

Council Agenda



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Date: 30 November 2021

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Summons to attend a meeting of Council

to be held on Wednesday 8 December 2021 at 7.00 pm
First floor, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB

A handwritten signature in black ink, appearing to read "P. Arran".

Patrick Arran
Head of Legal and Democratic

To watch this meeting, follow this link to the council's YouTube channel:
<https://www.youtube.com/channel/UCTj2pCic8vzucpzlaSWE3UQ>

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Agenda

Open to the public including the press

1. Apologies for absence

To record apologies for absence.

2. Minutes

(Pages 10 - 25)

To adopt and sign as a correct record the minutes of the extraordinary Council meeting held on 21 September 2021 and the Council meeting held on 6 October 2021.

3. Declarations of interest

To receive any declarations of disclosable pecuniary interests and any conflicts of interest in respect of items on the agenda for this meeting.

4. Urgent business and chair's announcements

To receive notification of any matters which the chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chair.

5. Public participation

To receive any questions or statements from members of the public that have registered to speak.

6. Petitions

To receive any petitions from the public.

7. Review of Joint Gambling policy

(Pages 26 - 63)

Cabinet, at its meeting on 3 December 2021, will consider a report on the review of the Joint Gambling Policy following statutory consultation.

The report of the head of health and housing, which Cabinet will consider on 3 December, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

8. Treasury management mid-year monitoring report 2021/22

(Pages 64 - 78)

Cabinet, at its meeting on 3 December 2021, will consider a monitoring report on the treasury management activities for the first six months of 2021/22 and an update on the current economic conditions with a view to the remainder of the year.

The Joint Audit and Governance Committee will consider the report at its meeting on 30 November 2021.

The report of the head of finance, which Cabinet will consider on 3 December 2021, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

9. Council tax base 2022/23

(Pages 79 - 83)

Cabinet, at its meeting on 3 December 2021, will consider a report on the council tax base for 2022/23.

The report of the head of finance, which Cabinet will consider on 3 December, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

10. War and War Widow(er)s Pension Disregard top up in Housing Benefit

(Pages 84 - 86)

Cabinet, at its meeting on 3 December 2021, will consider a report on the War Pensions and War Widow(er)s Pension in calculating Housing Benefit entitlement.

The report of the head of finance, which Cabinet will consider on 3 December 2021, is **attached**.

Cabinet's recommendations will be circulated to all councillors.

11. Constitution Review Task Group

Council is invited to agree the establishment of a joint Constitution Review Task Group with South Oxfordshire District Council to undertake a review of the constitution and make recommendations to Council.

Officers propose that the task group comprises 6 councillors with three from South Oxfordshire and three from Vale of White Horse.

RECOMMENDATION: That Council

1. establishes a joint Constitution Review Task Group with South Oxfordshire District Council comprising three councillors from each council;
2. agrees that any councillors on the council may substitute for this council's appointed representatives;
3. authorises the head of legal and democratic to make appointments to the task group in accordance with the wishes of the relevant group leader.

12. Arrangements for investigating allegations under the member code of conduct

(Pages 87 - 116)

The Joint Audit and Governance Committee, at its meeting on 30 November 2021, will consider a report on draft arrangements for dealing with complaints under the code of conduct.

The report of the monitoring officer, which the committee will consider on 30 November, is **attached**.

The committee's recommendations will be circulated to all councillors.

13. Councillors' Parental Leave Policy

(Pages 117 - 122)

To consider the report of the head of legal and democratic on the adoption of a Parental Leave Policy for councillors – attached.

14. Progress on approved Council motions

To note progress on the approved Council motions – **to follow**.

15. Report of the leader of the council

To receive the report of the Leader of the council, Councillor Emily Smith.

16. Questions on notice

No questions were submitted from councillors under Council procedure rule 33.

17. Motions on notice

To consider motions from councillors in accordance with Council procedure rule 38.

Motion 1: For the establishment of a long-term sustainable programme of Domestic Retrofitting

Motion to be proposed by Councillor David Grant, seconded by Councillor Andy Cooke

Council notes that:

- The Climate Emergency is a clear and present issue globally, and nationally we have committed to reaching net carbon zero by 2050. Locally, the Vale of White Horse District Council has set its ambition to reduce the whole district's carbon emissions by 75% by 2030 and for them to reach net carbon zero by 2045.
- Home energy demand accounts for 20% of greenhouse gas emissions nationally. To reduce these the Institute of Engineering and Technology (IET) has stated that there are 26 million homes in the UK that need retrofitting between now and 2050 – at a rate of nearly 1 million homes per year.
- In Oxfordshire, around 25% of greenhouse gas emissions are residential. Following consultation with local retrofit expert organisations, educational establishments and relevant business groups, a Task and Finish Group of the Joint Scrutiny Committee between this council and South Oxfordshire District Council has published a report which concluded that to achieve our 2030 target, 2,250 properties would have to be deep retrofitted every year. The cost of such retrofitting, although it significantly reduces energy bills, requires one-off up-front capital investment and is therefore beyond the reach of most homeowners.
- The recent government subsidy announced of £5,000 for households to switch to heat pumps only covers 90,000 homes over three years, representing small fraction of housing stock, and does not account for the whole cost of transition. Previously, the Green Homes Grant was made available for 6 months but was difficult to claim, accreditation times were long and complex, and the amount wholly inadequate for the task and withdrawn quickly.

Council believes that:

- This issue should be given a high priority and that government support nationally needs to be long term, reliable and as simple as possible.
- A coordinated whole house retrofit approach or one-off deep retrofitting, as made clear by the IET, is required to get homes ready for net carbon zero, rather than sporadic one-off upgrades.
- There is an ongoing lack of funding support for householders to carry out these retrofits and that Nationally, there is a lack of relevant skills, which is reflected locally, and there is a need for upskilling and training to fill this gap.

Council resolves to request:

- The Leader of the Council writes to government to urge them to set up a long-term national funding programme for retrofitting homes that would support a rate of deep retrofits to at least 2,250 homes per year for the Vale of White Horse (and a million homes per year nationwide), and that this programme to be simple and straightforward to administer and claim.

- Write to the Minister of State for Business, Energy and Industrial Strategy, Rt Hon Kwasi Kwarteng MP, the Minister of State for Levelling Up, Homes and Communities, Rt Hon Michael Gove MP and the president of COP26, Rt Hon Alok Sharma, urging them to:
 - address this issue as a priority, recognising its importance in achieving our national and international carbon emission targets;
 - suggest that ministers use the Construction Leadership Council's Retrofit Strategy as a basis for a government policy and plan;
 - include adequate funding for all Local Authorities in any retrofit strategy as they are perfectly placed to lead local Retrofit partnerships and strategies alongside LEPs;
 - develop long term support for householders including changes in relevant laws, guidance and tax regulations and to encourage businesses and skills development in this area;
 - recognise the benefits to society in better health and wellbeing from energy efficient homes;
 - recognise the industrial and employment opportunities that a countrywide retrofit plan could present to the British economy
- Officers investigate membership of the Construction Leadership Council.
- Officers work with local partners through the Future Oxfordshire Partnership and the Environment Sub-Group to seek to establish a way to progress an Oxfordshire wide approach to retrofitting.

Motion 2: On concerns raised about Thames Water's proposed Reservoir South of Abingdon

Motion to be proposed by Councillor Andy Cooke, seconded by Councillor Richard Webber

Council notes:

- That Thames Water is once again submitting their plans for a large reservoir to be built on an area of farmland and woodland in the Vale of White Horse, south of Abingdon, and continues to receive public funds to press for this reservoir.
- Further, that the environmental impact information that was originally supplied by Thames Water on the proposed reservoir under the RAPID Gate 1 process was heavily redacted and was thus not available with sufficient time for proper scrutiny.
- That the environmental impact of this reservoir would be significant. Including the substantial carbon cost during construction and embodied carbon, as well as, during operation, significant methane outgassing from drowned vegetation, made worse with repeated drawdowns, and that the carbon impact claimed by Thames Water is not currently supported by any openly presented calculations.
- As a consequence, that the figures for carbon impact presented by Thames Water would seriously jeopardise, or make impossible, this Council's target for the district's greenhouse gas emissions to be cut by 75% by 2030.
- That alternative water sources, including the Severn-Thames Transfer link, that would bring new water into the water-stressed South East, and would avoid much of the environmental impact and huge local disruption, are now under active consideration.

Council therefore resolves:

- To reaffirm its position from the previous public enquiry that it opposes the reservoir proposal at least or until, the case for need for this specific solution (over and above the other potential cheaper, less disruptive, and less environmentally impactful solutions) has been clearly tested, demonstrated and agreed by independent scientific experts.
- To recommend to OFWAT that a detailed and independently scrutinised carbon calculation be made, including all sources of embedded carbon, carbon used during construction, and ongoing carbon including methane outgassing. This should include more detailed carbon calculations as to the proposed mitigations, including the timescale on which these intended mitigations would be reached.
- That failing the need being demonstrated as requested above or an independently scrutinised carbon calculation produced, the ongoing waste of public funds given to Thames Water for continued attempts to push for their reservoir should be questioned, and that we make representations to the Water Resources South East Plan and then share these with the Environment Agency and the Member of Parliament for the area.

Motion 3: To Support the Principles of the Climate and Ecological Emergency Bill

Motion to be proposed by Councillor Bethia Thomas, seconder to be notified

Vale of White Horse District Council declared a climate emergency in 2019 recognising the human cause of irreversible climate change, the impacts of which are being felt in the UK and around the world.

At the same time humans have caused an ecological crisis with significant proportions of species currently threatened with extinction. The UK is one of the most nature depleted countries in the world with more than one in seven of our plants and animals facing extinction and more than 40% in decline.

The council sees the ecological emergency as intrinsically linked to the climate emergency. We recognise that the UK needs a legally-enforceable nature target so that by 2030 nature is visibly and measurably on the path of recovery, and we acknowledge the role of a national Climate and Ecological Emergency (CEE) Bill in making this happen.

Council notes that:

- Parliament declared an Environment and Climate Emergency in May 2019, and that since then the CEE Bill has been tabled, which, if it became law, would require the government to develop a strategy to address the emergency that would ensure:
 - The Ecological Emergency is tackled alongside the Climate Crisis in a joined-up approach;
 - The Paris Agreement is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement -1.5°C.
- Our council has a role to play in reducing the impact we have on our ecosystems locally, protecting wildlife and improving the ecology of the natural environment and that this work goes hand in hand with our work on the climate emergency

- under the climate action work programme.
- That the final wording of the COP26 Declaration para. 55 specifically recognises the role of “...local and regional governments... in contributing to progress towards the objective of the Convention and the goals of the Paris Agreement”
- Local Government budgets are strained and that we could take faster action if government allowed great policy flexibility and funding to address the climate and ecological emergencies.

Council resolves to:

- Ask the Leader to write to all our Oxfordshire MPs urging them to support the principles of CEE Bill as a matter of urgency, to encourage their colleagues of all parties to do the same and to amplify our calls for national government to provide sufficient resources to local councils to support our efforts.
- To show support for local groups who are campaigning for the principles of the CEE Bill including Zero Hour Oxford.

Motion 4: Becoming a trans inclusive Council

Motion to be proposed by Councillor Sarah Medley, seconded by Councillor Amos Duveen

Council notes that:

1. Transgender and non-binary people face significant disadvantage in society, being highly vulnerable to violence, homelessness, and lack of access to suitable healthcare provision.
2. There is currently a concerning rise in transphobia in the UK, from individuals, politicians and the media.
3. Transphobia has a hugely detrimental impact on the mental health and well-being of trans individuals.

Council believes that:

1. All UK law should clearly recognise that trans men are men, trans women are women, and non-binary people are non-binary.
2. Transgender and non-binary people deserve respect and autonomy.
3. It is therefore our duty as community leaders who seek to create an open and tolerant society to speak out against transphobia and discrimination in all its forms.

Council therefore resolves to:

1. State publicly that trans rights are human rights and affirm the legal rights of all protected groups under the 2010 Equality Act.
2. Consult with local trans support organisations when developing the Vale of White Horse District Council's new Diversity and Inclusion Strategy, to ensure services, forms and buildings this council has control of are inclusive of the trans community.
3. Work with LGBTQ+ groups to provide training for councillors to raise awareness of the difficulties transgender and non-binary people face.
4. Include International Trans Day of Visibility (March 31st) and Trans Day of Remembrance (November 20th) in our Council's Corporate and Diversity Calendar.
5. Encourage an informal network of LGBTQ+ allies across the council.

6. Continue working with partner organisations to ensure transgender and non-binary people are not discriminated against whilst accessing services such as domestic violence and homelessness support.

18. Exclusion of the public

To consider whether to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

19. Minutes

(Page 123)

To adopt and sign as a correct record the confidential minutes of the Council meeting held on 6 October 2021.

Minutes

of an extraordinary meeting of the Council



held on Tuesday 21 September 2021 at 7.00 pm on
First floor, 135 Eastern Avenue, Milton Park,
Milton, OX14 4SB

Open to the public, including the press

Present in the meeting room:

Councillors: Margaret Crick (Chair), Jerry Avery, Matthew Barber, Paul Barrow, Ron Batstone, Eric Batts, Nathan Boyd, Cheryl Briggs, Andy Cooke, Eric de la Harpe, Neil Fawcett, Andy Foulsham, Hayleigh Gascoigne, David Grant, Jenny Hannaby, Simon Howell, Alison Jenner, Diana Lugova, Ben Mabbett, Sarah Medley, Patrick O'Leary, Helen Pighills, Mike Pighills, Judy Roberts, Emily Smith, Max Thompson, Elaine Ware and Catherine Webber

Officers: Steven Corrigan and Mark Stone

Remote attendance:

Councillors: Andrew Crawford, Debby Hallett, Bob Johnston, Val Shaw, Bethia Thomas and Richard Webber

Officers: Patrick Arran, Pat Connell, Steve Culliford, Simon Hewings, Suzanne Malcolm, and Susie Royse

28 Apologies for absence

An apology for absence was submitted on behalf of Councillor Shelley.

29 Declarations of disclosable pecuniary interest

None.

The Chair advised that it is likely that a number of councillors may subscribe to the garden waste service being considered this evening. The Monitoring Officer has advised that councillors who do subscribe to the garden waste service do not need to declare an interest in the item of business on the basis that this is not a disclosable pecuniary interest.

30 Urgent business and chair's announcements

None.

31 Public participation

The Chair advised that eight members of the public had registered to address Council. Council agreed to extend the public speaking time to allow each member of the public who had registered to speak for three minutes to make their address.

Sally Povolotsky, County Councillor for Hendreds & Harwell Division, addressed Council. She expressed the view that the suspension of the garden waste service illustrated an issue in respect of the resilience and strategic planning of outsourced council contractors exasperated by a lack of HGV drivers, “track and trace pings” and rising Covid cases. In her view the scale of the upset amongst residents who subscribe to the service was the lack of clear communication. She welcomed the reinstatement of the service.

Les Buck congratulated both the council and Biffa for delivering the waste disposal service during the Covid pandemic. He expressed concern in respect of the lack of effective communication from the council regarding the suspension of the garden waste service and the time taken to arrive at the measures set out in the report. He was grateful that a four weekly cycle would commence soon.

John Lloyd regretted the lack of foresight and planning and the lack of notice provided to subscribers of the suspension of the service. Whilst welcoming the measures set out in the report these needed to be followed through with a swift return to the fortnightly service.

Jim Halliday thanked the council and Biffa for the delivery of the service during the pandemic. He referenced the shortage of HGV drivers and the particularly demanding nature of those delivering the waste service. He thanked the council for providing the discretionary garden waste service and looked forward to the resumption of the service in due course.

Paul Mayhew-Archer referred to the issues set out in the report, Brexit and the pandemic, for the shortage of HGV drivers, the issues of outsourcing contracts and the council’s lack of a Customer Relationship Management system.

Chris Carrigan thanked officers for the report before Council. He acknowledged the issues set out in the report. However, he expressed concern regarding the poor communication with residents and the misinformation that arose because of this. The council should have an operating Customer Relationship Management system.

James Greenman thanked officers for the report which provided a summary of the situation to date and clarified what actions were being taken to address the issue. He questioned the lack of a direct communication process with subscribers of the garden waste service.

Lucy Edwards expressed the view that the shortage of HGV drivers had been well documented and as such Biffa should have had a plan in place to respond to the issue. She asked what scrutiny had taken place in respect of Biffa’s performance. There had been poor communication via social media and the council’s website which are not accessible to all residents. She asked what plans the council had to address communication going forward.

Councillor Smith, Leader of the council, thanked the public speakers for taking time to address Council and for their useful feedback. She also thanked those members of the public who had contacted the council during the summer raising concerns and offering support and ideas. On behalf of the council, she apologised for the disruption to the Garden Waste service over the summer recognising and empathising that the communication with customers in respect of the temporary suspension of the service was not ideal. This experience had led to some immediate improvements and longer-term planning.

Councillor Smith responded to some of the questions raised by members of the public.

Periodically, the Joint Scrutiny Committee formally reviewed the performance of Biffa with ongoing contract management by officers and the Cabinet member. Councillor Smith stated that alternate rotation of the waste collection and garden waste service presented issues. Firstly, only approximately 40% of residents subscribed to the garden waste service whilst

the refuse collection service is provided to all residents. In addition, guidance from the Department for Environment, Food and Rural Affairs set out the priority levels and the collection of waste was the highest priority. In respect of the communication, she explained that whilst the garden waste service was provided by Biffa, the invoicing for the service was outsourced as part of the Five Councils Partnership Contract but did not include a system for communication with customers outside of invoicing. This service was brought back inhouse in April 2021 but a process for communicating with customers was not in place prior to the suspension of the garden waste service. The suspension of the service triggered an immediate impact. Without reliable email contacts the options to relay the message were to write to all customers with details of the suspension or use social media, the council's website and local media. Writing to customers was estimated to cost around £30,000 and many of those letters would have taken a week to arrive with households. This option was not considered to be a good use of public funds. The decision was therefore taken to communicate details of the suspension immediately via social media, the council's website and local radio. She confirmed the resumption of the garden waste service, initially on a four-weekly cycle with an option to leave additional waste, would commence in the week commencing 27 September. All customers would be contacted via email or letter explaining the details for the collection of the bins and additional waste and setting out arrangements for the extension of their subscription by three months in recognition of the reduced service received over the summer. Lessons had been learnt in respect of the need to improve communication with customers. Cabinet would be considering an IT Strategy report to improve systems for the future.

She concluded by thanking officers and the Cabinet member for working to resolve the issues.

32 Garden Waste Service

Council considered the report of the Head of Housing and Environment on the temporary suspension of the garden waste service and the steps taken to restart the service in discussion with Biffa, the council's waste service contractor. The report set out the circumstances leading to the suspension, the national situation, communication with residents and the current situation.

Councillor Catherine Webber, Cabinet member for climate emergency and environment, addressed Council. She advised that the Garden Waste service was used by around 44 per cent of residents who, in accordance with the terms and conditions were entitled to a minimum of 20 collections over the 12-month period at a cost of £51.50 per bin per annum.

On Monday 2 August, Biffa informed the council that the number of suitably qualified drivers they had available to work on that day was such that it was necessary to activate the Business Continuity Plan (BCP). On that day they were 20 per cent down, 9 short, on the number of drivers needed. The BCP, agreed with the contractor, enables parties to identify the actions required to maintain critical services following disruptive incidents and is designed to protect the critical kerbside collections (food waste, recycling, and residual (rubbish) waste) received by all households in the district.

Throughout the pandemic officers had worked closely with local and regional managers to ensure that the kerbside waste service was delivered. There were several times during this period when driver numbers were less than those needed, Biffa took the necessary actions including working longer hours and weekends to ensure services were delivered. However, on 2 August, in order to protect the collection of the critical services, officers had no

alternative but to agree to the temporary suspension of the garden waste service for a period of 4 to 6 weeks.

She explained that the cause of the suspension was caused by the national shortage of HGV drivers which impacted Biffa's ability to recruit and retain drivers. Due to the sudden suspension of the service, it was not possible to communicate with customers in advance. With the council only holding 30% of garden waste customers email addresses the decision was taken to communicate the suspension via social media and local media. She referred to the communication activity set out in appendix 1 to the report and concluded by referring to the interim arrangements and the extension of subscriptions advised by Councillor Smith (see minute 31).

Councillor Catherine Webber moved, and Councillor Smith seconded the recommendation to note the report and the current position with the garden waste service as set out in the report.

Councillors welcomed the interim arrangements to resume the Garden Waste collections on 27 September and the decision to extend subscriptions by three months.

A number of councillors supported the view that the suspension of the service was as a result of a shortage of HGV drivers caused by a number of factors including drivers returning home as a consequence of Brexit and the impact of the pandemic in restricting the training and testing of new drivers. Many local authorities had faced disruption to their waste collection services. The lack of a Customer Relationship Management system (CRM), related to previous decisions related to the corporate services' contract, had restricted the ability of the council to communicate with subscribers of the service, particularly when the council only held 30% of the email details of subscribers at the time of the suspension. Whilst it was regrettable that the service was suspended, it was necessary to protect the critical waste services. They welcomed the efforts taken to communicate details of the suspension as quickly as possible. A number of councillors questioned the need for the Extraordinary meeting of Council when the issue had been considered by the Joint Scrutiny Committee and did not impact the majority of council residents.

However, other councillors criticised the handling of the suspension of the service and the communication plan. The issue illustrated a lack of preparedness and an inability to address the problems of the council's contractors. Biffa's staffing issues had been foreseen and an action plan agreed to address these in 2018 – was this implemented? The potential for disruption was identified in July and therefore mitigating measures should have been put in place. A number criticised the decision not to email subscribers whose contact details were held by the council and the decision not to write to all subscribers following the suspension rather than placing reliance on social media and media outlets. Others criticised the continued collection of direct debit payments, the issuing of invoices and reminders during the period of the suspension of the service.

RESOLVED: to note the report of the Head of Housing and Environment to Council at its meeting on 21 September 2021 and the current position with the Garden Waste service.

The meeting closed at 8.45pm

Minutes

of a meeting of the

Council



held on Wednesday 6 October 2021 at 7.00 pm
at the First floor, 135 Eastern Avenue, Milton Park, Milton, OX14 4SB

Open to the public, including the press

Present:

Members: Councillors Margaret Crick (Chair), Jerry Avery, Ben Mabbett, Paul Barrow, Ron Batstone, Samantha Bowring, Nathan Boyd, Cheryl Briggs, Andy Cooke, Andrew Crawford, Eric de la Harpe, Andy Foulsham, Hayleigh Gascoigne, David Grant, Jenny Hannaby, Simon Howell, Alison Jenner, Diana Lugova, Sarah Medley, Patrick O'Leary, Helen Pighills, Judy Roberts, Janet Shelley, Emily Smith, Bethia Thomas, Max Thompson, Catherine Webber and Richard Webber

Councillors in attendance remotely (not eligible to vote): Matthew Barber, Eric Batts, Amos Duveen, Neil Fawcett, Debby Hallett, Bob Johnston, Mike Pighills, Val Shaw and Elaine Ware

Patrick Arran, Steven Corrigan and Mark Stone (all in person). Steve Culliford, Simon Hewings (attending remotely).

