to the agreed programme and meet key milestones. Any delay caused by the call-in process would prejudice the Council's interests.</p>
Executive	6 April 2021	<p>EX.43/21 – Green Homes Grant Local Authority Delivery (LAD) Phase 2</p> <p>If the bid for funding was successful, and with the possibility that the Department of Business Energy and Industrial Strategy (BEIS) would require a short acceptance period, it was considered that any delay caused by the call-in process would prejudice the Council's interests in accepting the award of funds.</p>

## Special Urgency

OD.106/20	26 October 2020	<p>Sands Centre Redevelopment Project (Variation No.10)</p> <p>To await conclusion of the signing of main contract would add cost to the project as no key activities may take place during the forthcoming weeks thus further delaying the start of main contract and therefore the completion in 2022.</p>
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## 2.3 - Appendix 3 – Private Meetings

Meeting	Date	
Executive	20 July 2020	Outcome of Old Fire Station Tender GLL COVID Support
Executive	12 October 2020	Tullie House Business Plan 2020/21
Executive	14 December 2020	Borderlands Inclusive Growth Deal

## 2.4 Appendix 4 - Key Items Not included in the Notice of Executive Key Decisions

Executive Meeting Date	Reference	Title
20 July 2020	EX.85/20	Outcome of Old Fire Station Tender
	EX.86/20	GLL COVID Support
15 February 2021	EX.29/21	Budget 2021/22 – Consideration of Proposed Amendments Agreed by the City Council on 2 February 2021
Officer Decision – 29 July 2020	OD.86/20	Sands Centre Redevelopment Project (Variation No.7, 10 <sup>th</sup> July 2020)

Leader's Decision – 24 February 2021	LD.02/21	Paton House Project
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