Co.33 Apologies for absence

None.

Co.34 Minutes

RESOLVED: to approve the minutes of the meeting held on 14 July 2021 as a correct record and agree that the Chair sign them as such.

Co.35 Declarations of disclosable pecuniary interest

None.

Co.36 Urgent business and chair's announcements

The Chair provided general housekeeping advice. She reported that she, together with the council's Cycling Champion, Councillor de la Harpe, had attended the Women's Tour cycling race (Oxfordshire stage).

Co.37 Public participation

No members of the public had registered to address Council.

Co.38 Petitions

None.

Co.39 Making the Appleton with Eaton Development Plan

Council considered the recommendation of Councillor Hallett, Cabinet member for Corporate Services and Transformation, made on 20 September 2021, to make the Appleton with Eaton Neighbourhood Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the Appleton with Eaton Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.40 Making the Chilton Development Plan

Council considered the recommendation of Councillor Hallett, Cabinet member for Corporate Services and Transformation, made on 20 September 2021, to make the Chilton Neighbourhood Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the Chilton Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.41 Making the West Hanney Development Plan

Council considered the recommendation of Councillor Hallett, Cabinet member for Corporate Services and Transformation, made on 20 September 2021, to make the West Hanney Development Plan part of the development plan for Vale.

RESOLVED:

1. To make the West Hanney Development Plan so that it continues to be part of the council's development plan.
2. To authorise the head of planning, in consultation with the appropriate Cabinet member and in agreement with the Qualifying Body, the correction of any spelling, grammatical, typographical or factual errors together with any improvements from a presentational perspective.

Co.42 Community Infrastructure Levy (CIL) Charging Schedule - Adoption

Council considered Cabinet's recommendations, made at its meeting on 1 October 2021 on the council's Community Infrastructure Levy Charging Schedule.

RESOLVED: to adopt the Community Infrastructure Levy Charging Schedule (set out at Appendix 2 to the head of planning's report to Cabinet on 1 October 2021) and the Community Infrastructure Levy Instalments Policy (set out at Appendix 3 to the report), with an implementation date of 1 November 2021.

Co.43 Treasury Management Outturn 2020-21

Council considered Cabinet's recommendations, made at its meeting on 1 October 2021, on the outturn performance of the treasury management function for the financial year 2020/21. The Joint Audit and Governance Committee and Cabinet had considered the head of finance's report and were satisfied that the treasury activities had been carried out in accordance with the treasury management strategy and policy.

RESOLVED: to

1. approve the treasury management outturn report 2020/21; and
2. approve the actual 2020/21 prudential indicators within the report.

Co.44 Councillors' Allowances Scheme

Council considered the report of the Head of Legal and Democratic covering the recommendations of the Independent Remuneration Panel on a revised councillors' allowances scheme.

Councillor Smith moved, and Councillor Boyd seconded, the following motion.

It is recommended that Council agrees:

1. The recommendations of the Independent Remuneration Panel set out in their report as to the levels of basic and special responsibility allowances as set out in paragraph 7 of the report, with the exception of the recommended minimum threshold on the payment of the special responsibility allowance to the Leader of the main opposition group which will be disapplied
2. That the revised scheme should apply from 1 April 2022
3. That a task group comprising a member from each group consider the proposed content of a Parental Leave Policy for elected members and report back to Council with its recommendations at its meeting in December 2021
4. To authorise the Head of Legal and Democratic to finalise and implement a councillors' allowances scheme based on the decision in 1 and the IRP report
5. To thank the members of the IRP for their work in reviewing the councillors' allowances scheme.

In supporting the motion councillors supported the view that there should be no lower threshold on the payment of the special responsibility allowance to the Leader of the

largest opposition group. The role, irrespective of the size of the group, provided an important scrutiny challenge and helped keep councillors engaged in the council business. A number of councillors welcomed the proposal to introduce a councillors' parental leave policy.

On being put to the vote the motion was agreed:

RESOLVED: to

1. approve the recommendations of the Independent Remuneration Panel set out in their report as to the levels of basic and special responsibility allowances as set out in paragraph 7 of the report of the Head of Legal and Democratic to Council on 7 October 2021, with the exception of the recommended minimum threshold on the payment of the special responsibility allowance to the Leader of the main opposition group which will be disapplied;
2. apply the revised scheme from 1 April 2022;
3. establish a task group comprising a member from each group consider the proposed content of a Parental Leave Policy for elected members and report back to Council with its recommendations at its meeting in December 2021;
4. authorise the Head of Legal and Democratic to finalise and implement a councillors' allowances scheme based on the decision in 1 and the IRP report; and
5. thank the members of the IRP for their work in reviewing the councillors' allowances scheme.

Co.45 Report of the leader of the council

Councillor Smith, Leader of the council, provided an update on a number of matters. The text of her address is available on the council's [website](#).

Co.46 Update on Oxfordshire Growth Board

Council received a written update report on the Oxfordshire Growth Board (now known as The Future Oxfordshire Partnership) from Councillor Fawcett, Cabinet member for Strategic Partnerships and Place.

Co.47 Questions on notice

A. Question from Councillor Bob Johnston to Councillor Neil Fawcett, Cabinet Member for Strategic Partnerships and Place

Could Cabinet Member Neil Fawcett update the Council and the public on the imminent roll out of the civic enforcement programme?

Written response

Oxfordshire County Council (OCC) are planning to start Civil Parking Enforcement (CPE) on-street on 1 November 2021. Details can be found on OCC website <https://www.oxfordshire.gov.uk/new-parking-enforcement>. In addition, OCC are conducting a major communications campaign to get the message across to users and we are pushing the messages on social media (as attached). Throughout the

process we have updated all councillors, town and parish councils and will continue to do so as we reach the start date.

When the scheme is introduced in November the initial approach will be advisory helping residents to get used to the new scheme and then enforcement officers will move to issuing penalty enforcement notices.

If councillors are aware of any places where enforcement of existing restrictions could create a serious problem, please report them using the form on the website. Please encourage town and parish councils to do the same.

The Vale of White Horse District Council is in the process of making minor amendments required to the car parking Orders to bring them in line with CPE. For example, the levels of fines will reduce slightly. This work will be completed early 2022 in the interim the Vale Council will continue to enforce our off-street pay and display car parks as we do at the moment.

Once enforcement starts there will be regular monitoring meetings of the scheme. We will be able to pick up on any problems that have been identified and raise any 'hot spots'.

As enforcement improves, and the inevitable knock on impact becomes clear, we expect to see more applications for new restrictions and/or residents parking zones. Again, it would be very useful if councillor and town and parish councils feed those requests in.

In the meantime, I would like to thank all the officers who have worked so hard on this scheme against a tight timetable.

B. Question from Councillor Eric de la Harpe to Councillor Catherine Webber, Cabinet Member for Climate Emergency and Environment

Could the Cabinet Member summarise the new Tree Policy for residents and explain how it may apply in cases where Vale residents wish to plant trees on land that is owned by South Oxfordshire District Council? In particular, the Rye Farm area on the south bank of the Thames at Abingdon.

Written response

The Policy for the planting of trees on Council Land is a joint policy across both South Oxfordshire District Council and Vale of White Horse District Council. As you can imagine, one of the key benefits of having a joint policy of this nature is that it also allows for a common application form and process for residents. As a result, residents of either district will be in a position to submit an application to plant trees on Council land in either district, in accordance with the policy. So, for example, those who want to plant on Rye Farm will be able to submit one application form even if the area to be planted crosses both districts.

The purpose of this policy is to outline how South Oxfordshire and the Vale of White Horse District Councils will protect, plant and manage trees on the land they own, and how the community will be supported with their tree planting initiatives. It is an overarching document, setting out principles for planting trees (using the guide for planting trees), supporting biodiversity, caring for and managing trees on council land and encouraging communities to get involved and to benefit from beautiful trees.... trees which benefit our bodily health by providing cleaner air to breathe by sequestering carbon, but also our mental health. These principles will be used as a benchmark for future plans and policies developed by the Councils and will inform current projects that involve trees.

Written response

The Oxfordshire Community Land Trust has been in contact with the Regulator of Social Housing to respond to stage two enquiries about becoming a Registered Provider. We understand they anticipate hearing in early October if they have met the eligibility conditions and the registration criteria to enable formal registration to take place.

Supplementary question and answer

In response to Councillor Ware's supplementary question seeking confirmation of the anticipated completion date of the project, assuming the Trust's registration request is approved, Councillor Roberts responded that work on site should start in March but it was not possible to provide a completion date.

E. Question from Councillor Simon Howell to Councillor Crawford, Cabinet Member for Finance and Corporate Assets

Could the Cabinet Member advise Council of how many customers have cancelled their direct debits for the garden waste/brown bin service since the start of August, by each week to the end of September, and confirm how much lost annual income this equates to for the Council.

Written response

The total number of cancelled direct debits for the Council's Garden Waste scheme over the period in question was 223. The weekly breakdown is appended below. This amounts to 0.89% of our total 25,000 Garden Waste customers. Residents are not required to inform us of the reason for cancellation and it is therefore not possible to know why direct debits were cancelled. However, over any 8-week period it is likely that a proportion of our residents will move away. Research* shows that on average approximately 4.4% of people move house each year or 0.67% in an 8-week period and which, therefore, is the number the Council may reasonably expect to be cancelled for this reason.

The annualised net loss of income from 223 cancellations is slightly less than £3,000 when taking into account the reduced fees that the Council pays to our contractor for the service.

It may be also worth stressing that during this period this Council took the decision to hold in abeyance new customers wishing to join the service. These amounted to 143 prospective customers at the time of writing. The annualised net loss after taking into account these future customers – i.e. 223 less 143 = 80 - is less than £1,000.

Week commencing	Number of cancellations
02 August 2021	40
09 August 2021	47
16 August 2021	15
23 August 2021	33
30 August 2021	12
06 September 2021	22
13 September 2021	26
20 September 2021	20
27 September 2021	8
Total	223

*<https://www.gravenhill.co.uk/blog/how-often-do-we-move-house-and-why>
Vale of White Horse District Council – Council minutes

F. Question from Councillor Nathan Boyd to Councillor Thomas, Cabinet Member Community Engagement

Land banking is a pitfall in our complex planning system where developers buy and store a pipeline of land and obtain planning permission for that land, with no immediate intention to build the homes that have been approved. Could the Cabinet Member for Planning advise the current number of homes to which planning has been granted yet construction has yet to be started?

Written response

As at 1 April 2021 there were 8,461 homes (residential (Class C3) and residential accommodation and care (Class C2)) with planning permission waiting to be built. These were made up of 4,521 homes with outline planning permission, 1,289 homes with full permission on sites where construction had not started, and 2,651 homes not yet completed on sites where construction had started.

G. Question from Councillor Elaine Ware to Councillor Helen Pighills Cabinet Member for Healthy Communities

A meeting was held in March this year to discuss the Leisure Needs for Wantage, Faringdon and the surrounding area. The issues raised at this meeting were to form part of the formal consultation to identify leisure needs throughout the area and use of S106 funds. It has now been over six months and there has been no further update. Would the Cabinet Member inform Council of the current status of this project and when will a formal consultation take place?

Written response

While community engagement and consultation is not strictly my portfolio I am happy to respond to the question. The formal consultation with sporting groups has taken place and the consultation with town/parish councils is in progress. In March 2021 sporting groups in and around Wantage, Faringdon and Grove were invited to complete a survey asking about their view of the current and future needs for leisure facilities in the area. At the same time, we were hoping to consult with the affected towns and parish councils, but several of them felt this was rushed and wanted to delay the meetings until they could discuss it formally with all their members. This week the Faringdon Town Council and Great Coxwell Parish Council participated in a feedback session. Grove Parish Council will have their feedback session on Tuesday 19th October. Officers are waiting for Wantage Town Council to confirm a suitable day and time for their feedback session - likely to be the week commencing 18 October. Once the town/parish feedback sessions are complete, the final report will be expected within 2 weeks. In the meantime, officers have been working on the details of each agreement pertaining to the Wessex Leisure Centre to ensure smooth operations once the needs assessment is complete.

Supplementary question and answer

In response to Councillor Ware's supplementary question, Councillor Pighills confirmed that regular updates on progress would be provided and ward councillors kept informed of the meetings arranged with parish and town councils.

H. Question from Councillor Janet Shelley to Councillor Bethia Thomas Cabinet Member for Community Engagement

In early March a project commenced on improving planning enforcement. To date there has been no update of progress on this significant and urgent project. Meanwhile Ward Members are receiving numerous complaints about the lack of service and that the backlog is the prime excuse for no action. Would the Cabinet Member provide an update on the current situation including details of the number of staff employed in the Enforcement Team and the number of outstanding actions as at 30 September 2021.

Written response

We provided an update in July on the progress of the planning enforcement review, where stage one had been completed and we were moving into stage two, the action plan. We shared the action plan and mission statement with group leaders. All priority one actions have commenced and some of priority two actions have started. As part of the priority actions we have undertaken IT improvement, officer/councillor training on planning conditions and we are progressing the review of the Planning Enforcement Statement. A GDPR issue has delayed progress of the statement and our ability to undertake councillor consultation on a draft. However, we expect to be able to progress and report the statement to Cabinet, 3 December.

There are 16 actions, of which 2 have been completed, 12 are in progress and 2 have not yet started. There are 8 shared posts staff (7.36FTE) split 60:40 between South (4.36FTE) and Vale (3FTE).

Supplementary question and answer

In response to Councillor Shelley's supplementary question, Councillor Thomas undertook to provide an update on the completion of the project once she had been briefed by officers.

I. Question from Councillor Elaine Ware to Councillor Catherine Webber Cabinet Member Climate Emergency and Environment

Could the Cabinet Member advise Council:

- a. Having previously advised Council of the waiting list due to administrative issues, how many residents are still on the waiting list for the Garden Waste Service
- b. How many new customers for Garden Waste have been taken on but are still waiting for brown bins to be delivered.
- c. How many existing customers have cancelled their subscription to this garden waste service since the start of August.

Written response

My colleague the Cabinet Member for Finance and Assets has already, in response to the earlier question, outlined that we have 143 customers waiting to join the garden waste service, and indicated that, out of a customer base of

25,000, 223 customers have cancelled their subscription since the start of August. In answer to part b) - How many new customers for Garden Waste have been taken on but are still waiting for brown bins to be delivered - there are currently 6 deliveries that have yet to be made.

Supplementary question and answer

In response to Councillor Ware's supplementary question, Councillor Webber confirmed that she understood that the backlog of 2,000 caused by administrative issues had been cleared and that the 6 deliveries would be made within the next few days.

Co.48 Motions on notice

Council considered the following motions from councillors in accordance with Council Procedure Rule 38.

- (1) Councillor Catherine Webber moved, and Councillor Hayleigh Gascoigne seconded the motion as set out in the agenda at agenda item 16:

After debate and on being put to the vote the motion was agreed.

RESOLVED: that

Council notes:

Vale of White Horse District Council declared a Climate Emergency in February 2019, and since then has included the Climate Emergency in its Corporate Plan, set up a Climate Emergency Advisory Committee and declared its ambitions by setting its own carbon targets.

Our climate action targets are to become:

- carbon neutral within our own operations by 2030, with an aim for a 75 per cent reduction in carbon emissions in our own operations by 2025
- a carbon neutral district by 2045, with an aim for a 75 per cent reduction in carbon emissions in the district by 2030

UK100 is a network of highly ambitious local government leaders, which seeks to devise and implement plans for the transition to clean energy that are ambitious, cost effective and take the public and business with them.

It supports decision-makers in UK towns, cities and counties in their transition to Net Zero. It is the only network for UK local leaders focused solely on climate, clean energy and clean air policy.

Over 100 councils have already joined this group and taken the pledge to reach net zero by 2030 for all council owned assets and wider by 2045. By working together with other councils, we are fulfilling one of the corporate plan projects of partnership, and together we show greater strength.

The Climate Emergency is something that affects not just the residents in our council area, but the whole country, and in fact the whole world.

We will need to work together and learn from each other if we are to find workable solutions for tackling Climate Change.

We will have the best chance of meeting our carbon targets by being part of a wider community, sharing knowledge with partners who face similar issues, by translating ambitions into concrete actions.

Council resolves to become a member of the UK:100 Network, which requires the Council to:

- reaffirm our commitment to council operations to become carbon neutral by 2030 and become a carbon neutral district by 2045
- report our carbon emissions annually
- commit to limiting the use of offsets, and if used, to be as local as possible
- sign up to the UK:100 Pledge www.uk100.org/membership

(2) Councillor Samantha Bowring moved, and Councillor Bethia Thomas seconded the motion as set out in the agenda at agenda item 16:

After debate and on being put to the vote the motion was agreed.

RESOLVED: that

In March 2020, as we were faced with the economic fallout from the pandemic, the Government did the right thing and increased Universal Credit and Working Tax Credit by £20 a week.

Council notes that this £20 a week payment is now to be cut, coming into effect for families on Universal Credit from 6 October. This cut will mean the biggest overnight cut to the basic rate of social security since the modern welfare state began, more than 70 years ago.

According to analysis by the Joseph Rowntree Foundation, 21% of all working-age families will experience a £1,040-a-year cut to their incomes from this week.

Many of the same families will be seeing an increase in National Insurance costs. Lower income households spend more of their income on basic essentials such as food and utilities, and the cost of these is currently rising fast.

The Government says it wants to support people back into work as we emerge from the crisis, but working families make up around 60% of families who will be affected.

Council acknowledges the concerns raised by local and national charities (including as Elmore, Citizens Advice Bureau and the Joseph Rowntree Foundation) about the significantly negative impact this cut will have on the financial security and well being of those effected in our district.

Council deplores the decision of the Government to remove the 'temporary' uplift in Universal Credit which will directly impact at least 5,248* families in the Vale of White Horse district.

Council reiterates its corporate plan commitment to support vulnerable members of our community and resolves to ask the Leader to write to the Chancellor of the Exchequer and the Secretary of State for Work and Pensions (copied to our local MPs) expressing its grave concern about the impact on families within the Vale and to request that the decision to cut the Universal Credit uplift be reversed, and that the uplift be incorporated permanently into Universal Credit.

*The total number of households on Universal Credit as of May 2021 is 6,200; of which 5,248, are in payment. Stats fromGOV.UK.

Co.49 Exclusion of the public

RESOLVED: to exclude members of the press and public from the meeting for the following item of business under Part 1 of Schedule 12A Section 100A(4) of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3 Part 1 of Schedule 12A of the Act, and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Co.50 Office Accommodation Inter Authority Agreement

Council considered Cabinet's recommendation, made at its meeting on 1 October 2021, on the inter authority agreement between Vale of White Horse District Council and South Oxfordshire District Council in respect of a new office building.

In accordance with Council Procedure Rule 67, which provides for a recorded vote if three members request one, the chair called for a recorded vote on the motion which was declared carried with the voting as follows:

For	Against	Abstentions
Councillors	Councillors	Councillors
Jerry Avery		Nathan Boyd
Paul Barrow		Simon Howell
Ron Batstone		Ben Mabbett
Samantha Bowring		Janet Shelley
Cheryl Briggs		
Andy Cooke		
Andrew Crawford		
Margaret Crick		
Eric de la Harpe		
Andy Foulsham		
Hayleigh Gascoigne		
David Grant		
Jenny Hannaby		
Alison Jenner		
Diana Lugova		
Sarah Medley		
Patrick O'Leary		
Helen Pighills		
Judy Roberts		
Emily Smith		
Bethia Thomas		
Max Thompson		
Catherine Webber		
Richard Webber		
Total: 24	Total: 0	Total: 5

Council agreed Cabinet's recommendation to include a budget in the capital programme for Vale of White Horse District Council's share of the fit-out costs.

The meeting closed at 9.00pm

Cabinet Report



Report of Head of Housing and Environment

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Wards affected: all

Cabinet member responsible: Helen Pighills

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To: CABINET

Date: 3 December 2021

Review of Joint Gambling Policy

Recommendations

Cabinet is recommended to consider the recommendations of the Licensing Acts Committee and to recommend Council to:

- (a) adopt the proposed Joint Gambling Policy
- (b) authorise the Head of Housing and Environment to make minor editorial changes to the Joint Gambling Policy
- (c) authorise the Head of Housing and Environment to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

Purpose of Report

1. To consider the recommendations of the Licensing Acts Committee on the Joint Gambling Policy following the statutory consultation.

Corporate Objectives

2. The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building Healthy Communities'. The policy will also ensure the council is meeting its statutory responsibilities.

Background

3. The council's current Joint Statement of Gambling Policy came into effect from 31 January 2019. The policy is subject to statutory review every three years so is due for review by 31 January 2022.

Proposed policy

4. The proposed new policy is attached at **Appendix A**.
5. A summary of changes that were made prior to the consultation, and an explanation of the reasons for the changes, can be found at **Appendix B**.

Consultation results

6. The consultation ran from 13 July 2021 to 10 August 2021. It was a public consultation, and in addition was sent to:
 - All the responsible authorities as defined in the Gambling Act 2005
 - All councillors
 - Town and Parish Councils
 - Licence holders
 - Trade bodies, associations and representatives
 - Gamcare, Gamble Aware and Gamblers Anonymous (UK)
 - Trading Standards
 - Public Health
 - Community organisations such as the Samaritans, Citizens Advice, and the Wantage Independent Advice Centre
7. A report on the results of the consultation can be found at **Appendix C**. There were five responses to the consultation, and where applicable the report details how the comments and suggested amendments have been incorporated into the proposed new policy.
8. There is no reason, from the consultation responses, not to recommend the adoption of the Joint Statement of Gambling Policy to take effect from 31 January 2022. The policy will next be due for review by 31 January 2025.

Gambling policy adoption process

9. The Licensing Acts Committee considered the Joint Gambling Policy on 21 October 2021 and decided to recommend Cabinet to recommend Council on 8 December 2021 to adopt the policy and to authorise the Head of Housing and Environment to make minor editorial changes and to publish the policy as required by regulations.
10. The Gambling Act 2005 specifically excludes the Cabinet from decisions on whether to have a "no casinos" resolution in the policy. Whilst this is a decision for Council, any application to open a casino would first require an amendment of The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 by the Secretary of State. At present there are 53 licensing authorities that were designated in 1969 as 'permitted areas' entitled to have a casino (including Reading).

In addition, 15 licensing authority areas were selected following open competition to issue new large and small casino premises licences under the Gambling Act 2005.

11. In all other respects, it is the role of the Cabinet to recommend the Gambling Policy to Council for adoption and to authorise the Head of Housing and Environment to make minor editorial changes and to publish the policy as required by regulations.

Implementation

12. Once the Council has adopted a new gambling policy it must publish a notice of intention to adopt the new policy four weeks before the new policy comes into force.

Climate and ecological impact implications

13. There are no anticipated climate and ecological implications arising from the adoption of the proposed policy.

Financial Implications

14. There are no anticipated financial implications arising from the adoption of the proposed policy.

Legal Implications

15. The policy has been drafted to reflect current legislative requirements and statutory guidance. The policy must be taken into consideration when making decisions in respect of matters relating to the Gambling Act 2005.

Risks

16. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

Other Implications

17. There are no other implications.

Conclusion

18. Cabinet is recommended to consider the outcome of the consultation and recommend Council to:

- (a) adopt the proposed Joint Gambling Policy
- (b) authorise the Head of Housing and Environment to make minor editorial changes to the Joint Gambling Policy.
- (c) authorise the Head of Housing and Environment to publish the Joint Gambling Policy in accordance with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

Background Papers

- Appendix A – Proposed Joint Statement of Gambling Policy
- Appendix B – Summary of changes
- Appendix C – Report on results of consultation

Statement of Principles

Gambling Act 2005

Joint statement of licensing policy

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on 8 December 2021 and South Oxfordshire District Council at the meeting of Council on 9 December 2021 and comes into force from 31 January 2022 and will be reviewed by 31 January 2025.

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1. Introduction

- 1.1 Gambling activities are regulated by the Gambling Act 2005 ('the Act'). Section 349 of the Gambling Act 2005 states that the councils are required to publish a statement of licensing principles' ('policy') which it proposes to apply when exercising its functions under the Act. Vale of White Horse and South Oxfordshire District Councils are licensing authorities for the purposes of the Act and this policy statement shall apply to those two districts. The councils have a duty to consider applications relating to gambling in accordance with the fundamental principles of the Act and must therefore balance the needs of businesses, licence holders and operators to grow, with the public interest, safety and health of the public and the potential impact these activities can have on vulnerable persons, or persons who may be susceptible to gambling related harm.
- 1.2 The Licensing Authority, in carrying out its functions under section 153 of the Gambling Act 2005, shall aim to permit the use of premises for gambling. The 'aim to permit' principle does not mean 'will permit' as it provides a wide scope for the authority to impose conditions on licences, refuse, review or revoke premises licences and permits if there is a conflict with this policy and the legislation. The Licensing Authority will carry out its functions in accordance with:
- a) The relevant codes of practice issued under section 24 of the Act
 - b) The relevant guidance issued by the Gambling Commission under section 25 of the Act
 - c) Being reasonably consistent with the three licensing objectives (subject to (a) and (b) above
 - d) The councils published 'statement of licensing principles' (subject to (a) to (c) above.
- 1.3 This statement of licensing principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. They are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.4 The Act requires that the following persons and bodies be consulted in relation to any revisions to this statement of licensing principles:
- The Chief Officer of the police
 - Persons and bodies representing the interests of gambling businesses in the council districts of South Oxfordshire and Vale of White Horse
 - Persons and bodies who represent the interest of persons who are likely to be affected by the exercise of the licensing authority's functions under the Gambling Act 2005.

- 1.5 The Act gives the councils various regulatory functions in relation to gambling. The councils' main functions under the Act are:
- licensing premises for gambling activities
 - considering notices given for the temporary use of premises for gambling
 - granting permits for gaming and gaming machines in clubs and miners' welfare institutes
 - regulating gaming and gaming machines in alcohol licensed premises
 - granting permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
 - granting permits for prize gaming
 - considering occasional use notices for betting at tracks
 - registering small societies' lotteries
 - maintaining a register of premises licences (for casinos, bingo halls, adult gaming centres, family entertainment centres, betting shops and race tracks).

The councils are required to provide information annually to the Gambling Commission on the numbers of permits and registrations issued as well as the outcome of any premises licence reviews.

The councils maintain statutory registers of premises licensed under the Act. The registers can be viewed on the relevant council's website or by prior request at the council offices.

- 1.6 In reviewing this statement of licensing principles, the councils declare that they have had regard to the licensing objectives stated in the Act, any guidance issued by the Gambling Commission and any responses arising from the consultation process. The policy does not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each application and representation will be considered on its own merits and in accordance with the Act. The policy has been agreed taking into account the Human Rights Act 1998 and the Equality Act 2010.

2. Responsible Authorities and Interested Parties

- 2.1 Under the Act responsible authorities are public bodies who must be notified of applications and who are entitled to make representations to the licensing authority in relation to applications for and in relation to, premises licences. The responsible authorities for both councils are:
- the licensing authority
 - the Gambling Commission
 - the Chief Constable of Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - the planning authority (within the relevant council)
 - the local town council, parish council or parish meeting
 - the environmental protection team (of the relevant council)
 - a body designated in writing by the licensing authority as competent to advise about the protection of children from harm

- HM Revenue & Customs
- any other persons prescribed in regulations by the Secretary of State.

Contact details for the above authorities can be found on the relevant council website.

- 2.2 In the event that the premises are a vessel, the following bodies are also responsible authorities:
- the Environment Agency
 - the Canal & River Trust
 - the Secretary of State for Transport (who acts through the Maritime and Coastguard Agency)
- 2.3 In exercising the councils' powers under section 157(h) of the Act to designate a body competent to advise them about the protection of children from harm the following principles have been applied:
- the need for the body to be responsible for an area covering the whole of a licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

Having regard to the above principles, the councils have designated the Oxfordshire Safeguarding Children Board at Oxfordshire County Council for this purpose.

- 2.4 Interested parties can make representations about licence applications, or apply for a review of an existing licence. The Act defines interested parties as persons or bodies who, in the opinion of the licensing authority:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) have business interests that might be affected by the authorised activities, or
 - c) represent persons who satisfy (a) or (b)
- 2.5 Whether a person is an interested party is a decision that will be taken by the relevant council on a case-by-case basis, judging each case on its merits. However, the following factors will be taken into account:
- the size of the premises (for example, larger premises may affect people over a wider geographical area)
 - the nature of the activities planned or already taking place
 - the distance of the premises from the location of the person making the representation
 - the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
 - the circumstances of the complainant (which may be relevant to the distance from the premises, for example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
 - the catchment area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that

catchment area, that might be affected (this is particularly relevant when representations are made by another gambling business who state their business interests may be affected, however whether there is demand for the premises shall not be taken into account).

- 2.6 This list is not exhaustive and other factors may be taken into consideration if the councils deem it necessary.
- 2.7 The councils consider the following people / bodies to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:
- trade associations
 - residents' and tenants' associations
 - district, county, town and parish councillors
 - MPs
 - school headteachers
 - community groups
 - charities
 - faith groups
 - medical practices
 - bodies that exist to help people with gambling addictions such as GamCare or Gamblers Anonymous.
- 2.8 In other cases, the councils shall require written evidence that the person / association / body represent an interested party.

3. Local Area Profile and Operator Risk Assessments

- 3.1 New social responsibility code 10.1.1 has been introduced within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. The risk assessment produced shall take cognisance of the council's local area profile and the risks identified in it and any other matter that is relevant in this policy. The risk assessment should be site specific and not a generic 'one size fits all' document. The purpose of the local area risk assessments is to allow operators, stakeholders and the councils to have a greater understanding of the local environment and mitigate the possible risks to the licensing objectives.
- 3.2 The councils will maintain a local area profile (LAP) containing information on the makeup of their area and any actual or potential risks from gambling premises that the councils have identified by observation, data or consultation. The local area profiles are available on the relevant council's website to assist operators in developing their risk assessments as required under the revised code of practice published by the Gambling Commission.
- 3.3 Operators are required to submit their risk assessments as part of an application for a new premises licence, variation to existing licence or on request from the licensing

authority. Applicants shall be expected to demonstrate how their application will be consistent with the licensing objectives and taking into account the local area profile produced by the councils and publicly available data in relation to crime, anti-social behaviour and problem gambling in the specific locality'. Operators are also encouraged to make use of other sources such as the Gambling Commission's 'National Strategy to Reduce Gambling Harms'; publicly available public health data, any council related policies relating to the safeguarding of children and vulnerable persons and publicly available data in relation to crime and anti-social behaviour in the specific locality. Failure to produce a satisfactory local risk assessment could lead to any application attracting representations.

- 3.4 The risk assessments should consider actual and potential risks to the licensing objectives posed by the provision of gambling facilities at a premises. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area. The assessment should detail the policies, procedures and control measures to mitigate those risks.
- 3.5 Operators will be made aware of any significant changes in the local area profile during the life of this policy so that their risk assessments can be updated.

4. Exchange of Information and Enforcement

- 4.1 The councils regard the lawful and correct treatment of information as important to the successful and efficient performance of their functions, and to maintain the confidence of the people / bodies they deal with. The councils will ensure that information is kept and shared lawfully and correctly and in accordance with the General Data Protection Regulations.
- 4.2 The councils may share information in accordance with the following provisions of the Act:
 - sections 29 and 30 (with respect to information shared between the councils and the Gambling Commission)
 - section 350 (with respect to information shared between the councils and the other persons listed in Schedule 6 to the Act).
- 4.3 The purpose of information exchange is not only to fulfil the requirements under the Act, but also to enable both the Gambling Commission and the councils to carry out work related to their regulatory functions in a risk-based manner, using the best available information.
- 4.4 In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the councils' policies in relation to data protection and freedom of information.
- 4.5 Any information sharing between the councils and Thames Valley Police must also be carried out in accordance with the information sharing protocol under the Oxfordshire memorandum of understanding.

- 4.6 The councils seek to secure compliance with the law in a variety of ways. Most contact with individuals and businesses is informal, providing advice and assistance over the telephone, during visits and in writing. Formal measures will include warnings, licence reviews and prosecution. The objective of these measures will be to ensure compliance with the licensing objectives including any general or specific licence conditions. Any enforcement action will be taken in accordance with our enforcement policy which is based on the principles of the Regulators' Code.
- 4.7 Part 15 of the Act details inspections that may be made to check for compliance with the Act. The councils will adopt a risk-based approach to the inspection of gambling premises which will be operated in conjunction with the councils' current enforcement policy. This will allow for the targeting of high-risk premises or those where a breach would have serious consequences. Premises that are low risk and/or well-run will be subject to a less frequent inspection regime.
- 4.8 Section 346 of the Act gives the councils the power to instigate criminal proceedings in respect of the offences specified in that section. The councils will ensure that enforcement is carried out in a fair and consistent manner in accordance the councils' enforcement policy.
- 4.9 The councils will endeavour to work with, and avoid duplication with, other regulatory regimes so far as possible.
- 4.10 Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the councils but will be referred to the Gambling Commission.

5. Locality and the licensing objectives

- 5.1 The Licensing Authority shall carry out its functions under the Act so that they are consistent with the three licensing objectives and will expect applicants and licence holders to do the same.
- 5.2 In order to prevent gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime, consideration will be given by the Licensing Authority to the following:
- Where an area has an issue with high rates of crime and/or anti-social behaviour, the council will consider whether a gambling premises are suitable to be located there and whether additional licence conditions such as the provision of CCTV, minimum levels of staffing and licensed door supervisors may be appropriate
 - Whether there is a history of crime and disorder at the premises or it is being used or has been used by those in criminal activities such as disposing of the proceeds of crime
 - Whilst issues of nuisance are not specifically included within the licensing objectives, these may be considered if these instances of nuisance are persistent and could constitute criminal offences

- To the layout of the premises and analysing whether it is designed in a way to minimise crime and disorder – for example, so staff have clear lines of sight on their customers and any particular sensitive areas of the premises
- Whether sufficient risk identification, strong management measures and a good understanding of any issues within the proposed locality have been submitted as part of an application and local area risk assessment. Any applicant will have to provide evidence that they meet criteria set out in this policy and any local area profile. Additional information may also be required in relation to how applicants will deter their premises from being used for illegal activities or as a cover for illegal activities if that is requested by the Licensing Authority or police.

5.3 To ensure that gambling is conducted in a fair and open way, the Licensing Authority will consider:

- Whether the layout and fitting of the premises has been designed to ensure gambling is being conducted in a fair and open way
- Whether sufficient and strong measures in relation to the operation and management of the premises are proposed to ensure gambling is conducted in a fair and open way
- That the operators of the premises have a good compliance history with enforcement authorities and the Gambling Commission's codes of practice.

5.4 To ensure the protection of children and vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will consider:

- Whether the operator has a specific training programme to ensure that all staff are able to identify children and vulnerable people and take appropriate action to exclude them from all or part of the premises
- If the premises is an adult only environment that the operator has a robust proof of age policy such as Challenge 21 or Challenge 25 and that all staff are trained in its use to prevent access to the premises by children
- Whether the layout, fitting and lighting of the premises is sufficient so staff have clear sight lines
- Whether sufficient or strong measures in relation to the operation and management of the premises are proposed so as to ensure no child or vulnerable person is harmed by gambling
- Whether any promotional material associated with the premises could attract young and vulnerable persons to the premises
- Whether the operator has taken cognisance of any local safeguarding policies in relation to children and vulnerable persons and any national strategies such as the Gambling Commission's 'National Strategy to Reduce Gambling Harms' or any other similar document
- Whether the operator is aware of issues around potential Child Sexual Exploitation (CSE) and has strong policies and processes in place to identify and deal with issues. Such policies should include staff training, awareness of children who look uncomfortable in the company of adults inside the premises or immediately outside or children attending the premises regularly to meet older people. Staff should also be aware of how to report any potential issues around CSE.

- 5.5 The above considerations set out in paragraphs 5.2-5.4 are not exhaustive. The Licensing Authority will expect applicants to consider all measures necessary to be consistent with the licensing objectives. The location of the premises may be a significant factor if, for example, it is located near a school, hostel, refuge or other sensitive premises or in an area of high deprivation. Persons under the age of 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to sensitive premises should demonstrate that they have robust policies and procedures in place to prevent harm to children and vulnerable persons.
- 5.6 It is noted that the Act and Commission Guidance does not define the term 'vulnerable persons'. The Commission states that "it will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This is the definition of 'vulnerable persons' that the council will use in its consideration of applications.
- 5.7 It is also noted that the Act does not define 'harm' or its context. The council considers harm to mean anything from the physical and mental which is not confined to an individual. For example, a problem gambler at harm from gambling can have negative effects on their families, friends and communities. This is the broad interpretation of harm that the council proposes to use when assessing applications and local area risk assessments. Licence holders are expected to demonstrate that they have robust policies and procedures in place to identify problem gamblers and any harm they may cause to themselves or others.
- 5.8 In relation to locality, the demand or 'clustering' of gambling premises cannot be taken into account. However, the location of gambling premises has a significant impact on the promotion of the licensing objectives. Any application will have to demonstrate that they do not undermine the licensing objectives or exacerbate issues in the locality that could do so. Applicants will be required to provide evidence that they have considered the potential impact of their proposed business on the licensing objectives and how they plan to mitigate those affects.

6. Premises Licences and Primary Gambling Activity

- 6.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required and which is premises based must apply to the licensing authority for a premises licence. A premises licence can authorise the provision of gambling facilities on:
- Casino Premises
 - Betting premises including tracks
 - Adult Gaming Centres
 - Family Entertainment Centres
 - Bingo premises

The Act makes it clear that the primary activity should be that described in the premises licence type. Each premises type will be subject to mandatory and/or

default conditions and any conditions by the council – if appropriate for ensuring consistency with the licensing objectives.

- 6.2 In the Act, a premises is defined as ‘any place’. No more than one premises licence can apply to any place, however one premises may hold more than one premises licence so long as the building can be genuinely separated
- 6.3 Where two or more licences are applied for within the same building and the council does consider separation genuine, the applicant(s) must still demonstrate how they will uphold the licensing objectives, with particular reference to how they plan to control the access from one part of the building into the other, in order to protect children from accidentally or otherwise accessing types of gambling to which they are not authorised.
- 6.4 The council will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator’s licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises will provide substantive facilities for the primary gambling activity permitted by the premises licence. For example, a betting (other) premises licence application that only has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans, may not be considered as providing sufficient facilities for the primary gambling activity permitted by that licence and therefore may not be compliant with the Gambling Commissions LCCP or its Guidance to Licensing Authorities. If an application is found not to be operating a premises in accordance with the Gambling Commissions Codes of Practice or the Guidance issued to Licensing Authorities the council has the power to refuse the application as it would not meet the principles as set out in Section 153 of the Act.

Buildings divided into more than one premises / Access to premises

- 6.5 Section 7.5 of the Gambling Commission guidance does, in principle, provide for a single building to be subject to more than one licence provided they are for different parts of the building and the different parts of the building could reasonably be considered ‘a different premises’. An example given is a shopping mall with multiple self-contained units. To agree to any application for a premises licence or variation, the applicant would have to provide evidence and the council would have to be satisfied that the premises are genuinely separate and not artificially created. Some of the factors the council will take into account would be whether there are separate registrations for business rates in place at the premises, whether the premises are operated and owned by the same person or organisation, whether the different units are operated independently of each other and whether they can be accessed through distinct entrances.
- 6.6 When considering proposals to divide a building into genuinely separate premises, the council will also need to be satisfied that the form of separation between the premises is appropriate. The separation between one premises and another must be clearly defined, permanent and constructed so the public cannot go from one premises to another. Roping off, moveable partitions and different coloured carpets are examples of methods used by some proprietors to artificially sub-divide premises and the

councils will not consider premises 'divided' as such as two separate premises. If applicant's wish to utilise staff in two adjacent premises then they will need to demonstrate that there are robust control measures in place to ensure the safety and security of staff and there are processes in place to prevent members of the public utilising any connecting access point.

- 6.7 Access provisions for each type of gambling premises are set out in section 7.23 of the Gambling Commission guidance and set out to prevent customers being able to enter the premises directly from another licensed premises. This is called 'direct access'. The Commission Guidance, Act and regulations do not define 'direct access' but it does say that licensing authorities may consider that there should be an area separating the premises concerned, for example, a street or café which the public go to for purposes other than gambling, for there to be no direct access. Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not'.
- 6.8 It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed must be genuinely separate premises which are actually used by members of the public other than those using the licensed premises. The council does not consider that provisions which prohibit direct access to licensed premises are satisfied where licensed premises are separated by an area that has been created artificially within a building for persons attending the gambling premises to attend for non-gambling activities, for example, refreshments or ATM machines.
- 6.9 If the council were satisfied that a building could be divided into separate premises which would satisfy the statutory provisions, the council will expect an applicant to provide documentary evidence that the premises are configured so that children have no observation or participation – accidental or otherwise – of gambling activity they are prohibited from taking part in. Entrances and exits from one premises to the other should be permanent, separate and clearly identifiable. And customers should only be able to participate in the activity named on the premises licence for that part of the building.
- 6.10 Any application that is received which seeks to create different premises in the same building purely to increase gaming machine entitlement through creating artificial unlicensed areas in between two areas will likely be objected to. The Act, regulations and Commission's Guidance support the principle that different premises within a single building should not be artificially created, that separation between premises must be adequate and direct access between certain licensed premises is prohibited. Applications that seek to place two licensed premises in one premises with an artificial unlicensed area separating them will also not be acceptable due to the artificial nature of the premises and access issues. It may be possible to have a foyer area or passageway which separates one licensed premises from another. However it must be accessible and generally used by members of the public other than those using the gambling premises. An example would be a hotel lobby which has an entrance to a casino and an adult gaming centre off it. In this example, the foyer would be used by patrons of the hotel and their guests who have no intention of availing themselves of the gambling facilities.

Adult gaming centres

- 6.11 Operators of an adult gaming centre must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category B, C & D machines available to their customers.
- 6.12 In considering licence applications for adult gaming centres, the applicant will have to evidence that they meet the requirements of this policy – particularly those set out in sections 3 and 5 – and demonstrate how any application is cognisance of the requirements of the Act, regulations, Commission guidance and the licensing objectives. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The council in considering premises licences and will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises. The councils will also expect applicants to demonstrate that there will be sufficient measures in place to promote all of the licensing objectives.

Licensed family entertainment centres

- 6.13 Operators of a licensed family entertainment centre will require an operating licence from the Gambling Commission and a premises licence from the relevant council. This will allow the operator to make category C and D machines available to their customers.
- 6.14 Children and young persons will be able to enter licensed family entertainment centres and play category D machines. They will not be permitted to play category C machines.
- 6.15 As family entertainment centres will particularly appeal to children and young persons, consideration shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the councils will require that:
- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - only adults are admitted to the area where the category C machines are located
 - access to the area where the category C machines are located is supervised
 - the area where the category C machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
 - at the entrance to, and inside any such area there are notices prominently displayed indicating that access to the area is prohibited to persons under 18.
 - the applicant will have to evidence that they meet the requirements of this policy – particularly those set out in sections 3 and 5 – and demonstrate how any application is cognisance of the requirements of the Act, regulations, Commission guidance and the licensing objectives.

Tracks

- 6.16 Tracks are sites (including racecourses and dog tracks) where races or sporting events take place. Operators of tracks will require a premises licence from the relevant council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).
- 6.17 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 6.18 It is a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided and any area where a gaming machine, other than a category D machine, is situated. In relation to the areas used for betting, special dispensation from this rule is provided for dog tracks and horse racecourses on days when racing takes place. On these days families will be entitled to attend a track or racecourse and children may enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided and the councils will therefore expect that suitable measures are in place to prevent children from entering such areas.
- 6.19 Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make up to four gaming machines available (categories B2 to D) on the track. The councils will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.
- 6.20 The councils will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, for example, the rules could be printed in the race card or made available in leaflet form from the track office.
- 6.21 The councils will require the following information from applicants for premises licences in respect of tracks:
- detailed plans for the racetrack itself and the area that will be used for temporary 'on-course' betting facilities (often known as the 'betting ring')
 - in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated as well as any other proposed gambling facilities.
 - the applicant will have to evidence that they meet the requirements of this policy – particularly those set out in sections 3 and 5 – and demonstrate how any application is cognisant of the requirements of the Act, regulations, Commission guidance and the licensing objectives.
- 6.22 Plans submitted with the application should be clearly marked to show what licensable activities will take place where and how children will be separated from category C machines.
- 6.23 The councils will accept occasional use notices for tracks in accordance with section 39 of the Act.

Casinos

6.24 The Act states that operators of a casino must obtain an operating licence from the Gambling Commission and a premises licence from the relevant council.

6.25 In July 2012 a Culture, Media and Sport Select Committee reviewed the Act and recommended that any local authority should be able to make its own decision about whether to have a casino in its district. The Committee also recommended that the licences for casinos that were licensed under the pre-existing Gaming Act of 1968 be made portable, allowing operators to relocate to any local authority (with the authority's consent).

6.26 **Vale of White Horse District Council:** Policy not to allow applications for a casino

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has adopted a 'no casino' resolution on the basis that this rural district with market towns is an inappropriate place for a casino, that casinos are better located in large towns or cities, and the council should also protect the most vulnerable people from gambling in casinos. This resolution is required to be renewed within three years.

6.27 **South Oxfordshire District Council:** Policy not to allow applications for a casino

Section 166 of the Act gives the council the power to pass a 'no casino' resolution, meaning that applications for a casino would not be considered. The council has adopted a 'no casino' resolution on the basis that the district was not a suitable location for a casino, that it could bring the potential for criminal exploitation and risk of money laundering, the need to protect the vulnerable from gambling harm, and the risk of harm from addiction to gambling. This resolution is required to be renewed within three years.

Betting premises

6.29 Betting premises are those premises which take bets other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the relevant council.

6.30 It is unlawful for anyone under the age of 18 to place a bet. Persons under the age of 18 shall not be permitted to enter a premises licensed for betting.

6.31 The councils expect applicants to demonstrate how they will ensure that neither children nor vulnerable persons are able to place a bet, for example by detailing proof of identification and self-barring schemes and staff training. The applicant will have to evidence that they meet the requirements of this policy – particularly those set out in sections 3 and 5 – and demonstrate how any application is cognisance of the requirements of the Act, regulations, Commission guidance and the licensing objectives. The council also needs to be satisfied about the primary use of the premises as a betting premises meaning applicants will be expected to demonstrate that they can offer sufficient facilities for betting and they have the right to occupy the premises.

- 6.32 At the time of writing, the holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 or B4), C or D.
- 6.33 The councils may, in accordance with section 181 of the Act, enforce the number of betting machines, their nature and the circumstances in which those machines are made available for use. When considering whether to impose such conditions, the councils will take into account the following:
- the size of the premises
 - the number of counter positions available for person-to-person transactions, and
 - the ability of staff to monitor that machines are not used by children and young persons or by vulnerable people.

Bingo premises

- 6.34 Operators of premises offering bingo (cash or prize bingo) will require a bingo operating licence from the Gambling Commission and a premises licence from the relevant council. In considering licence applications for bingo premises, the applicant will have to evidence that they meet the requirements of this policy – particularly those set out in sections 3 and 5 – and demonstrate how any application is cognisance of the requirements of the Act, regulations, Commission guidance and the licensing objectives.
- 6.35 The council will need to be satisfied that bingo can be played in any premises for which it grants a bingo premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences for that or those excluded areas.
- 6.36 The councils note the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted and that it is not permissible to exceed 20 percent of the total number of B3 machines available for use in the premises.
- 6.37 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are present, these must be separated from areas where children and young people are allowed. Where category C or above machines are available in premises to which children are admitted the councils will require that:
- all such machines are located in an area separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - access to the area where the machines are located is supervised
 - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
 - at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 6.38 To avoid a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance, the licensing authority will need to be satisfied that bingo can be played in any premises for which a premises licence is

issued. Particular consideration will be given when the operator of an existing bingo premises applies to vary the premises licence to exclude an area of the existing premises and then applies for a new licence for the excluded area.

Provisional statements

- 6.39 Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises they expect to be constructed, altered or expect to acquire the right to occupy. For example, a developer may wish to apply for a provisional statement to see whether a premises licence would be issued prior to entering into a contract to buy or lease the premises. Equally, a provisional statement may be applied for where there is already a premises licence but the application is for a different type of gambling.
- 6.40 An applicant need not hold an operating licence from the Gambling Commission before applying for a provisional statement and the councils shall not consider the likelihood of an operating licence being granted in determining whether to grant the provisional statement.
- 6.41 If a provisional statement has been granted, the fee for the subsequent premises licence application will be less and the councils are constrained in considering matters; no further representations from responsible authorities or interested parties may be considered unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances.
- 6.42 The councils may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional statement stage
 - which, in the council's opinion, reflect a change in the operator's circumstances
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. (There must be a substantial change to the plan and the council shall discuss any concerns with the operator before coming to a final decision).

7. Determination, Conditions and Reviews

Determination of applications

- 7.1 All applications for the grant, variation or review of a licence or permit will be considered on their own merits. The Act makes it clear that neither issues of demand for a premises nor compliance with planning or building regulations are to be considered when councils make decisions about applications. With regard to premises licences, the councils will consider all applications in accordance with the 'aim to permit' principles contained in section 153 of the Act.

- 7.2 Licensing authorities are obliged to consider representations from ‘responsible authorities’ and ‘interested parties’. Only representations that relate to the licensing objectives or raise issues under the licensing authority’s policy statement or Commission’s guidance or codes of practice are likely to be relevant. If the Licensing Authority deems a representation frivolous and/or vexatious, it will notify the party concerned.
- 7.3 When determining an application, the licensing authority will assess it based on compliance with the contents of this policy, the Act, codes of practice, the Gambling Commission Guidance and how it will be consistent with the licensing objectives. Applications that do not comply with the above, provide little evidence or are found to have a history of regulatory non-compliance may attract representations.

Conditions

- 7.4 The Act provide that premises licences can be subject to conditions in multiple ways. They may have been set out specifically in the Act or through regulations. They may be the default/mandatory conditions set out in the Act or they may be attached to premises licences by licensing authorities if they deem them appropriate.
- 7.5 Conditions on premises licences should relate only to gambling as considered appropriate in the light of the principles applied by licensing authorities under section 53 of the Act. It would not be appropriate to duplicate restrictions already imposed on an operator by the Commission or other legislation.
- 7.6 An example of conditions set out in the Gambling Act would be:
- Section 172 specifically outlines the permitted gaming machines for each premises type.
 - Section 176 requires the Commission to issue at least one code of practice for access to casinos by young persons – in particular ensuring that under 18s do not enter the premises and ask for evidence of age before admittance of any person who may look under 18.
 - Section 177 attaches a condition to casino premises and bingo premises that they may not issue credit in connection with the gambling that takes place on those premises.
 - Section 178 states that if a condition is attached to the premises licence in respect of the requirement for door supervision that they are licensed and accredited in line with the Private Security Industry Act 2001.
 - Section 182 provides a condition in relation to access by children and young persons to tracks in that the licence holder must ensure that children are excluded from any area where betting facilities or gaming machines (other than category D machines) are provided

The above is not an exhaustive list but all have been included in primary legislation with the aim of promoting the licensing objectives.

- 7.7 The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 sets out conditions that must be attached to all premises. Conditions under these regulations relate to mandatory conditions that must be attached to premises licences and default conditions that should also be attached to premises

licences unless the licensing authority decides to exclude them. Examples of mandatory conditions relate to the display of the summary of the premises licence in a prominent place on the premises and the layout of the premises must be in accordance with the plan. There are also mandatory conditions attached to each premises type and these along with the default conditions can be found on the Gambling Commission website. It will usually be the case that the mandatory and default conditions are the only conditions required to be attached to any licence. However, where risks are identified either by a responsible authority, or by the applicant in their local risk assessment, additional conditions may be added.

- 7.8 Conditions that cannot be attached to a premises licence by the licensing authority include any that makes it impossible for an operator to comply with the conditions of their operator licence issued by the Commission, any condition that relates to limiting quantities of gaming machines or categories of gaming machine or any condition relating to changes in stakes, fees, winnings or prizes.
- 7.9 The Licensing Authority has produced a document of model conditions that any applicant may wish to consult and then include within any application if they deem them necessary to comply with the expectations set out in this policy, the Act, codes of practice, guidance and to ensure that those measures are consistent with the licensing objectives. The council may look to impose or modify these conditions if it believes it necessary to comply with all of the above and if the premises is in an area identified as having particular issues in relation to crime or is situated in a high risk location. This document can be located on the councils' websites.

Reviews of premises licences

- 7.10 After a licence has been granted, an option to review that premises licence is a key tool in dealing with breaches of conditions, policy or the undermining of the licensing objectives. Section 197 of the Act provides that an application for a review of a premises licence may be made by a responsible authority or interested party. There are regulations governing reviews (The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007) which state that the person applying for the licence to be reviewed must do so in writing using a prescribed form, stating the reasons why a review is being requested and submitting it to the relevant council with any supporting documents. They must then send the same information to all (other) responsible authorities within seven days. Failure to do this will mean that the review process is halted until the documents are received by all parties.
- 7.11 The relevant council must grant the application for a review unless it thinks the grounds on which it is sought:
- are not relevant to this policy, or any guidance or codes of practice issued by the Gambling Commission, or the licensing objectives
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the council to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence
 - are substantially the same as the grounds cited in a previous application or substantially the same as representations made at the time the licence was

granted, depending on how much time has passed (the licence should not be reviewed based on the same arguments that have already been considered by the relevant council).

- 7.12 Within seven days of receiving the application to review a premises licence, the relevant council will publish notice of the application in accordance with the relevant regulations.
- 7.13 Representations in response to the application must be made within the 28 days which follow publication of the notice and the relevant council must carry out the review as soon as possible after the 28 days has ended.
- 7.14 If the relevant council deems action is justified, its options are to:
- add, remove or amend a licence condition imposed by the relevant council
 - exclude a default condition imposed by the Secretary of State (relating to for example, opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence.
- 7.15 The relevant council will notify the licence holder, the applicant for the review, any person who made representations, the Gambling Commission, the Chief Constable of Thames Valley Police and HM Revenue and Customs of the outcome of the review as soon as possible.

Appeals against a decision of the councils

- 7.16 The Act details the process for appeals against the councils' decisions regarding licences, permits, provisional statements and temporary use notices. In all cases appeals are to the local Magistrates' Court within 21 days of the appellant's receipt of the councils' decision.
- 7.17 Any party may apply for a judicial review if they believe that a decision taken by the relevant council is:
- beyond the powers available to it
 - subject to procedural impropriety or unfairness
 - irrational (a decision so unreasonable no sensible person could have reached it).

8. Permits

- 8.1 Details of current machine categories including maximum stakes and pay-outs permitted and the entitlement of certain premises to certain categories and numbers of machines can be found at www.gamblingcommission.gov.uk. A summary of gaming machine categories is included at Annex 4 for information, however the stakes are subject to change.
- 8.2 The councils will expect applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permitted in their premises and that staff are trained to have a full understanding of them.

8.3 The holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine(s).

Unlicensed family entertainment centre gaming machine permits (FECs)

8.4 Unlicensed FECs are able to offer category D machines if granted a permit by the relevant council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the relevant council.

8.5 The councils can grant or refuse an application for an FEC permit, but cannot attach conditions.

8.6 As unlicensed family entertainment centres appeal to children and young persons, the councils expect applicants to pay particular attention to the example measures detailed in this policy.

8.7 In considering the protection of children, the councils will expect the applicant to show not only how they intend to protect children from gambling but also that they have taken into account wider child protection considerations in their policies and procedures. The efficacy of such policies and procedures will be considered on their merits.

8.8 The councils will not grant a permit for unlicensed family entertainment centres if the applicant has a relevant conviction (as set out in Schedule 7 to the Act). Applicants will be required to undergo an enhanced Disclosure and Barring Service (DBS) check.

(Alcohol) licensed premises gaming machine permits

8.9 The Gambling Commission has published several useful leaflets and guidance about gaming machines and other types of gambling specifically to provide information to premises authorised to sell alcohol. These can be found at: www.gamblingcommission.gov.uk.

8.10 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to two gaming machine permits, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will need to notify the council and pay the prescribed fee.

8.11 The councils can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Act
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

8.12 If the holder of the premises licence wishes to have more than two machines in the premises, they will need to apply for a permit.

- 8.13 As children may be present in alcohol licensed premises, the councils expect applicants to pay particular attention to the measures detailed in this policy around public safety – in particular relation to children and vulnerable people.
- 8.14 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with under the Gambling Act, not the Licensing Act.
- 8.15 The councils can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for, however conditions cannot be attached to the permit.

Club gaming and club machine permits

- 8.16 The numbers and categories of machine permitted are different to non-clubs. The current details of maximum stakes and pay-outs permitted for each machine category and numbers of machine(s) permitted can be found at www.gamblingcommission.gov.uk.
- 8.17 The councils may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance.
- 8.18 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the councils for a club machine permit under section 273 of the Act.
- 8.19 To qualify, members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion, sports and social clubs, bridge and whist clubs and clubs with political affiliations.
- 8.20 The councils must satisfy themselves that the club genuinely meets the requirements of the Act to obtain a club gaming permit and therefore may ask for supporting documents. The following is a list of matters that will be considered:
- the procedures for guests accepted into the club
 - how the club is advertised
 - the running of the club, for example committee meetings, financial accounts and election of committee members.

This list is not exhaustive and the councils may ask for any documents they feel are necessary in determining whether a club is genuine, even if it has already been granted a club premises certificate under the Licensing Act 2003.

- 8.21 An application may only be refused on one or more of the following grounds:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

8.22 Under section 72 of the Act there is a 'fast-track' procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police and the grounds upon which a council can refuse a permit are reduced.

8.23 The grounds on which an application under the fast track procedure may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club gaming machine permit issued to the applicant in the last ten years has been cancelled

8.24 The councils may grant or refuse an application for a club gaming or club machine permit but cannot attach any conditions to it. However there are a number of conditions in the Act that the holder must comply with. These are contained in the Gaming Machine Permits Code of Practice issued by the Gambling Commission. This can be found at www.gamblingcommission.gov.uk

Prize gaming permits

8.25 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for, or raised by the gaming.

8.26 Casinos, bingo premises, adult gaming centres and licensed family entertainment centres do not require a permit in order to offer prize gaming.

8.27 Travelling fairs do not require a permit to offer equal chance prize gaming, provided that taken together the facilities for gambling are ancillary to the fair.

8.28 Children and young persons may only participate in equal chance prize gaming.

8.29 Applicants for a prize gaming permit should set out the types of gaming that they intend to offer. The applicant should be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in regulations; and
- that the gaming offered is lawful.

- 8.30 The councils can grant or refuse an application for a permit, but cannot attach any conditions to it. However, there are four conditions in the Act that permit holders must comply with. These are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 8.31 Councils can only grant a permit if they have consulted the chief officer of police about the application. Applicants must disclose any relevant convictions they may have to the council and the council will consider any objections that the police make about the suitability of person or the premises, including its location and the potential for disorder.

9. Small Society Lotteries

- 9.1 The Licensing Authority is responsible for registering small society lotteries. The Act defines a lottery as a simple lottery or complex lottery. An arrangement is a simple lottery if persons are required to pay a prize to participate, one or more prizes are allocated to one or more members and the allocation of prizes are carried out using a process which relies wholly on chance. A complex lottery is similar in terms of the payment to participate and allocation of prizes to a member but differs in that prizes are allocated by a series of processes and the first of those processes relies wholly on chance.
- 9.2 The Act defines a society as such that it is established and conducted for charitable purposes as defines in the Charities Act 2006; for the purpose of enabling participation in, or of supporting sports or a cultural activity or for any other non-commercial purposes other than that of private gain.
- 9.3 Participation in a lottery is a form of gambling and anyone seeking to run a lottery should conduct it in a socially responsible way. This includes having effective procedures in place to minimise the risk of lottery tickets being sold to children. The councils would therefore expect that operators of licences ensure that nobody under the age of 16 is a player by utilising an age verification policy similar to that used by pubs and shops that sell alcohol.
- 9.4 Lotteries may involve the issuing of physical or virtual tickets (such as in the form of an email or text message). All tickets must state the name of the promoting society, the price of the ticket (which must be the same as the price of all tickets for that draw), the name and address of the person at the society who is responsible for the draw and the date of the draw. It is also recommended that operators of lotteries keep records of any unsold or returned tickets for a period of one year.

- 9.5 Lottery tickets shall not be sold to a person in any street, bridge, road, footway, subway, alleyway, passageway or court. Tickets can be sold in the street from a static area such as a kiosk or door to door subject to relevant licences and permits being obtained from the council.
- 9.6 Prizes awarded in small society lotteries can be either cash or non-monetary. The value of prizes must not exceed the limits set out by the Act – in effect that combined with any expenses incurred during the running of the lottery – they must not comprise more than 80 percent of the total proceeds of the lottery. Donated prizes would not be counted as part of this but are still subject to the limit on a single maximum prize limit of £25,000. Any prizes involving alcohol should be subject to age checking processes before being awarded.
- 9.7 The Act sets out a number of offences that relate to lotteries including running licences without a licence, misusing the profits of a lottery, purporting to be a small society lottery when not, failing to submit a return document after the lottery or obstructing or misleading council officers, the police, the Commission or any other relevant law enforcement body. Small society operators are likely to be prosecuted should such offences come to light.
- 9.8 When assessing any registration by a society, the licensing authority will assess whether the proposed society meets the definition within the Act in that it must be non-commercial, that the value of tickets to be put on sale in a single lottery is less than £20,000 or £250,000 in a year. The small society operator must only register where their principal office is located. It would generally not be acceptable for a society to try and register more than once with any authority or separate authorities if they have the same aims and objectives as this would likely constitute a breach of the threshold limits stated in the Act. Any registration that is granted will only be for a year and is renewable for the correct fee before the anniversary of the expiry.
- 9.9 Operators of small society lotteries are required to submit a return to the licensing authority after each lottery. This must be done no later than three months after the draw and must be signed by two members of the society. The return must contain the arrangements for the lottery such as the date and the value of any prizes; the total proceeds of the lottery; the amount deducted by the operator of the lottery for costs and prizes the amount applied to the purposes for which the promoting society is conducted (this must be at least 20 percent of the proceeds) and whether any expenses were incurred that were not paid via a deduction from the proceeds.
- 9.10 The council has produced some guidance in relation to small society lotteries which is available on the relevant website. The Gambling Commission has also produced a number of helpful resources and factsheets which can be accessed on www.gamblingcommission.gov.uk

10. Temporary use notices and occasional use notices

- 10.1 Temporary use notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operator's licence wishes to use the premises temporarily for providing facilities for gambling.

- 10.2 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence. The Licensing Authority, on receipt of a notice, will consider whether gambling should take place or should take place with modifications to the notice. The Licensing Authority will consider:
- The suitability of the premises
 - The location of the premises – in particular its proximity to any sensitive premises such as schools
 - Whether CCTV coverage; the use of door supervisors and the employment of sufficient staff are in place for the entirety of the notice period
 - Whether the notice giver has the council any concern at previous events relating to the licensing objectives, guidance issued by the Commission, the codes of practice or the council's statement of licensing policy.
- 10.3 A TUN must be lodged with the Licensing Authority not less than three months and one day before the day on which a gambling event will begin and must be given by the holder of an operator licence using the prescribed form. The notice must be copied to the Gambling Commission, the police for the relevant area, HMRC and, if applicable, any other licensing authority where the proposed premises is situated.
- 10.4 If objections are received to a temporary use notice (from the police, Gambling Commission, HM Revenue & Customs or any other licensing authority in whose area the premises are situated), the council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).
- 10.5 If the council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:
- prevent the temporary use notice from taking effect
 - limit the activities that are permitted
 - limit the time period of the gambling or
 - allow the activities to take place subject to a specified condition.
- 10.6 The councils will apply the principles set out in this statement to any consideration as to whether to issue a counter-notice.
- 10.7 The council has very little discretion as regards Occasional Use Notices (OUNs) to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in the districts. If notices are given for a single track which would permit betting to occur for more than 8 days per year the council has an obligation to issue a counter notice preventing such a breach occurring.
- 10.8 Local sporting clubs or other venues seeking to become tracks through a contrived sporting event have utilised OUNs to solely or primarily facilitate betting taking place on

events occurring away from the identified venue – for example the Grand National. The Gambling Commission have not yet introduced a new licence condition limiting the betting to the outcomes of races, competitions or other sporting events taking place at the track in question but is keeping it under review as this is likely a misuse of OUNs.

- 10.9 The process of obtaining an OUN is set out in the Act. The notice must be sent to the licensing authority and copied to the chief officer of police for the relevant area. Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for the issuing of any counter notices or for the consideration of objections.

11. Travelling Fairs

- 11.1 The Act defines a travelling fair as, 'wholly or principally' providing amusements.
- 11.2 To be exempt from requiring a permit for gaming machines, the fair must be on a site that is not used for a fair for more than 27 days per calendar year (regardless of whether it is the same or different travelling fairs which occupy the land).
- 11.3 Fairs may provide an unlimited number of category D machines provided the facilities for gambling amount to no more than ancillary amusement to the fair.
- 11.4 Whilst the gaming machine providers may be exempt from the requirement to hold a permit, they must comply with the legal requirements about how the machines operate.
- 11.5 The councils will liaise with neighbouring authorities to ensure that land used for fairs which crosses local authority boundaries is monitored.

Annex 1 - Licensing authority delegations

Matter to be dealt with	Full Council	Licensing Acts Panel	Officers
Final approval of three year licensing policy statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licences (new, variation and transfer) and provisional statements		X Where representations have been received and not withdrawn	X Where no representations received or all have been withdrawn
Determine review of a premises licence		X	
Initiate review of a premises licence			X
Application for club gaming/ club machine permits		X Where objections have been made and not withdrawn	X Where no representations received or all have been withdrawn
Cancellation of club gaming/ club machine permits			X
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Revocation of premises licence due to failure to pay annual fee			X
Registration of small society lotteries			X
Cancellation of registration of small society lottery due to failure to pay annual fee			X

X indicates the lowest level to which decisions can be delegated

Appendix B - Summary of key changes to gambling policy

The below table summarises the key changes made to the old policy prior to the consultation exercise. The section numbers refer to the proposed new policy.

Section	Change
3.1	Added paragraph and further detail on social responsibility and local risk assessments. This is to assist applicants when making applications.
5	New section on locality and the licensing objectives including what factors the licensing authority will take into account when applications are received.
6	Added some additional detail to each of the different premises sections, including our expectations of what applicants should consider. Also included further detail in 6.5 – 6.10 in relation to council expectations on separation and access to gambling premises to assist applicants.
7.6 - 7.9	Added details of conditions set out in law, the mandatory and default conditions and the councils new 'pool of conditions' to assist applicants with their applications.
9	New section on small society lotteries. This was not included in the previous policy and gives detail on what these lotteries are and links to relevant guidance for people considering running one.
10.7-10.9	Information provided about Occasional Use Notices as this was not included in the previous policy
Annex 1	Updated to add some details of additional processes for clarity and amending the level for one item so that officers can cancel club gaming and club machine permits as is generally due to a failure to pay the annual fee and officers are required to do this without referral to a Panel
General	Removed annexes with details of consultees which will be published separately with the consultation report and responsible authorities which are already published on our websites
General	Removed annexes with gaming machine category and provision details as these are available separately and may be subject to change

The below changes made to sections 1.1, 1.2 and 1.3 are changes that are required by legislation. These changes were not part of the consultation and are included below for information only.

1.1	Added detail to confirm the duties for the licensing authorities under the Act to publish a policy, state the geographic area it applies to and approach of the authority. This is a requirement of the legislation.
1.2	Added detail in the paragraph on the matters and documents the licensing authorities will take into account when carrying out gambling functions. This is a requirement of the legislation.
1.3	Added paragraph on the licensing objectives, fundamental to the role of licensing authorities. This is a requirement of the legislation.

Appendix C – Report on results of consultation

Response 1 - GambleAware

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published interactive maps useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also www.begambleaware.org. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

Officer comment:

In 3.3 of the policy, we have added reference to the fact there is publicly available data in relation to crime, anti-social behaviour and problem gambling in the specific locality, to assist applicants in creating their local risk assessments.

Response 2 – an individual/member of the public

The only section completed by this respondent was in respect of the 'no casino' resolution, as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Strongly agree (no further comments provided)

South Oxfordshire District Council should continue to allow applications for casinos
Strongly disagree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a 'no casino' resolution.

Appendix C – Report on results of consultation

Response 3 - Gosschalks on behalf of Betting and Gaming Council

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principal objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems. Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Appendix C – Report on results of consultation

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of ‘problem gambling’ (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC’s five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of ‘problem gambling’ in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare’s 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission’s National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, ‘gambling activity’ mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made

Appendix C – Report on results of consultation

between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft joint statement of gambling policy.

On behalf of the BGC we welcome the relatively light touch approach to your joint statement of gambling policy. There are, however, a number of issues that we would seek to raise with you.

The first relates to “primary gambling activity”. There are references to this throughout the joint statement of policy and indeed part 6 of the policy deals with it specifically.

The term “primary gambling activity” is no longer used by the Gambling Commission. It does not appear in either the Gambling Commission Guidance to Licensing Authorities or the LCCP. In the circumstances, these references should be redrafted to use up to date terminology.

SR Code provision 9 deal with gaming machines in gambling premises. As far as betting offices are concerned, SR Code provision 9.1.1 is clear that licensees must ensure that the function along with the internal and/external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing betting facilities. This provision also requires that gaming machines may only be made available for use where there are also substantive facilities for non-remote betting provided by the premises.

Part 7 of the draft joint statement explains the Licensing Authority’s approach to premises licence conditions. We welcome the reference to the mandatory and default conditions but respectfully submit that the draft joint statement of licensing policy would be assisted if it was made clear that the mandatory and default conditions are usually sufficient to ensure operation that is consistent with the licensing objectives. Indeed, that is the purpose of the mandatory and default conditions.

Appendix C – Report on results of consultation

The draft joint statement of licensing policy should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented in the circumstances of a particular case.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Officer comment:

Paragraphs 2 to 4 of the final section of the response all relate to the same issue. We maintain that the principle of primary gambling activity is still an important inclusion in the policy, so for example a licence for a betting premises would only be granted to a premises where the main activity is betting. We think the terminology is clear and easy for all to understand.

As a result of the comment in paragraph 5 of the final section, we have added a sentence to 7.7 in the policy to confirm that it will usually be the case that the mandatory and default conditions are the only conditions required to be attached to any licence, but that in cases where risk is identified, additional conditions may be added.

Response 4 – Thame Town Council

Thame Town Council has no objections to the proposed changes to the Gambling Policy. In respect of the casino resolution, they responded as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Neither agree nor disagree (no further comments provided)

South Oxfordshire District Council should continue to allow applications for casinos
Neither agree nor disagree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a 'no casino' resolution.

Response 5 – Vale of White Horse district councillor

This respondent answered the question to confirm they agreed with the policy changes. In respect of the casino resolution, they responded as follows:

Vale of White Horse District Council should continue with its 'no casino' resolution
Strongly agree (no further comments provided)

Officer comment:

The committee reports will allow for consideration of a 'no casino' resolution.

Cabinet report



Report of Head of Finance



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To: **Joint Audit and Governance Committee; Cabinet; Council**

DATE: 30 November by Joint Audit and Governance Committee
2 December (S) / 3 December (V) by Cabinet
9 December (S) / 8 December (V) by Council

Treasury management mid-year monitoring report 2021/22

Recommendations

That Joint Audit and Governance Committee:

1. notes the treasury management mid-year monitoring report 2021/22.
2. is satisfied that the treasury activities are carried out in accordance with the treasury management strategy and policy.

That Cabinet:

3. considers any comments from Joint Audit and Governance Committee and recommends council to approve the report.

Purpose of report

1. The report fulfils the legislative requirements to ensure the adequate monitoring of the treasury management activities and that each council's prudential indicators are reported to their respective council mid-year (i.e. as at 30 September). The report provides details of the treasury activities for the first six months of 2021/22 and an update on the current economic conditions with a view to the remainder of the year.

Strategic objectives

2. Managing the finances of the authorities in accordance with the treasury management strategy will help to ensure that resources are available to deliver their services and meet the councils' strategic objectives.

Background

Treasury management

3. This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2017).
4. The primary requirements of the Code are as follows:
 - Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
 - Creation and maintenance of Treasury Management Practices which set out the way the Council will seek to achieve those policies and objectives.
 - Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-Year Review Report and an Annual Report, (stewardship report), covering activities during the previous year.
 - Delegation by the Councils of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:
 - An economic update for the first part of the 2021/22 financial year;
 - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - A review of the Councils' investment portfolios for 2021/22;
 - A review of the Councils' borrowing strategy for 2021/22;
 - A review of compliance with Treasury and Prudential Limits for 2021/22.
6. The first main function of the treasury management service is to ensure the councils' cash flow is adequately planned, with surplus monies being invested in low-risk counterparties, providing adequate liquidity initially before considering optimising investment return. The Treasury Management Strategy determines to whom the councils can lend, and this is the manifestation of their risk appetite.
7. The second main function of the treasury management service is to ensure funding for the Councils' capital plans. These capital plans provide a guide to the borrowing need of the Councils, essentially the longer-term cash flow planning to ensure the Councils can meet their capital spending operations. This management of longer-term cash may involve arranging long or short-term loans, or using longer term cash flow

surpluses, and on occasion any debt previously drawn may be restructured to meet risk or cost objectives.

8. Accordingly, treasury management is defined as:

“The management of the local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

9. The 2021/22 treasury management strategy was approved by each council in February 2021. This report summarises the treasury activity and performance for the first six months of 2021/22 against those prudential indicators and benchmarks set for the year. It also provides an opportunity to review and subsequently revise limits if required. Full council is required to approve this report and any amendments to the Treasury Management Strategy.

Treasury activity

10. The mid-year performance of the two councils is summarised in the tables below¹.

	South	Treasury investments £000	Non treasury loan £000	Sub Total £000	Property investment £000	Overall total £000
1	Average investment balance	172,635	15,000	187,635	8,067	195,702
2	Budgeted investment income	612	311	923	367	1,290
3	Actual investment income	445	312	757	208	965
4	surplus/(deficit) (3) - (2)	(167)	1	(166)	(159)	(325)
5	Annualised rate of return	0.52%	4.16%	0.81%	5.16%	0.99%

	Vale	Treasury investments £000	Property investment £000	Overall total £000
1	Average investment balance	113,420	5,516	118,936
2	Budgeted investment income	279	71	350
3	Actual investment income	71	15	86
4	surplus/(deficit) (3) - (2)	(208)	(56)	(264)
5	Annualised rate of return	0.13%	0.54%	0.14%

The forecast outturn position as at September 2021, based on known investments and maturities and an estimate for future earnings is shown in the table below:

	South Oxfordshire District Council	Vale of White Horse District Council
Annual budget as per MTFP	£1,846,610	£557,560
Forecast outturn	£1,560,489	£291,375
Variance against budget	(£286,121)	(£266,185)
Borrowing	Nil	Nil

¹ For property, the balance shown is the fair value of investment properties as at 31 March 2021.

11. The Councils remain restricted regarding financial institutions meeting their investment criteria. When it is possible, investments will be placed with highly rated institutions for a longer duration with a view to increasing the weighted average maturity of the portfolio, but this has meant that overall, there are fewer suitable counterparties available to the councils to deposit with.
12. During the first half of the year officers started a dialogue with Link Treasury Services to find alternative investments, which will diversify our portfolios. This dialogue will be progressed in the second half of the year.
13. **SODC**. The latest estimate is that income receivable on cash investments will be below budget by £0.3 million. This is due to the interest rates available being much lower than our most pessimistic forecasts when the budget was set.
14. **VWHDC**. The latest estimate is that income receivable on cash investments will be below budget by £0.3 million. This is due to the interest rates available being much lower than our most pessimistic forecasts when the budget was set.
15. Investment rates have started to rise as the markets are factoring in an increase in Bank Rate. This should result in better yields in the second half of the year.
16. **VWHDC** has more maturities in the second half of the financial year. This has resulted in the small receipt in interest and rate of return, when compared with **SODC**, in the first half of the year.

Performance measurement

17. A list of investments as at 30 September 2021 is shown in **Appendices A1** and **A2**.
18. The councils' performance against benchmarks for the first six months of the year are detailed in **Appendices A3** and **A4**. All investments were with approved counterparties. The average return on these investments is shown above in the table at paragraph 10.

Treasury management limits on activity

19. Each council is required by the Prudential Code to report on the limits set each year in their respective Treasury Management Strategies. The purpose of these limits is to ensure that the activity of the treasury functions remain within certain parameters, thereby mitigating risk and reducing the impact of an adverse movement in interest rates. However, if the limits set are too restrictive, they will impair the opportunities to reduce costs/improve performance. The performance against the limits for both councils are shown in **Appendices B1** and **B2**.
20. Following the period covered by this report, Council at **SODC** agreed to revise the prudential indicators to take into account the revised capital programme agreed in October 2021.

Debt activity during 2021/22

21. During the first six months of 2021/22 there has been no need for either of the councils to borrow. The Head of Finance will continue to take a prudent approach to the councils' debt strategies. The prudential indicators and limits set out in

Appendices B1 and **B2** provide the scope and flexibility for either of the councils to borrow in the short-term up to the maximum limits, if ever such a need arose within the cash flow management activities of the councils in order to achieve their service objectives.

Interest rate forecast and economic forecast

22. The Councils' treasury advisor, Link Treasury Services, has provided the following forecast:

Interest forecast November 2021									
	December 2021	March 2022	June 2022	September 2022	December 2022	March 2023	June 2023	September 2023	
Bank rate	0.25	0.25	0.50	0.50	0.50	0.75	0.75	0.75	0.75
6 month ave earnings	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00
12 month ave earnings	0.50	0.60	0.70	0.70	0.80	0.90	1.00	1.10	1.10
5yr PWLB	1.50	1.50	1.60	1.60	1.70	1.70	1.70	1.80	1.80
10yr PWLB	1.80	1.90	1.90	2.00	2.00	2.10	2.10	2.20	2.20
25 yr PWLB	2.10	2.20	2.30	2.40	2.40	2.40	2.50	2.50	2.50
50 yr PWLB	1.90	2.00	2.10	2.20	2.20	2.20	2.30	2.30	2.30

Note: LIBOR and LIBID rates will cease from the end of 2021. The forecast above is based on average earnings by local authorities for 6 to 12 months.

23. At the November 2021 Monetary Policy Committee (MPC) meeting, concerns were raised that recent increases in prices, particularly in gas and electricity, will lead to faster and higher inflation expectations and underlying wage growth, which in turn would increase the risk that price pressures would prove more persistent next year than previously expected. This means inflation could stay significantly above the two per cent target for longer. Current forecasts are that inflation could reach five per cent in April 2022.
24. Financial markets are pricing in a first increase in Bank Rate before the end of 2021, however the MPC has stated that it wants to see what happens in the economy and particularly to employment once furlough ends in September. The MPC has commented that Bank Rate would have to go up in the short term and the table above has factored in a first rate rise in December 2021, however the Bank of England could wait until February or May to raise Bank Rate.
25. It should be borne in mind that Bank Rate being cut to 10 per cent was an emergency measure to deal with the covid crisis hitting the UK in March 2020. At any time, the MPC could decide to simply take away that final emergency cut from 25 per cent to 10 per cent on no other grounds than it being no longer warranted and as a step forward in the return to normalisation.
26. With unpredictable virus factors now being part of the forecasting environment, there is a risk that forecasts could be subject to significant revision during the next three years.

Climate and ecological impact implications

27. There are no climate or ecological implications arising from this report, however the Councils can make significant impact via future investment opportunities and operational changes. Numerous changes have already been made to ensure that climate is a key consideration in key documents and processes (such as the

procurement strategy), and this will become more evident in future decision making. As opportunities to support the climate ambitions of the Councils arise, they will be considered and appropriately weighted to include any climate or ecological impacts.

Financial Implications

28. These are covered in the body of the report.

Legal implications

29. There are no significant legal implications as a result of the recommendations in this report. Compliance with the CIPFA Code of Practice for Treasury Management in the Public Services and the CLG Local Government Investment Guidance provides assurance that the councils' investments are, and will continue to be, within their legal powers.

Conclusion

30. This report provides details of the treasury management activities for the period 1 April 2021 to 30 September 2021 and the mid-year prudential indicators to each respective council.

31. This report also provides the monitoring information for joint audit and governance committee to fulfil its role of scrutinising treasury management activity at each council.

Background papers

- CIPFA Code of Practice on Treasury Management 2017
- CIPFA Prudential Code 2017
- CIPFA Treasury Management in the Public Services Guidance Notes 2018
- CIPFA statement 17.10.18 on borrowing in advance of need and investments in commercial properties
- CIPFA Bulletin 02 Treasury and Capital Management Update October 2018
- Statutory investment guidance where it has been updated in 2018 (English local authorities)
- Statutory MRP guidance where it has been updated in 2018 (English local authorities)
- Treasury Management Investment Strategy 2021/22 (South Oxfordshire & Vale of White Horse, February 2021)

Appendices

- A1 – SODC List of investments as at 30 September 2021
- A2 – VWHDC List of investments as at 30 September 2021
- A3 – SODC Performance against benchmark
- A4 – VWHDC Performance against benchmark
- B1 – SODC Prudential Indicators
- B2 – VWHDC Prudential Indicators
- C1 – Note on Prudential Indicators

South Oxfordshire

Investments as at 30 September 2021						
Counterparty	Deposit type	Investment date	Maturity date	Remaining investment duration in days	Principal	Rate (%)
Cambridge	Fixed	01-Oct-20	01-Oct-21	1	3,000,000	0.40%
Skipton Building Society	Fixed	01-Oct-20	01-Oct-21	1	2,000,000	0.30%
Principality Building Society	Fixed	15-Jul-21	15-Oct-21	15	3,000,000	0.07%
Progressive Building Society	Fixed	21-Oct-20	21-Oct-21	21	1,000,000	0.42%
Cambridge	Fixed	30-Oct-20	29-Oct-21	29	2,000,000	0.42%
Progressive Building Society	Fixed	30-Oct-20	29-Oct-21	29	2,000,000	0.42%
Saffron Building Society	Fixed	03-Nov-20	02-Nov-21	33	1,000,000	0.40%
Saffron Building Society	Fixed	05-Nov-20	05-Nov-21	36	1,000,000	0.40%
National Counties Building Society	Fixed	06-Nov-20	05-Nov-21	36	3,000,000	0.45%
Furness Building Society	Fixed	20-Nov-20	19-Nov-21	50	3,000,000	0.55%
Saffron Building Society	Fixed	11-Dec-20	10-Dec-21	71	3,000,000	0.40%
West Bromwich Building Society	Fixed	01-Jul-21	04-Jan-22	96	2,000,000	0.09%
METROPOLITAN HOUSING TRUST LT	Fixed	12-Jan-21	12-Jan-22	104	2,000,000	0.30%
West Bromwich Building Society	Fixed	18-Jan-21	17-Jan-22	109	2,000,000	0.33%
Thurrock Borough Council	Fixed	19-Jan-21	18-Jan-22	110	3,500,000	0.20%
Goldman Sachs International Bank	Fixed	16-Feb-21	15-Feb-22	138	5,000,000	0.28%
West Bromwich Building Society	Fixed	16-Feb-21	16-Feb-22	139	3,000,000	0.20%
Newcastle Building Society	Fixed	16-Feb-21	16-Feb-22	139	3,000,000	0.20%
Goldman Sachs International Bank	Fixed	22-Feb-21	21-Feb-22	144	2,000,000	0.30%
Newcastle Building Society	Fixed	11-Mar-21	10-Mar-22	161	4,000,000	0.20%
Principality Building Society	Fixed	01-Jul-21	14-Mar-22	165	4,000,000	0.12%
West Bromwich Building Society	Fixed	23-Mar-21	23-Mar-22	174	2,000,000	0.20%
Principality Building Society	Fixed	23-Mar-21	23-Mar-22	174	2,000,000	0.14%
Goldman Sachs International Bank	Fixed	29-Mar-21	29-Mar-22	180	2,000,000	0.39%
National Bank of Kuwait	Fixed	06-Aug-21	31-Mar-22	182	2,000,000	0.15%
National Counties Building Society	Fixed	01-Apr-21	01-Apr-22	183	2,500,000	0.35%
National Counties Building Society	Fixed	30-Apr-21	29-Apr-22	211	1,000,000	0.33%
Thurrock Borough Council	Fixed	30-Apr-21	29-Apr-22	211	3,000,000	0.30%
Thurrock Borough Council	Fixed	20-Apr-21	19-Apr-22	201	5,000,000	0.40%
Thurrock Borough Council	Fixed	21-May-21	20-May-22	232	5,000,000	0.40%
National Counties Building Society	Fixed	24-Jun-21	23-Jun-22	266	2,000,000	0.33%
Monmouthshire Building Society	Fixed	09-Jul-21	09-Jul-22	282	1,000,000	0.15%
Progressive Building Society	Fixed	15-Jul-21	15-Jul-22	288	2,500,000	0.16%
Principality Building Society	Fixed	09-Aug-21	08-Aug-22	312	2,000,000	0.15%
Monmouthshire Building Society	Fixed	09-Aug-21	08-Aug-22	312	2,000,000	0.15%

South Oxfordshire Continued

Investments as at 30 September 2021						
Counterparty	Deposit type	Investment date	Maturity date	Remaining investment duration in days	Principal	Rate (%)
Principality Building Society	Fixed	10-Aug-21	09-Aug-22	313	1,500,000	0.15%
Principality Building Society	Fixed	16-Aug-21	15-Aug-22	319	2,000,000	0.15%
Monmouthshire Building Society	Fixed	16-Aug-21	15-Aug-22	319	2,000,000	0.15%
Furness Building Society	Fixed	19-Aug-21	18-Aug-22	322	2,000,000	0.30%
Thurrock Borough Council	Fixed	23-Aug-21	22-Aug-22	326	3,500,000	0.20%
Newcastle Building Society	Fixed	27-Aug-21	26-Aug-22	330	2,000,000	0.18%
Newcastle Building Society	Fixed	27-Aug-21	26-Aug-22	330	2,000,000	0.18%
Furness Building Society	Fixed	07-Sep-21	07-Sep-22	342	2,000,000	0.30%
Goldman Sachs International Bank	Fixed	14-Sep-21	13-Sep-22	348	2,000,000	0.38%
National Bank of Kuwait	Fixed	15-Sep-21	15-Sep-22	350	3,000,000	0.22%
Monmouthshire Building Society	Fixed	16-Sep-21	16-Sep-22	351	3,000,000	0.15%
Nottingham Building Society	Fixed	17-Sep-21	16-Sep-22	351	3,000,000	0.15%
Furness Building Society	Fixed	27-Sep-21	27-Sep-22	362	2,000,000	0.30%
Santander	Call *				401,256	0.02%
Royal Bank of Scotland	Call *				2,361	0.01%
Royal Bank of Scotland	Call *				96,489	0.01%
Goldman Sachs	MMF *				17,200,000	0.00%
Blackrock	MMF *				690,000	0.00%
Total short term cash investments (<1 yr duration)					136,890,106	
Close Brothers	Fixed	27-Nov-19	29-Nov-21	60	3,000,000	1.30%
Royal Bank of Scotland	Fixed	18-Feb-19	20-Feb-23	508	2,000,000	2.46%
Places for People	Fixed	15-Mar-21	15-Mar-23	531	5,000,000	1.00%
Places for People	Fixed	01-Apr-21	03-Apr-23	550	5,000,000	1.00%
Places for People	Fixed	10-May-21	10-May-23	587	2,000,000	1.00%
Places for People	Fixed	25-Jun-21	23-Jun-23	631	3,000,000	1.00%
Total long-term cash investments (>1 yr duration)					20,000,000	
CCLA	Property				6,467,694	Variable
Legal & General Equities	Unit Trust				13,771,218	Variable
Total Investments					177,129,018	

* Rates are variable. Returns shown represent prevailing rates at end Q2 2021.

** Above figures exclude balance outstanding from Kaupthing Singer and Friedlander and SOHA loan

***Last year total investments: £162 million

Vale of White Horse District Council

Investments as at 30 September 2021						
Counterparty	Deposit type	Investment date	Maturity date	Remaining investment		
				duration in days	Principal	Rate (%)
Cambridge Building Society	Fixed	01/10/2020	01/10/2021	1	2,000,000	0.40%
Saffron Building Society	Fixed	01/10/2020	01/10/2021	1	3,000,000	0.40%
Places for People Homes Ltd	Fixed	31/10/2019	29/10/2021	29	1,000,000	1.70%
Furness Building Society	Fixed	02/11/2020	29/10/2021	29	3,000,000	0.55%
Close Brothers Ltd	Fixed	18/11/2019	18/11/2021	49	2,000,000	1.30%
Worthing Borough Council	Fixed	18/11/2019	18/11/2021	49	3,000,000	1.30%
Monmouthshire Building Society	Fixed	30/11/2020	29/11/2021	60	1,500,000	0.45%
West Bromwich Building Society	Fixed	30/11/2020	29/11/2021	60	2,500,000	0.34%
Monmouthshire Building Society	Fixed	07/12/2020	06/12/2021	67	1,500,000	0.45%
Principality Building Society	Fixed	14/12/2020	13/12/2021	74	2,000,000	0.19%
Progressive Building Society	Fixed	04/01/2021	04/01/2022	96	3,000,000	0.30%
Fife Council	Fixed	20/01/2021	19/01/2022	111	5,000,000	0.20%
Close Brothers Ltd	Fixed	21/01/2020	21/01/2022	113	4,000,000	1.30%
Goldman Sachs International Bank	Fixed	28/01/2021	28/01/2022	120	5,000,000	0.18%
Newcastle Building Society	Fixed	15/02/2021	14/02/2022	137	1,500,000	0.20%
Goldman Sachs International Bank	Fixed	17/02/2021	16/02/2022	139	3,000,000	0.30%
Places for People Homes Ltd	Fixed	19/02/2020	21/02/2022	144	2,000,000	1.80%
Newcastle Building Society	Fixed	22/02/2021	21/02/2022	144	2,000,000	0.20%
Close Brothers Ltd	Fixed	05/03/2020	07/03/2022	158	2,000,000	1.30%
West Bromwich Building Society	Fixed	25/03/2021	14/03/2022	165	3,000,000	0.20%
Nat Bank of Kuwait International	Fixed	09/06/2021	14/03/2022	165	5,000,000	0.20%
Principality Building Society	Fixed	27/05/2021	26/05/2022	238	2,000,000	0.15%
Furness Building Society	Fixed	25/06/2021	24/06/2022	267	3,000,000	0.35%
National Counties Building Society	Fixed	25/06/2021	24/06/2022	267	1,000,000	0.33%
Nat Bank of Kuwait International	Fixed	30/06/2021	29/06/2022	272	5,000,000	0.23%
Newcastle Building Society	Fixed	01/07/2021	30/06/2022	273	2,500,000	0.18%
National Counties Building Society	Fixed	26/07/2021	25/07/2022	298	1,000,000	0.33%
Monmouthshire Building Society	Fixed	06/08/2021	05/08/2022	309	2,000,000	0.15%
National Counties Building Society	Fixed	16/08/2021	15/08/2022	319	3,000,000	0.35%
Cambridge Building Society	Fixed	18/08/2021	17/08/2022	321	1,000,000	0.25%
National Counties Building Society	Fixed	09/09/2021	08/09/2022	343	1,000,000	0.33%
Monmouthshire Building Society	Fixed	09/09/2021	08/09/2022	343	1,000,000	0.15%
Principality Building Society	Fixed	09/09/2021	08/09/2022	343	3,000,000	0.15%
Lloyds Bank	Call				5,000,000	0.04%
Lloyds Bank	Call				5,000,000	0.02%
LGIM	MMF *				220,000	0.00%
Goldman Sachs	MMF *				14,500,000	0.00%
Total short term cash investments (<1 yr duration)					107,220,000	

Vale of White Horse continued

Investments as at 30 September 2021						
Counterparty	Deposit type	Investment date	Maturity date	Remaining investment duration in days	Principal	Rate (%)
Places for People Homes Ltd	Fixed	10/12/2020	10/06/2022	253	5,000,000	0.75%
Metropolitan Housing Trust Ltd	Fixed	16/11/2020	16/11/2022	412	3,000,000	1.10%
Goldman Sachs International Bank	Fixed	01/03/2021	01/03/2023	517	2,000,000	0.37%
Southern Housing Group	Fixed	19/03/2021	20/03/2023	536	5,000,000	1.00%
Yorkshire Housing Ltd	Fixed	29/04/2021	28/04/2023	575	5,000,000	1.00%
Places for People Homes Ltd	Fixed	17/06/2021	16/06/2023	624	2,000,000	1.00%
Rotherham MBC**	Fixed	25/06/2021	25/06/2024	999	5,000,000	0.30%
Total long-term cash investments (>1 yr duration)					27,000,000	
CCLA	Property				2,780,901	variable
Total Investments					137,000,901	

*Rates are variable. Returns shown represent prevailing rates at end Q2 2021.

**Investment placed on an escalator. Year 1 interest rate is 0.30%, year 2 is 0.55% and year 3 is 0.80%.

***Last year total investments: £110 million

South Oxfordshire District Council

Investment returns achieved against benchmark				
	Benchmark Return	Actual Return	Growth (Below)/above Benchmark	Benchmarks
Bank & Building Society deposits - internally managed	-0.05%	0.52%	0.57%	3 Month LIBID
Equities	5.95%	7.82%	1.87%	FTSE All Shares Index

- All benchmarks managed by the treasury team were met in the first six months of the year.

CCLA

Annualised total return performance			
Performance to 30 September 2021	1 year	3 years	5 years
The local authorities property fund	11.73%	4.39%	5.93%
Benchmark - IPD property index	8.49%	3.25%	5.10%

- The CCLA investment is a long-term holding. The above table shows the performance of the fund as a whole and the longer term performance should be used as a guide to returns achievable in the medium term.
- South invested £5 million into the fund and in the first six months of 2021/22, achieved a return of 4.18 per cent calculated as a ratio of income over the market value held as at 30 September 2021. This is not the same basis upon which the performance of the fund above is calculated.

Vale of White Horse District Council

Investment returns achieved against benchmark				
	Benchmark return	Actual return	Growth (below)/above benchmark	Benchmarks
	%	%	%	
Internally managed - Bank & Building Society deposits	-0.05%	0.13%	0.18%	3-month LIBID

- All benchmarks managed by the treasury team were met in the first six months of the year.

CCLA

Annualised total return performance				
Performance to 30 September 2021	1 year	3 years	5 years	
The local authorities property fund	11.73%	4.39%	5.93%	
Benchmark - IPD property index	8.49%	3.25%	5.10%	

- The CCLA investment is a long-term holding. The above table shows the performance of the fund as a whole and the longer-term performance should be used as a guide to returns achievable in the medium term.
- Vale invested £2 million into the fund and in the first six months of 2021/22, achieved a return of 4.18 per cent calculated as a ratio of income over the market value held as at 30 September 2021. This is not the same basis upon which the performance of the fund above is calculated.

South Oxfordshire District Council

Prudential indicators as at 30th September 2021		
	2021/22 Original Estimate £m	Actual as at 30-Sep £m
Debt		
Authorised limit for external debt		
Borrowing	30	0
Other long-term liabilities	0	0
	30	0
Operational boundary for external debt		
Borrowing	25	0
Other long-term liabilities	0	0
	25	0
Interest rate exposures		
Maximum fixed rate borrowing	100%	0
Maximum variable rate borrowing	100%	0
Investments		
Interest rate exposures		
Limits on fixed interest rates	100%	80%
Limits on variable interest rates	50	25
Principal sums invested > 364 days		
Upper limit for principal sums invested >364 days	70	27

Vale of White Horse District Council

Prudential indicators as at 30th September 2020		
	2020/21 Original estimate £m	Actual as at 30-Sep £m
Authorised limit for external debt		
Borrowing	30	0
Other long-term liabilities	5	0
	35	0
Operational boundary for external debt		
Borrowing	25	0
Other long-term liabilities	5	0
	30	0
Interest rate exposures		
Maximum fixed rate borrowing	100%	0
Maximum variable rate borrowing	100%	0
Investments		
Interest rate exposures		
Limits on fixed interest rates	100%	85%
Limits on variable interest rates	50	14
Principal sums invested > 364 days		
Upper limit for principal sums invested >364 days	40	23

Prudential indicators – explanatory note

Debt

There are two limits on external debt: the 'Operational Boundary' and the 'Authorised Limit'. Both are consistent with the current commitments, existing plans and the proposals in the budget report for capital expenditure and financing, and with approved treasury management policy statement and practices. They are both based on estimates of most likely, but not worst-case scenario.

The key difference is that the Authorised Limit cannot be breached without prior approval of the Council. It therefore includes more headroom to take account of eventualities such as delays in generating capital receipts, forward borrowing to take advantage of attractive interest rates, use of borrowing in place of operational leasing, "invest to save" projects, occasional short term borrowing to cover temporary revenue cash flow shortfalls as well as an assessment of risks involved in managing cash flows.

The Operational Boundary is a more realistic indicator of the likely position.

Interest rate exposures

The maximum proportion of interest on borrowing which is subject to fixed/variable rate of interest.

Investments

Interest rate exposure

The purpose of these indicators is to set ranges that will limit exposure to interest rate movement. The indicator required by the Treasury Management Code considers the net position of borrowing and investment and is based on principal sums outstanding.

Principal sums invested

This indicator sets a limit on the level of investments that can be made for more than 364 days.

Cabinet Report



Report of Head of Finance

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To: CABINET on 3 December 2021

To: COUNCIL on 8 December 2021

Council tax base 2022/23

Recommendations

That Cabinet recommends Council to:

1. Approve the report of the head of finance for the calculation of the council's tax base and the calculation of the tax base for each parish area for 2022/23.
2. Agree that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as its council tax base for the year 2022/23 is 55,362.8
3. Agree that, in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Vale of White Horse District Council as the council tax base for the year 2022/23 for each parish be the amount shown against the name of that parish in **Appendix A** of the report of the head of finance to Cabinet on 3 December 2021

Purpose of Report

1. The purpose of this report is to ask Cabinet to recommend the council tax base for 2022/23 to Council for approval.

Corporate Objectives

2. The calculation of the tax base is a legal requirement and an essential part of the tax setting process which helps to achieve the council's corporate objectives.

Background

3. Before the council tax can be set by the council, a calculation has to be made of the council tax base, which is an estimate of the taxable resources for the district as a whole and for each parish area.
4. The council tax base for the district has to be notified to Oxfordshire County Council and the Police and Crime Commissioner by 31 January 2022. Each parish and town council is also notified of the figure for its area.
5. The legislation requires that the council tax base is approved by full council or a non-executive body with delegated powers. No such delegation exists, so cabinet is therefore asked to recommend to council the schedule set out in **Appendix A** as the council tax base for the district as a whole and for each parish area.

Options - Calculation of the tax base

6. The starting point for the calculation is the total number of dwellings and their council tax band.
7. The council then allows for the following information, for each band:
 - (a) dwellings which will be entirely exempt, so no tax is payable (e.g. those occupied entirely by students)
 - (b) dwellings which will attract a 25 per cent reduction (e.g. those with a single adult occupier)
 - (c) dwellings which will attract a 50 per cent reduction (e.g. those where all the adult residents qualify for a reduction)
 - (d) dwellings which will be treated as being in a lower band because they have been adapted for a severely disabled person. The regulations provide methodology to take account of the reduction available to those in band A dwellings
 - (e) dwellings which will be on the valuation list, but which attract discounts or disablement relief or are exempt, for only part of the year
8. Each band is then converted into "band D equivalents" by applying the factor laid down by legislation. For example, a band A dwelling is equal to $\frac{2}{3}$ of a band D dwelling and is therefore multiplied by $\frac{2}{3}$ to arrive at the band D equivalent figure, whilst a band H dwelling is equal to twice a Band D dwelling and is therefore multiplied by two to arrive at the Band D equivalent figure. All these are then added together to give a total of band D equivalents.
9. A final adjustment is required to allow for non-collection. The council is required to decide what its collection rate is likely to be and apply this to its council tax base. For the 2021/22 tax the council assumed 98 per cent would eventually be collected and it is proposed to use 98 per cent again in 2022/23.

Taxbase for 2022/23

10. Based on the assumptions detailed above, the council tax base for 2022/23 is **55,362.8**

11. Similar calculations are required for each parish in order to calculate the proportion of the district's tax base which relates to its area. A schedule of the tax base for each parish is set out in **Appendix A**.
12. To calculate the council tax amounts payable per property band for the council, its council tax requirement (i.e. the amount of council tax to be raised) is divided by the Band D equivalent (taxbase). This will be finalised during January and February, culminating in the council tax being set by council on **16 February 2022** (this date is subject to the council being notified of the major precepting authorities' council tax requirements).

Climate and ecological impact implications

13. There are no direct climate and ecological implications arising from this report

Financial Implications

14. Any council decision that has financial implications must be made with the knowledge of the council's overarching financial position. For Vale, the position reflected in the council's medium-term financial plan (MTFP) as reported to Full Council in February 2021 showed that the council is due to receive £2.6 million less in revenue funding than it plans to spend in 2021/22 (with the balance coming from reserves including unallocated New Homes Bonus).
15. This funding gap is predicted to increase to over £5 million by 2025/26. As there remains no certainty on future local government funding, following the announcement of a one-year spending review by government, and as the long-term financial consequences of the Coronavirus pandemic remain unknown, this gap could increase further. Every financial decision made needs to be cognisance of the need to eliminate this funding gap in future years.
16. The financial implications and calculations for the taxbase are set out in the body of the report.

Legal Implications

17. These are set out in the body of the report.

Risks

18. The council's methodology for calculating the taxbase involves basing the calculation on actual dwellings at a certain point in time, rather than forecasting on potential new dwellings that may be built in the future. Because of this the risk exposure is considered to be low.

Conclusion

19. As covered above, the calculation of the tax base is a legal requirement and it is asked that Cabinet recommends the council tax base for 2022/23 to Council for approval in accordance with Appendix A.

Background Papers

None

PARISH COUNCIL TAX BASES - 2022-23

PARISH/TOWN COUNCIL	NUMBER OF DWELLINGS 2022-23	NUMBER OF DWELLINGS 2021-22	PARISH TAX BASE 2022-23	PARISH TAX BASE 2021-22
ABINGDON	14,989	14970	12,384.5	12,359.2
APPLEFORD	147	146	165.6	159.6
APPLETON WITH EATON	402	402	459.3	448.1
ARDINGTON AND LOCKINGE	223	220	222.7	218.7
ASHBURY	259	259	276.7	269.9
BAULKING	40	40	48.6	49.3
BESSELSLEIGH	47	28	54.8	34.6
BLEWBURY	814	812	747.2	737.6
BOURTON	138	136	152.0	148.8
BUCKLAND	265	260	335.8	322.0
BUSCOT	87	87	87.8	89.8
CHARNEY BASSETT	126	126	152.7	151.3
CHILDREY	228	227	240.6	242.5
CHILTON	674	670	693.5	687.0
COLESHILL	73	74	68.2	68.1
COMPTON BEAUCHAMP	30	30	38.5	37.9
CUMNOR	2,811	2787	3,011.6	2,980.4
DENCHWORTH	82	82	85.3	83.4
DRAYTON	1,271	1249	1,199.1	1,169.6
EAST CHALLOW	438	403	374.8	346.4
EAST HANNEY	523	460	576.0	512.0
EAST HENDRED	606	604	627.3	622.3
EATON HASTINGS	35	35	34.6	34.7
FARINGDON	3,846	3785	3,131.3	3,060.1
FERNHAM	102	97	117.2	110.9
FRILFORD	100	93	139.1	124.9
FYFIELD AND TUBNEY	202	198	242.7	237.1
GARFORD	70	70	82.6	83.8
GOOSEY	57	57	66.4	65.8
GREAT COXWELL	160	138	189.9	166.2
GROVE	3,672	3465	3,096.8	2,916.6
HARWELL	2,241	2181	2,033.6	1,959.6
HATFORD	37	36	46.5	46.3
HINTON WALDRIST	153	153	154.3	154.3
KENNINGTON	1,780	1771	1,714.0	1,696.2
KINGSTON BAGPUIZE AND SOUTHMOOR	1,656	1532	1,674.5	1,546.4
KINGSTON LISLE	112	112	120.1	119.2
LETCOMBE BASSETT	79	79	93.8	93.2
LETCOMBE REGIS	386	385	361.5	361.7
LITTLE COXWELL	70	70	80.8	77.2
LITTLEWORTH	97	97	122.0	117.9
LONGCOT	237	230	243.0	232.0
LONGWORTH	248	244	281.3	275.2
LYFORD	23	23	26.0	26.6
MARCHAM	935	928	931.4	921.8
MILTON	660	588	628.9	540.1
NORTH HINKSEY	2,331	2293	1,975.1	1,931.6
PUSEY	29	29	38.7	37.7
RADLEY	1,059	1008	937.7	886.4
ST HELEN WITHOUT	852	851	850.3	832.7
SHELLINGFORD	87	87	85.4	85.7
SHRIVENHAM	1,364	1240	1,361.8	1,250.7
SOUTH HINKSEY	176	177	202.9	201.5
SPARSHOLT	140	142	155.8	156.7
STANFORD IN THE VALE	1,045	1022	969.1	927.5
STEVENTON	933	931	878.3	881.2
SUNNINGWELL	384	383	453.3	449.0
SUTTON COURTENAY	1,281	1271	1,212.3	1,189.3
UFFINGTON	365	364	364.9	362.4
UPTON	181	176	214.1	212.8
WANTAGE	6,049	5820	5,087.3	4,885.7
WATCHFIELD	1,128	1125	1,033.6	1,020.9
WEST CHALLOW	97	94	110.4	108.1
WEST HANNEY	260	259	302.1	299.6
WEST HENDRED	149	149	166.3	161.8
WOOLSTONE	62	62	78.3	77.9
WOOTTON	1,199	1197	1,185.0	1,169.7
WYTHAM	73	72	85.2	83.9
TOTAL	60,475	59191	55,362.8	53,919.1

Cabinet Report



Report of Head of Finance

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To: CABINET on 3 December 2021

Date: COUNCIL on 8 December 2021

War and War Widow(er)s Pension Disregard top up in Housing Benefit

Recommendations

That Cabinet is asked to recommend to Council to re-affirm its decision to approve the disregard of War Pensions and War Widow(er)'s pensions

(a) in full as income above the statutory £10.00 per week disregard in the calculation of Housing Benefit entitlement and

(b) in full as income in relation to the means tested assessment of Council Tax Reduction Scheme discount

Purpose of Report

1. To seek approval for the continuing disregard of War Pensions and War Widow(er)'s Pension in calculating Housing Benefit entitlement.

Corporate Objectives

2. This resolution will contribute to the Building Healthy Communities in that it will financially support vulnerable residents. It will help in homeless prevention in that the recipients of the disregarded benefits will have more financial help in paying their rent. The disregard will contribute to the Building Stable Finances objective in that it will help reduce the burden of paying Council Tax for those on the lowest income.

Background

3. Before the introduction of the Social Security Administration Act 1992, there was a statutory £10.00 per week disregard on War Disability and War Widows pensions in means tested social security benefits including Housing Benefit. Above the £10.00 per week disregard, the pensions were counted as income, reducing the amount of benefit received.
4. Section 134(8) of the Social Security Administration Act 1992 allowed councils to disregard up to 100% of war pensions above the £10.00 per week disregard. This had to be agreed by the full council. The cost of this disregard is borne by the council. Vale of White Horse agreed to disregard war pensions in full above the weekly disregard at some point in the 1990s.
5. From April 2004, the Government agreed to subsidise 75% of the discretionary disregard councils made if the amount did not exceed 0.2% of the total Housing Benefit subsidy received. This means that the councils now only pay for 25% of the discretionary disregard.
6. From April 2005, the War Pension and War Widow(er)s Pension schemes were closed to applicants who were injured or became a widow(er) after this date and replaced by the Armed Forces Compensation Scheme. Payments from the Armed Forces Compensation Scheme were given a full statutory disregard in means tested benefits, including Housing Benefit.
7. The £10.00 disregard also applied to Council Tax Benefit, but when this was replaced by local Council Tax Reduction schemes in 2013, Vale of White Horse fully disregarded War Pensions and War Widow(er)s Pensions.
8. Last year, a number of councils were asked to provide evidence that they had passed resolutions disregarding War Pensions and War Widow(er) Pensions by external auditors. Many councils no longer have the original documentation confirming the disregard and the auditors have agreed to accept the historic position but insist that councils re-affirm their agreement to the disregard going forward.
9. Although Vale of White Horse was not asked to provide the documentation showing they had passed resolutions disregarding War Pensions and War Widow(er)'s Pensions in their last audit, a search was made for the original resolution, nonetheless. The original resolution could not be found, the paperwork most likely being destroyed in the fire at Crowmarsh.
10. This report is to ask the councils to re-affirm the discretionary disregards for War Pensions and War Widow(er)'s Pensions in order to safeguard the finances of war pensioners and war widow(er)s.

Options

11. The options are to do nothing, or to remove some or all of the discretionary disregard for War Pensions and War Widow(er)'s Pensions.

Climate and ecological impact implications

12. None

Financial Implications

13. As before, there remains a financial cost to the council, as it will bear 25% of the costs of the discretionary disregards. The headline figures, the amount funded by the Department for Work and Pensions and the amount funded by the council is given below for 2020-21:

Total Discretionary Disregard	Disregard Funded by the DWP	Disregard funded by the council
£22,003	£16,502	£5,501

14. There will not be any extra expense to the council, as the expenditure is already being accounted for in planned expenditure. The amounts in relation to the council is low, but for the individuals concerned make a great difference.

15. There will be some fluctuations over time, but the changes are likely to be minor. The War Pension and War Widow(er)'s schemes closed in 2005 and although it is still possible for people to apply to this scheme if their injuries arose before 2005, the numbers are likely to be extremely low. The number of people on the scheme will continue to decrease over time as it is a closed scheme.

Legal Implications

16. None

Risks

17. The risk of not re-affirming the disregard, either now or if asked to do so in an audit, is that war pensioners and war widow(er)s will lose the discretionary disregard. This may mean most, if not all, either having to pay some rent for the first time or having to pay more rent. Other than the financial impact, this is also likely to present a reputational risk to the council.

18. Vale of White Horse signed the Armed Forces Covenant on 2 September 2014. Continuing to disregard War Pensions and War Widow(er)'s Pensions will demonstrate continuing commitment to the covenant.

Other implications

19. None

Conclusion

20. That the cabinet recommends full council to re-affirm the discretionary disregard of War Pensions and War Widow(er) Pensions on Housing Benefit to ensure those in receipt of these benefits are not adversely affected financially.

Background Papers

- None

Joint Audit and Governance Committee



Report of Patrick Arran, Monitoring Officer
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DATE: 30 November 2021

Arrangements for Investigating Allegations Under the Member Code of Conduct

Recommendation

It is recommended that Joint Audit and Governance Committee:

- a) Notes the requirement that the Committee for Standards in Public Life Best Practice recommendations should be adopted by all councils and that the draft Arrangements implement all but two of the Best Practice recommendations
- b) Considers the draft Arrangements for investigating complaints appended to this report and, subject to any changes it wishes to make, recommend them to the next appropriate meeting of Council for adoption.
- c) Requests the Monitoring Officer ensures that the register of members gifts and hospitality is updated and published quarterly

Purpose of Report

1. To provide the committee with information regarding the best practice recommendations from the Committee for Standards in Public Life and to ask the committee to approve the draft arrangements appended to this report and, subject to any comments or amendments it wishes to make, recommend them to Council for adoption.

Corporate Objectives

2. High standards of conduct underpin all of the councils' work and the achievement of both councils' corporate objectives and assist with ensuring effective governance.

Background

3. This report will inform the committee of the best practice recommendations set

out in the Committee on Standards in Public Life (CSPL) report called “Local Government Ethical Standards” dated 30 January 2019. It will also provide a draft document which will set out a process for investigating complaints under the code of conduct (the Arrangements). The full report is available online [here](#)

4. The CSPL undertook a review of the ethical framework for members. The purpose of the study and subsequent report was to provide assurance that the current framework following the implementation of the Localism Act 2011 was achieving its aim of ensuring that the standards expected by the public were being maintained and promoted. Councillors will recall that the Localism Act abolished the Standards Board for England with the intention that ethical standards would be maintained by councils at a local level and that member conduct and behaviour would be judged at the ballot box.
5. The CSPL review concluded that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for the review were to examine the structures, processes, and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistle blowing
6. The CSPL also assessed whether the existing structures, processes and practices are conducive to high standards of conduct in local government and were to make any recommendations for how they can be improved.
7. As part of its review, the CSPL made 15 best practice recommendations which are contained in the report. The expectation was that the best practice recommendations should simply be adopted by all councils. The CSPL wrote to all local authority Chief Executives in July 2020 to follow up the recommendations and again at the end of last year to ask for progress against the recommendations. A response was sent on behalf of the councils, but there were some matters which would be considered when the Local Government Association published its Model Code.
8. Overall, CSPL appears to be satisfied that the current arrangements in England are working and, whilst it accepted that the benefits of devolved arrangements should remain, this required strengthening to deal with the minority of councillors who do not adhere to the Nolan Principles and engage in disruptive or abusive behaviour. The committee also discovered some perceived risks in relation to the rules around conflicts of interest and gifts and hospitality which they considered to be inadequate.
9. The CSPL have made a number of recommendations, which are set out in its report, and which they believed strike the balance between allowing ethical standards to be

dealt with locally whilst providing a system which can hold to account those who commit the most serious or persistent breaches. The key recommendations include:

- A rebuttable presumption that councillors public behaviour is in their official capacity
- The criminal offences relating to Disclosable Pecuniary Interests should be abolished
- A new power for local authorities to suspend for up to six months without allowances
- A right of appeal for suspended councillors to the Local Government Ombudsman
- Revised rules on declaring interests, gifts and hospitality
- Local authorities will retain ownership of their own codes of conduct
- Strengthened role for the Independent Person
- Greater transparency about the number and nature of code complaints.

10. The report was prepared for the Government and it is acknowledged that a number of the recommendations will need legislative change. As it stands any legislative intervention has inevitably been delayed by the pandemic, but the CPSL has been pressing the government to provide a response to the recommendations. The Monitoring Officer will provide further updates to the committee as appropriate.

11. The Monitoring Officer has set out below the best practice recommendations together with his commentary as to the situation at South Oxfordshire and Vale of White Horse. He advises the committee to make a recommendation to both councils to adopt the proposed draft Arrangements. Coupled with some changes to be made to the code in the new year and the other recommendations in this report, the best practice recommendations will have been adopted. This will also enable the councils to overtly demonstrate that they have considered and adopted all or some of the best practice recommendations should a review be carried out by CSPL. It must be noted however, that this is not compulsory and they are recommendations, not stipulations.

12. **Best Practice Recommendations**

The previous Monitoring Officer responded to the CSPL previously and any comments on progress will be outlined below.

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

Comment - The majority of the cases reviewed by CSPL related to bullying or harassment, or other disruptive behaviour. Whilst there is a prohibition on bullying in the current code, there is no prohibition on harassment. Neither are there definitions of bullying and harassment in the current code of conduct and

this will need to be remedied.

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

Comment – There are no such provisions in the current code and this will need to be amended to include this provision. These provisions are included in the Local Government Association Model Code and a report will be brought to the committee in the new year to seek councillors views in whether they would like to consider adopting this.

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

Comment – This recommendation results from experiences where Councils have not set out a code of conduct in the traditional sense but have merely stated that they expect compliance with the Nolan Principles. This requirement has been built into the Arrangements. There is a report before the committee at this meeting which provides details of the complaints received in the preceding year and whilst this is an opportunity to reflect on whether the code and arrangements are working well, it would be good practice for the committee to carry out a formal review annually.

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

Comment – The Council does make the code of conduct easily available online.

The code of conduct forms part of the council's constitution which is on the council's website. There is also a code of conduct area on the website which includes the code, complaints procedures, complaints flowchart, a complaints form and register and register amendment forms.

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

Comment – The Councils publish any gifts and hospitality on the website under individual councillor names. Consideration will need to be given as to whether this should be subject to more formal arrangements even if it produces a nil return. In addition, councillors will need to be reminded to check whether they need to update their declarations of interest at least once per year and in any event if their circumstances change. The question of gifts and hospitality will be referred to the committee as part of the report in relation to the Model Code.

Best practice 6: Councils should publish a clear and straightforward public

interest test against which allegations are filtered.

Comment - The standards bodies in Scotland, Wales and Northern Ireland all make use of a 'public interest' test when filtering complaints. These tests set clear expectations to those making complaints and ensure consistency of approach. A public interest test has been included in the draft Arrangements which will be considered below.

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

Comment – Each council has access to two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Comment – This is included in the draft Arrangements as part of the process.

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

Comment – The publication of findings is contained in the draft Arrangements appended to this report.

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

Comment – As mentioned previously, the Councils have guidance on their websites, but the draft Arrangements are intended to provide a more detailed description of the process with clear guidance to comply with the recommendation. It is good practice to include informal resolution of complaints as a first consideration where there is a breach of the code of conduct, but which is not considered serious enough to investigate. Involving the Independent Person in the initial consideration of the complaint provides adequate safeguards to the process.

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

Comment – The CSPL are of the view, with which the Monitoring Officer concurs, that parish councils should take corporate responsibility when

allegations of a councillor bullying an employee – normally only the clerk is employed in smaller councils – are received. This is not a controversial proposal and is any event part of the employer's duty of care to the employee. Clearly, if the chair is alleged to be the person carrying out the conduct, other members of the council should report.

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

Comment – This is something which is included in the draft Arrangements. However, the role cannot extend beyond providing advice in relation to ethical matters and would not include advising on governance issues. Parish councils will need to take advice from their association on these matters.

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

Comment – The Authority has two Deputy Monitoring Officers, namely Pat Connell and Steven Corrigan who would act in the unlikely event of a conflict for the Monitoring Officer. If they were unable to act for any reason, it would be normal practice for a Monitoring Officer from another authority to be asked to assist, this would be on a reciprocal basis and should be cost neutral. This has been included in the draft Arrangements.

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

Comment – This is not something which applies to South Oxfordshire and Vale of White Horse.

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

Comment – There is nothing controversial in this recommendation and meetings can take place by exception, there are regular statutory officers meetings where issues can be discussed. Again, this is referred to in the draft Arrangements.

13. If the councils make some changes to the current Code and the draft Arrangements are acceptable then the best practice recommendations will have been adopted by the councils.

14. Arrangements for dealing with complaints under the code of conduct

Section 28 (6) of the Localism Act 2011 provides that a relevant authority other than a parish council must have in place —

- (a) arrangements under which allegations can be investigated, and
- (b) arrangements under which decisions on allegations can be made

15 In order to implement the CSPL best practice recommendations, the Monitoring Officer has provided draft Arrangements for the committee to consider recommending to the Councils for adoption. The draft Arrangements are intended to replace the current arrangements in their entirety. The draft Arrangements contain references to guide members to the corresponding best practice recommendations

16. It is the role of the district councils to provide the process under which complaints against town and parish councillors can be investigated. The councils have responsibility to make findings and recommend sanctions.

17. The Monitoring Officer has consulted with all of the parish councils and has considered any comments received in the preparation of this report and the draft Arrangements. It is not intended to provide a commentary on the proposed arrangements, suffice to say that they are intended to be a guide to complainants and members and set out the process in a logical way. They incorporate the CSPL best practice recommendations which are referenced in footnotes in the document.

18 Consultation Responses and Points for Consideration

As part of the consultation process, the draft arrangements were sent to the Independent Persons, the chairs of this committee and all town and parish clerks, the latter with a request for a response by 12 November. A number of responses were received and the issues raised, together with the Monitoring Officers comments, are set out below.

18.1 Concerns about the ability of the clerk to raise complaints – bullying by Chair

Feedback was received that, on occasion, the unacceptable behaviour is by the Chair of the parish council. A response was provided that the Arrangements do allow a clerk to make a complaint, but that the purpose of the provision is to ensure that the parish council takes corporate responsibility for any unacceptable behaviour by parish councillors.

18.2 Arrangements for the Complaints Panel

Comments were made about the constitution of the Complaints Panel and whether there will be a clerk to the panel. This is on the basis of independence. This role will be undertaken by the Monitoring Officer, as such there is no necessity to appoint a separate clerk.

18.3 Form of the Arrangements Document

Some helpful comments were made about the form of the document in terms of subject headings / index which have been taken on board.

18.4 Publication of Decisions

Comment has been made by district councillors as to whether publication of complaints should be considered where informal resolution has been reached or where there has been no breach of the code. Additionally, it has been suggested that any notices should be published on the respective district council website.

Publication of the outcome where there is a finding of breach is intended to make the public aware, given that the intention is that the councillor's behaviour will be judged at the ballot box. Whilst there is no objection in principle to publishing the outcome of cases which have been resolved informally (this does not include complaints which have not been accepted) or those where a councillor has been exonerated, the issue that arises is that of confidentiality / GDPR. In those circumstances, the councillor would have to provide specific consent prior to publication.

18.5 Oversight of the System

One parish council asked what the arrangements were to monitor the Monitoring Officer and whether any key performance indicators were contemplated. It was suggested that in the absence of a right of appeal the only remedy was a complaint against the Monitoring Officer.

This committee has oversight of the standards regime and the Monitoring Officer is delegated authority to manage the process. The Independent Person has a significant role in the process and provided a check and balance. If a councillor or complainant is aggrieved with the way the complaint has been dealt with, it is open to them to refer the matter to the Local Government Ombudsman.

18.6 Communications with Councillors

A parish council were of the opinion that communication with the Subject Member needed to be better and that the councillor is not presented with a 'fait accompli'. The draft Arrangements specifically provides for councillors to be informed and that they are able to comment on the complaint and any draft finding.

18.7 Vexatious Complaints

Concerns were raised about dealing with vexatious complaints / complainants and that certain allowances have been made for complainants. The process set out in the Arrangements is intended to ensure that these complaints are sifted out at an early stage. There is a need for a robust process to balance all interests and this will be achieved by a consistent approach to a clear process.

18.8 Current Code of Conduct

Comments were made that the current code does not work well and does not seem to have a satisfactory outcome for either the complainant or the Subject Member. It

is suggested that the current code should be reviewed with the overwhelming view from the respondent council that the code “lacks teeth”. Further concerns have been raised the current code only refers to disclosable pecuniary interests and does not provide for conflicts which may arise in relation to matters where the DPI is not engaged.

A further report will be brought to the committee in the new year regarding the code and the LGA Model Code. In the meantime, the Monitoring Officer will provide guidance through the training currently being provided to parish councillors.

18.9 Complaints Being Discontinued

Concern was raised regarding the prospect of complaints being discontinued where the Subject Member ceases to be a councillor. This is an issue where the councillor stands again and effectively the slate is wiped clean. Provision has been made for this in the case of more serious allegations in that the wording says “The Monitoring Officer will **normally** discontinue a complaint...”. And that an exception will be made where it is in the public interest for formal findings to be made

Financial Implications

19. There are no financial implications arising from the recommendations in this report.

Legal Implications

20. Any legal implications have been set out in the body of the report.

Risks

21. There are no known risks associated with the recommendations contained in this report. The councils will have legal and reputational risks if they do not have adequate arrangements for dealing with complaints under the Code of Conduct. Furthermore, in order to ensure compliance with the best practice recommendations from the CSPL, the current arrangements need to be updated.

Other Implications

22. None.

Conclusion

23. The committee is asked to consider the draft Arrangements and to recommend to the councils for adoption.

Background Papers

None

Appendices

Appendix 1: Draft Arrangements for investigating allegations under the member Code of Conduct

Draft 2021

Arrangements for dealing with complaints about Councillors

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Arrangements for dealing with complaints under the Code of Conduct about District and Town and Parish Councillors

The Localism Act 2011 places a general duty on district and town and parish councils to ensure that high standards of conduct are maintained and demonstrated to the public. Councillors have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. Most councillors conduct themselves appropriately and in accordance with the Code of Conduct but if there is a suggestion that they have breached the Code of Conduct, a principal authority (i.e., the District Councils) must have an effective, fair, impartial, and transparent complaints and investigation procedure to enable it to make decisions on allegations, in which both councillors and the public can have confidence. (Any complaints about town and parish councils must be dealt with under the arrangements adopted by the District Councils). It is also important to maintain the integrity of any process and focus resources on the most serious misconduct and this is why this process incorporates a public interest test.¹

Likewise, sanctions should be imposed in a consistent way and only where there is a genuine breach. The Localism Act refers to these collectively as the ‘arrangements’².

This procedure applies when a complaint is received that a member of South Oxfordshire or Vale of White Horse District Councils or a town / parish councillor within the districts has, or may have, failed to comply with the Code of Conduct for Members (‘the Code’). The District Councils will review their Code each year and regularly seek, where possible, the views of the public, community organisations and the town and parish Councils.³

Whilst responsibility for the adoption and review of their individual Codes is a matter for town and parish councils, the Monitoring Officer will provide help and guidance where necessary or requested. The Code will be readily accessible to both councillors and the public and will be placed in a prominent position on the District Councils’ websites and available in hard copy at their premises.⁴

¹ Paragraph 3.6

² References to Best Practice refer to the recommendations made by the Committee for Standards in Public Life in its report of January 2019 – Local Government Ethical Standards

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

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

1. General and Interpretation

The person making the complaint will be referred to as the **complainant** and the person against whom the complaint is made will be referred to as the “**Subject member**”.

1.1 The **Complaints Panel** is a body who will make decisions on matters referred to it by the Monitoring Officer and consists of three members of the Audit & Governance sub-committee together with an Independent Person (who will be non-voting). The members of the Panel will only consist of councillors or any named substitutes from the relevant District Council / area from which a complaint originates.

1.1.1 A meeting of the Complaints Panel to consider a reference from the Monitoring Officer will be referred to as a **hearing**.

1.2 The **Monitoring Officer**⁵ is a senior officer of the Council who has been delegated responsibility for administering the system of complaints about member misconduct and as part of that role may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

1.2.1 The Monitoring Officer will provide advice, support and management of investigations and adjudications on alleged breaches to Town and Parish Councils within South Oxfordshire and Vale of White Horse.⁶ However, the Monitoring Officer cannot provide advice to Town and Parish Councils in relation to matters outside of the Code, e.g., decision making, governance issues and meeting process and procedure and etiquette.

1.2.2 The Monitoring Officer has appointed deputies to act when he/she is unavailable or has an actual or potential conflict of interest. If there is no deputy or the deputy is unavailable, the Monitoring Officer may ask a Monitoring Officer from a different authority to undertake the investigation.⁷

⁵ The role of Monitoring Officer is a statutory role with personal responsibilities which encompasses the following:-

- (a) a duty to report to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration.
- (b) a range of functions relating to Members' conduct; and
- (c) specific functions under the Council's Constitution.

⁶ **Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

⁷ **Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

1.2.3 The Deputy Monitoring Officers are:

Mrs Pat Connell – Legal Services Manager
Mr Steven Corrigan – Democratic Services Manager

1.3 The Council appoints **Independent Persons** who are members of the public from outside the District Councils to assist the Monitoring Officer and Complaints Panel in considering complaints. The Independent Persons currently appointed by the District Councils are:

South Oxfordshire

Mr George Green and
Mr Chris Smith

Vale of White Horse

Mr Chris Smith and
Mr Martin Wright.⁸

1.3.1 The Monitoring Officer must seek the views of the Independent Person and take them into account before deciding on an allegation they have decided to investigate.

1.3.2 The Monitoring Officer may seek the views of the Independent Person at any other stage of the process.

1.3.3 The subject member may seek the views of one of the Independent Persons at any stage, but this will usually be a different Independent Person to the one consulted by the Monitoring Officer.

1.4 No member or officer of the District Councils, town or parish council or Independent Person will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter. Members will consider if they are associated with the complainant or closely associated with the subject member or are a witness to the conduct leading to the complaint.

⁸ **Best practice 7:** Local authorities should have access to at least two Independent Persons.

2. **Making a complaint and Preliminary Considerations**⁹

Complaints should be made in writing using the prescribed complaints form, either by e-mail to:

monitoring.officer@southandvale.gov.uk

or in hard copy to:

The Monitoring Officer,
South Oxfordshire and Vale of White Horse District Councils
135 Eastern Avenue,
Milton Park,
Milton OX14 4SB

- 2.1 Complaints about councillors may be made by anyone, but complaints about the conduct of a town or 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.¹⁰ (For the avoidance of doubt, whilst this is the normal approach, this provision does not preclude the clerk from making a complaint where it would be appropriate for them to do so.) Where he/she considers it appropriate in the circumstances, the Monitoring Officer may require the town or parish council to seek to resolve the complaint itself in the first instance.
- 2.2 An oral complaint will be accepted where the complainant is unable to write or where there is a language barrier. Where an oral complaint is received it will be transcribed and sent to the complainant for their approval.
- 2.3 Anonymous complaints will only be accepted in exceptional circumstances. Further information regarding confidentiality and anonymous complaints is set out below.
- 2.4 Complainants will be encouraged to submit their complaint using the standard complaints form and must provide substantiated information setting out which elements / sections of the Code of Conduct are alleged to have been breached; provide details of the evidence relied upon; outline what form of resolution the complainant is seeking. Further information regarding the range of sanctions

⁹ **Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

¹⁰ **Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

available is set out in paragraph 8.3 below. Other written complaints will be accepted so long as they contain all relevant information. The Monitoring Officer will ask the complainant to provide further information before accepting a complaint if there is insufficient information provided.

- 2.5 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code.
- 2.6 In the case of any alleged criminal conduct, to avoid potentially prejudicing an ongoing criminal investigation, the complaint will normally be held in abeyance pending the outcome of any criminal investigation.

2.7 Confidentiality

If a complainant wishes their identity to be withheld, they should state this and provide full reasons why they believe their request for confidentiality is justified when submitting the complaint. Any request for confidentiality will be considered by the Monitoring Officer at the initial assessment stage of these arrangements. In reaching his/her decision the Monitoring Officer may also consult with the council's Independent Person.

- 2.8 As a matter of fairness and natural justice the subject member will usually be told who has complained about them and receive full details of the complaint and the complainant is made aware that their data will be processed in this way.¹¹ However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if they are satisfied that the complainant has reasonable grounds for believing that:

- they or any witness relevant to the complaint may be at risk of physical harm
- they are at risk of victimisation or harassment
- their employment may be jeopardised if their identity is disclosed,
- or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.

- 2.9 The Monitoring Officer will consider whether the complaint can be dealt with without making the complainant's identity known, and in particular whether investigation of the complaint would require the complainant's participation.

¹¹ This will be made clear on the complaints form

2.10 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in acting on a complaint will outweigh the complainant's wish to have his or her identity withheld from the subject member.

2.11 The Monitoring Officer will normally discontinue a complaint - if it is considered appropriate to do so - where the subject member ceases to be a councillor before a final determination has been made. An exception to this would be where the Monitoring Officer is of the view that it is in the public interest for findings to be made. When a complaint is discontinued the Monitoring Officer will write to the complainant setting out the reasons for their decision.

2.12 Anonymous Complaints

If an anonymous complaint is received it will be considered by the Monitoring Officer at the initial assessment stage of these arrangements. In reaching his/her decision the Monitoring Officer may also consult with the Independent Person.

2.13 The principles of fairness and natural justice referred to in paragraph 2.8 will also be applied to anonymous complaints and such complaints will only be accepted if they include documentary or photographic evidence indicating a serious or significant matter.

2.14 Withdrawing Complaints

If a complainant asks to withdraw the complaint prior to the Monitoring Officer making an initial assessment on it, the Monitoring Officer will consider whether the public interest in taking the complaint forward outweighs the complainant's wish to withdraw it and will normally consider whether the complaint is such that action can be taken on it without the complainant's participation. Consideration will also be given as to whether there is an identifiable underlying reason for the request to withdraw the complaint, in particular whether there is evidence that pressure has been placed on the complainant to withdraw the complaint.

2.15 Multiple Complaints

If the Monitoring Officer receives a number of complaints about the same matter, the complaints will normally be dealt with together unless it would be inappropriate to do so.

2.16 Complaints About Members of More than One Council

When the Monitoring Officer receives a complaint about a councillor who is known to be a member of another authority, for example the County Council, the Monitoring Officer may establish whether a similar allegation has been made to the other authority. Depending on the circumstances and in which capacity the member was acting at the time of the alleged misconduct, the Monitoring Officer will consider, in consultation with the Monitoring Officer from the other authority, which authority should more appropriately deal with the complaint.

2.17 Receipt and Acknowledgement of Complaints

The Monitoring Officer will acknowledge receipt of the complaint in writing within 10 working days of all required information being provided. The complainant will be given details about how the complaint will be dealt with and provided with a link to these arrangements.

Stage One – Initial Assessment of Complaint

3.0 The complaint will be automatically rejected if:

- The complaint is not against one or more named member of South Oxfordshire or Vale of White Horse District Councils or any town or parish council within the Districts; or
- The complaint is against a current member of the District Councils or any town or parish council within the Districts but it is clear that the subject member was not acting in their capacity as a member of that Council at the time of the alleged failure to comply with the Code.¹²
- It relates to an incident before a councillor or co-optee was elected or co-opted¹³

The Monitoring Officer will consider all of the circumstances before reaching a conclusion as to the status of the member at the time of the alleged breach of the Code and may need to make further enquires to establish the capacity in which the member was acting at the time of the alleged misconduct.

¹² Elected members are not permanently 'on duty'. The Code only applies when they are acting in their official capacity, but may also apply when a member is seeking to rely on their official status or give the impression that they are acting in their official capacity.

¹³ The Code only applies to councillors and co-optees and is not retrospective in application

3.1 Where a complaint is rejected on the above grounds the Monitoring Officer will write to the complainant explaining why their complaint cannot be dealt with under this procedure.

3.2 At any time, the Monitoring Officer may request further information from either the complainant, the subject member, or any other persons considered appropriate before making an initial assessment.

3.3 If the complaint is not automatically rejected:

The Monitoring Officer will write to the subject member and copy in the Group Leader and / or Whip (if applicable) and in the case of a complaint about a town or parish council member to the Clerk, with a copy of the complaint and the name of the complainant, (unless anonymity has been requested and accepted as valid by the Monitoring Officer).

3.3.2 The subject member may if they wish, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer which must be considered when deciding how the complaint should be dealt with. Representations received after this time may be considered at the discretion of the Monitoring Officer but in any event, will not be considered after the Monitoring Officer has made and communicated the initial assessment of the complaint.

3.3.3 A decision regarding the progress of the complaint will normally be taken within 20 working days of either receipt of representations from the subject member or, where no representations are submitted, 20 working days of the expiry of the period mentioned in paragraph 3.3.2 above. The complainant and the subject member will be informed should there be a delay in completing any stage of the process.

3.4 The Monitoring Officer will consider the complaint against the criteria set out below and may consult with the Council's Independent Person before reaching a decision¹⁴ on the initial assessment as to whether the complaint merits investigation, or another course of action. Where the complaint relates to a town or parish councillor, the Monitoring Officer may also seek the views of the clerk of the town or parish council before deciding.

¹⁴ **Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

3.5 If the complaint has not been rejected on the grounds in paragraph 3.0, the Monitoring Officer will go on to consider the following criteria to decide whether further action is merited. No further action will ordinarily be taken where:

- A substantially similar allegation has previously been made by the complainant to the Monitoring Officer. In these cases, the Monitoring Officer will normally reject the complaint unless sufficient new evidence is provided, or the complaint has since been the subject of an investigation by another regulatory authority which has made a finding against the member
- The complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in acting now. It will be unusual for complaints older than one year to be accepted
- Subject to Paragraph 2.12, if the allegation is anonymous
- The complaint is of an interpersonal nature that would more properly be dealt with by referring the matter to the member's Group Leader for informal resolution or in the case of a parish or town council, to the Chair and Clerk
- The allegation discloses a potential breach of the Code of Conduct, but the complaint is technical in nature and not serious enough to merit any action and the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or
- The complaint appears to be malicious, vexatious, politically motivated or tit for tat. Such a complaint may be identifiable:
 - through repeated allegations making the same, or broadly similar, complaints against the same councillor(s) or co-optee(s) about the same alleged incident
 - as being reasonably construed as intending to cause annoyance, frustration, or worry to the other party (generally vexatious complaints)
 - through use of aggressive or repetitive language of an obsessive nature
 - through repeated complaints that disclose no potential breach of the Code(generally persistent complaints)
 - where it seems clear that there is an ulterior motive for a complaint
 - from counter allegations against a councillor that previously made a complaint(generally tit-for-tat complaints)
 - where a complainant refuses to let the matter rest once they have exhausted the complaints process.

3.6 Public Interest Test¹⁵

In the event that the Monitoring Officer decides that the grounds set out in paragraph 3.5 do not apply to the complaint, he/she will go on to consider the complaint against the public interest test below.

- 3.7 Limited resources should not be used to investigate matters which are trivial or which have little or no impact on the public. It is important that resources are focused on matters that are serious and which are capable of undermining the relationship between councillors and the public they serve - such as corruption, bullying and misuse of power in public office.
- 3.8 There is no widely accepted definition of public interest, but it has been described as “*something which is of serious concern and benefit to the public*”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).
- 3.9 Each complaint, and any supporting information, will be examined against a two stage test at the point of initial assessment and on an ongoing basis.
- 3.9.1 **Part One**, the Monitoring Officer will consider whether there is **direct evidence** that a breach of the Code of Conduct has occurred.
- 3.9.2 **Part Two**, the Monitoring Officer will consider whether an investigation or a referral the Complaints Panel is required in the public interest based on the following factors:
- the seriousness of the breach
 - whether the member deliberately sought personal gain for themselves or another person at the public expense
 - whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another, e.g., bullying and harassment
 - whether the breach was motivated by any form of discrimination against the victim’s ethnic or national origin, gender, disability, age, religion or belief, sexual orientation, or gender identity

¹⁵ **Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

- 3.10 After applying the steps above the Monitoring Officer, having consulted with the Independent Person, will then give his / her decision on the initial assessment of the complaint.
- 3.11 If the Monitoring Officer decides that the complaint ought to be rejected or that no further action is necessary / appropriate, a decision notice will be sent to the complainant and the subject member. The decision notice will summarise the allegation, give the decision of the Monitoring Officer and the reasons for the decision.
- 3.12 If the complaint is not concluded under Stage One, the following process will apply

Stage 2 - Informal Resolution

- 4.0 The Monitoring Officer is authorised to resolve complaints informally without the need for a formal investigation where possible and at all stages of the process. Early, informal resolution may be appropriate for example where: -
- There is a breach of the Code but this is minor or technical in nature
 - The Subject member is relatively inexperienced
 - The member has admitted making an error as soon as the complaint has been brought to their attention
 - The member has already apologised or has offered to do so
 - Training or conciliation would be a more appropriate response.
- 4.1 Types of informal resolution might include:
- An apology from the subject member
 - An agreement from the subject member to attend relevant training
 - The subject member offering to engage in a process of mediation or conciliation with the complainant or
 - Any other action capable of resolving the complaint.
- 4.2 Where the Monitoring Officer seeks to resolve the complaint informally, he or she will provide the subject member with a reasonable timescale within which to attempt to resolve the complaint - usually this will be a maximum of 10 working days - and provide the subject member with the contact details for the Independent Person who will be available to the subject member to give them advice on what form of resolution they would consider appropriate. (Providing such guidance will not prevent the Independent Person from giving a view to the Complaints Panel.)

- 4.4 Before deciding upon a course of action the subject member may seek guidance from a Group Whip, Leader of the Group, the Independent Person, and / or the Monitoring Officer. The Monitoring officer may also seek the complainant's views to ascertain what form of informal resolution they would find acceptable if that has not already been specified in their complaint.
- 4.5 The Monitoring Officer will establish whether the subject member has resolved the complaint to the Complainant's satisfaction. Where it has been possible to agree a form of resolution between the subject member and the complainant there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject member of this decision.
- 4.6 Where it has not been possible to agree a form of resolution between the subject member and the complainant, the Monitoring Officer will go on to decide if the complaint merits formal investigation in the public interest. Where the subject member has made a reasonable offer of local resolution which has been rejected by the complainant, the Monitoring Officer will take account when deciding on next steps.

Stage Three – Formal Investigation

- 5.1 Where the Monitoring Officer, in consultation with the Independent Person, decides that a complaint merits investigation he/she may appoint an investigating officer to carry out the investigation. The investigating officer may be an officer, an officer from another council, or an external investigator. However, depending on the circumstances, the Monitoring Officer may at his/her discretion dispense with the need for a full investigation and simply present the facts.
- 5.2 The investigating officer will follow guidance issued by the Monitoring Officer on the investigation of the complaint. The guidance will follow the principles of proportionality and the cost effective use of council resources and shall be interpreted in line with these principles. The investigating officer should aim to complete their investigation within a maximum of one month of their appointment.
- 5.3 When the investigation is complete, the investigating officer will produce a draft report and send copies to the Monitoring Officer, complainant, and subject member for comments on matters of factual accuracy only. The complainant and subject member will have a period of five working days to comment, but this can be extended for a reasonable period by the investigating officer in consultation with the Monitoring Officer.

- 5.4 The investigating officer will take any such comments received during a period specified into account before issuing their final report to the Monitoring Officer who will share it with the Independent Person. If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the investigating officer may be asked to reconsider the report, aspects of it, and / or the conclusions.

Finding of no Breach of the Code of Conduct

- 6.0 Where the investigating officer's report finds no evidence that the subject member has breached the Code, the Monitoring Officer, in consultation with the Independent Person, will review the report and make a formal determination.
- 6.1 The Monitoring Officer will write to the complainant and the subject member (and to the clerk of the town or parish council, where the complaint relates to a town or parish council member), with a copy of the decision notice and the Investigating Officers report.
- 6.2 The decision of the Monitoring Officer is final and the complaint will be considered concluded at the point the decision notice is issued.

Finding of a Breach of the Code of Conduct

- 7.0 Where the investigating officer finds that the subject member has breached the Code, the Monitoring Officer will review the report and will, having consulted the Independent Person, either send the matter for hearing to the Complaints Panel or consider whether informal resolution is appropriate.

7.1. Informal Resolution

If the Monitoring Officer believes that the matter can reasonably be resolved without the need for a hearing, for example because informal resolution has not yet been considered, s/he will consult with the Independent Person and the complainant and seek to agree a fair resolution.

- 7.2 If the subject member and the complainant accept the suggested resolution, the Monitoring Officer will report the outcome to the Complaints Panel and the clerk to the town or parish Council (if appropriate) for information but will take no further action.
- 7.3 If the complainant or the subject member refuse informal resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter to the Complaints Panel for hearing without further reference to the complainant or the subject member.

Stage Four - Hearing

8. Where informal resolution is not appropriate or the complainant and / or subject member refuse to accept informal resolution, the Monitoring Officer will report the investigating officer's findings to the Complaints Panel which will conduct a hearing before deciding whether the member has failed to comply with the Code and, if so, what action (if any) to take in respect of the member.

8.1 The process to be adopted by the Complaints Panel is set out in Appendix One

8.2 Action available to the Complaints Panel

Where the Complaints Panel finds that a subject member has breached the Code, it will publish a decision notice on the website of the relevant district council. In the case of a town or parish council a decision notice will be provided (which must be published on its website) of its findings in respect of the subject member's conduct¹⁶ setting out the following:

- 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
- Any sanction applied.

8.3 Sanctions Available to the Complaints Panel

In the event of a finding of a breach of the Code, the Complaints Panel may:

- Recommend to the relevant council that the subject member should be formally censured
- Require the subject member to provide an apology to the complainant or any other person it considers appropriate
- Request the subject member remove any social media content which led to the complaint
- Recommend to the subject member's Group Leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council
- Instruct the Monitoring Officer (or recommend to the town or parish council) to arrange training for the subject member

¹⁶ **Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

- Recommend to the Leader of the respective council (or the town or parish council) that the subject member should be removed from all outside appointments to which they have been appointed or nominated by the council (or by the town or parish council)
- Withdraw (or recommend to the town or parish council that it withdraws) facilities provided to the subject member by the council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on the subject member's access to staff and or buildings or parts of buildings which may be reasonable in the circumstances.

It should be noted that there is no legal power to suspend or disqualify the subject member or to withdraw any allowances.

No Appeal

9. There is no right of appeal against the substantive decision of the Monitoring Officer or of the Complaints Panel.
- 9.1 If the complainant believes that there has been unreasonable delay in dealing with the complaint or that Monitoring Officer has failed to consider relevant information or follow these arrangements, they are at liberty to refer the matter to the Local Government Ombudsman. (This does not apply to complaints made by councillors as they are not considered to be members of the public). A factsheet can be accessed at the following link:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/other-topics/complaints-about-standards-and-member-conduct>

Revision of these Arrangements

10. In individual cases the Monitoring Officer may, in consultation with the Chair of Audit & Governance Committee, revise these arrangements, as he or she considers appropriate, to enable the process to be dealt with efficiently. Any such revisions to be reported to the next meeting of the Audit & Governance Committee.

Review of these Arrangements

11. These arrangements were last reviewed in 2021 and shall be reviewed every year thereafter, or earlier where there is a change in the applicable law or circumstances warrant an earlier review.

Appendix One

Complaints Panel Process and Procedure

Pre-hearing process

1. The Monitoring Officer will ensure that the complainant and the subject member are provided with a final version of the investigation report. If the subject member is a member of another authority, the Monitoring Officer will send a copy of the report to the other authority's Monitoring Officer if they request it.
2. The officer providing administrative support to the Complaints Panel will:
 - a. provide a copy of the pre-hearing and hearing procedures set out below to the subject of the complaint
 - b. outline to the subject member their rights and responsibilities, including the right to be represented and call witnesses
 - c. propose a date for the hearing
 - d. use hearings procedure forms A to F¹⁷, asking for a written response from the subject of the complaint to find out whether they:
 - disagree with any of the findings of fact in the investigation report, and the reasons for disagreement
 - want a solicitor, barrister or any other person to represent them at the hearing – this will be at the subject members cost

Note: the Complaints Panel will normally give permission for people who are not lawyers to accompany the Subject member but may refuse permission if the person is directly involved in the matter that the Panel will determine.

 - want to give evidence to the complaints panel, either verbally or in writing
 - want to call relevant witnesses to give evidence to the complaints panel
 - can attend the hearing on the proposed date
 - want any part of the hearing held in private
 - want any part of the investigation report or other relevant documents withheld from the public.
 - e. send a copy of the subject of the complainant's response to the Monitoring Officer and invite the Monitoring Officer to say whether they want:

A: Response of the subject of the complaint to the evidence set out in the investigation report

B: Other evidence relevant to the complaint

C: Representations to consider on findings of failure to comply with codeD:

Arrangements for the complaints panel

E: Details of proposed witnesses to be called

F: Checklist and summary for the pre-hearing process

- to be represented at the hearing
 - to call relevant witnesses to give evidence to the Complaints Panel
 - any part of the hearing held in private
 - any part of the investigation report or other relevant documents withheld from the public
 - to invite any other witnesses the complaints panel feels are appropriate.
3. The Monitoring Officer or legal adviser to the Complaints Panel will prepare a report which will be given to all members of the Complaints Panel setting out the key points of the investigation report and also confirm:
- a date, time and place for the hearing
 - the main facts of the case that are agreed
 - the main facts, which are not agreed
 - which witnesses will give live evidence
4. The Monitoring Officer will provide the information set out in paragraph 3 to:
- the subject member
 - the complainant
 - the investigator, who will make any necessary arrangements for the attendance of witnesses
 - anyone representing the Subject member and
 - if applicable, notify any relevant town or parish council of the date, time and place of the hearing
5. The subject member must raise any disagreements with the finding of facts in the investigation report during the pre-hearing process. The Complaints Panel will not consider any new disagreements about the investigation's findings of fact at the hearing itself, unless there are good reasons why these were not raised beforehand, or it was impracticable to do so.

Hearing Procedure

6. Preliminary Matters

The subject member does not have to attend the hearing or have representation and cannot be compelled to do so. If the subject member chooses not to attend the hearing, the Complaints Panel will decide in their absence.

7. The Independent Person will attend a Complaints Panel meeting when it considers code of conduct complaints. Their views may be sought and taken

into consideration before the it reaches any conclusion on whether the councillor's conduct constitutes a failure to comply with the code of conduct. The Independent Person's views may also be sought before the Panel makes recommendations to the Monitoring Officer for action following a finding of breach of the code of conduct.

8. The Complaints Panel may take legal advice at any time and in private at any time during the hearing or while considering its conclusions.
9. The Chair of the Complaints Panel will ensure the meeting is quorate. (if the full Audit & Governance sub - committee is considering the case this is four councillors, otherwise a panel of three members (who must all attend) can consider the case). Any declarations of interest will be made at this point.
10. The Chair will introduce those in attendance and set out the procedure to be followed and will explain that:
 - the hearing is a formal process and that there will not be an open discussion
 - the Complaints Panel can only decide on the evidence before it
 - no new issues can be introduced unless they could not reasonably have been raised previously
 - There is no cross examination and all questions are direct through the Chair
11. Exclusion of press and public

Meetings will ordinarily be held in private session, but the Chair should ask the subject member and the Complaints Panel whether they wish to exclude the press or public from all or any part of the hearing. The Chair will then move exclusion.
12. If the subject member is not present at the hearing:
 - the Chair shall ask the legal advisor whether they have indicated an intention not to attend the hearing
 - the Complaints Panel will then consider reasons for non-attendance and decide whether it is in a position to proceed in the absence of the subject member.
 - the Complaints Panel may decide to adjourn the hearing to another date or proceed to consider the matter and make a determination in the absence of the subject member.
13. The Complaints Panel will adopt a two-stage process to consider the investigator's report. The first part of the process will be to consider the

evidence and make findings of fact. If the Complaints Panel is of the view that there has been a breach it will proceed to the second part of the hearing.

14. If the facts are agreed, the Complaints Panel may move directly to stage two of the hearing. If there is a disagreement the Chair will invite the investigating officer, if present, to make any necessary representations to support the relevant findings of fact in the report.
15. The investigating officer may call any necessary supporting witnesses to give evidence. The subject member will be given an opportunity to challenge any evidence put forward by any witness called.
16. The subject member should then have the opportunity to make representations to set out their version of event and call any necessary witnesses to give evidence.
17. The Chair or members of the Complaints Panel may question any of the witnesses and may allow the investigating officer to challenge any evidence put forward by witnesses called by the subject of the complaint.
18. Once the Complaints Panel has heard all of the representations from both parties, they will then be invited to sum up with the subject member having the final word.

Conclusions

19. Making Findings of Fact

The Complaints Panel will then deliberate on the evidence in private and consider whether it is in a position to make findings of fact. In doing so, it will consider whether the subject member was in breach of the Code of Conduct and make findings accordingly. The burden of proof will be on the balance of probabilities.

20. If the Complaints Panel decides that the subject member has not breached the Code, the Complaints Panel will make a formal finding in this regard and the complaint will be dismissed.
21. If the Complaints Panel decides that the subject member has breached the Code, it will set out its findings of fact as to what elements of the complaint are upheld and what sections of the Code have been breached.
22. The Complaints Panel will then invite the subject member or their representative to address it in terms of sanctions before proceeding to

deliberate as to what sanction or sanctions would be appropriate in the circumstances.

23. The Complaints Panel will then deliberate in private to consider whether to impose a sanction and, if so, the nature of the sanction. The Complaints Panel may impose any sanction, or combination of sanctions set out in paragraph 8.3 of the arrangements set out above.
24. The Monitoring Officer will publish a notice to the effect that the subject member has breached the Code and set out any sanction imposed.
25. At all times, the Complaints Panel will consider whether there is a need to provide any recommendations to the council of which the subject member is a member, with a view to promoting high standards of conduct.

Council



Report of Head of Legal and Democratic
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To: COUNCIL
DATE: 8 December 2021

Councillors' Parental Leave Policy

Recommendation:

That Council approves the Parental Leave Policy attached at appendix 1

Purpose of Report

1. To consider the adoption of a Parental Leave Policy for councillors

Background

2. At its meeting on 6 October 2021, Council agreed a scheme of councillors' allowances to run from 1 April 2021. In agreeing the scheme, Council resolved:

“That a task group comprising a member from each group consider the proposed content of a Parental Leave Policy for elected members and report back to Council with its recommendations at its meeting in December 2021”.

3. The Task Group, comprising Councillors Batts, Medley and Thomas, met on Wednesday 3 November 2021. The Task Group considered good practice and learning from elsewhere and discussed how a policy could demonstrate the council as being inclusive and family friendly for councillors.

Parental leave policy

4. Currently, there is no parental leave policy in place for councillors, resulting in councillors not having an entitlement to maternity, paternity, shared parental or adoption leave. Many councils across England have adopted the Local Government Association's (LGA) model policy or amended versions of it. The Task

Group reviewed a number of policies and recommends the adoption of the parental leave policy attached at appendix 1 which provides councillors with an entitlement to take leave and ensures that arrangements are in place to cover for those in receipt of a Special Responsibility Allowance during any period of leave taken.

5. Whilst there is currently no legal entitlement for councillors to have paid parental leave of any kind, it is possible for councils to voluntarily adopt a policy. Doing so would lead to an improved provision for new parents and could contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.
6. The policy attached at appendix 1 is based on the Local Government Association (LGA) model promoted for local authorities and policies adopted by other local authorities. However, the policy recommended for approval by the Task Group, provides for the designated carer to take advantage of the parental leave entitlement irrespective of gender. It also includes arrangements to cover the impact on ward member duties/role and extends rights in the Parental Bereavement Leave and Pay Act to councillors
7. Key points from the policy are:
 - Any councillor who is the designated carer will be entitled to six months leave, with the potential to extend this to 52 weeks
 - Any councillor who takes parental leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless an extended leave of absence is granted
 - Members to continue to receive their basic or special allowances whilst on parental leave

Financial Implications

8. There are no direct financial implications arising from this report. However, there will be costs, anticipated as relatively minimal, associated with the parental leave policy should a councillor in receipt of a Special Responsibility Allowance (SRA) take time off for parental leave. No additional budget provision has been identified at this stage.

Legal Implications

9. There is no legal requirement for the Council to adopt a parental leave policy. However, the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.

Equality and diversity implications

10. The adoption of a parental leave policy may help to improve equalities amongst councillors and lead to a broader diversity of age and experience as it helps to remove barriers that councillors, or perspective councillors, could experience.

Climate and Ecological Emergencies Implications

11. There are no implications arising from this report.

Conclusion

12. At its meeting on 6 October Council established a cross party Task Group to consider the proposed content of a parental leave policy for councillors and bring recommendations to Council. The Task Group met on 11 November and recommends the policy attached at appendix 1 to this report.

Background papers: None

Parental Leave Policy for Councillors

1. Aim of the Policy

- 1.2 This policy sets out councillors' entitlements to Parental Leave (covering maternity, paternity, shared parental and adoption leave) and relevant allowances.
- 1.3 The objective of the policy is to provide a positive environment for members with family responsibilities so that our cross-section of members are representative of our community. The policy will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

2. Leave Provisions of the Policy

- 2.1 Councillors, who are the designated carer, are entitled to up to 6 months parental leave from the due date, or date of placement in respect of adoption, with the option to extend up to 52 weeks by agreement if required (see para 2.8).
- 2.2 In addition, where the birth is premature, the councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 2.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement (see para 2.6), and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 2.4 A councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council. In circumstances where no Shared Parental Leave arrangements are available the Council will consider an alternative pattern of leave.
- 2.5 Where both parents are councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 52 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 2.6 Any councillor who takes parental leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless there is agreement to an extended leave of absence prior to the expiration of that six month period in accordance with provisions in the council's constitution.

- 2.7 Any councillor intending to take parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 2.8 Any councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 2.9 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.

3. Basic Allowance and Special Responsibility Allowances (SRAs) During Parental Leave

- 3.1 All councillors shall continue to receive their Basic Allowance in full whilst on parental leave
- 3.2 Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of parental leave
- 3.3 If a councillor holds a position that attracts a SRA it may be necessary to appoint a replacement. Where a replacement is appointed to cover the period of absence that person shall receive a SRA on a pro rata basis for the period of the temporary appointment.
- 3.4 The payment of SRA, whether to the primary holder or a replacement, during a period of parental leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, the Leader's decision on Cabinet appointments or until the date when the councillor taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.
- 3.5 Should a councillor appointed to replace the councillor on parental leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 3.6 Unless the councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, the Leader's decision on Cabinet appointments or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from office and elections

- 4.1 If a councillor decides not to return at the end of their parental leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

- 4.2 If an election is held during the councillor's parental leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Ward Duties

- 5.1 Councillors who take parental leave will be able to nominate another councillor to deal with local issues in their Ward. It will be the responsibility of the councillor to hold discussions with their preferred nomination to arrange this. Where this hasn't been possible, the councillor taking parental leave will need to raise this with their Political Group Leader.
- 5.2 Where a councillor has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Councillors are responsible for putting an out of office message redirecting queries to a designated councillor. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.
- 5.4 Democratic Services will provide help and advice where appropriate and arrange for officers in service areas to respond to enquiries.

6. Parental Bereavement Leave (miscarriage or still birth)

- 6.1 The council's policy for employees is extended to councillors.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted