



### TO COUNCILLOR:

Mrs R H Adams (Deputy Mayor)  
N Alam  
L A Bentley  
G A Boulter  
J W Boyce  
Mrs L M Bradley  
F S Broadley  
D M Carter  
M H Charlesworth

R F Eaton  
Mrs L Eaton JP  
D A Gamble  
F S Ghattoraya  
Mrs S Z Haq  
Miss P V Joshi  
J Kaufman  
Mrs L Kaufman (Mayor)  
Miss A Kaur

Ms C D Kozlowski  
Mrs H E Loydall  
K J Loydall  
D W Loydall  
Mrs S B Morris  
R E R Morris  
Dr I K Ridley

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **FULL COUNCIL** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 21 DECEMBER 2021** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**10 December 2021**

**Mrs Anne E Court**  
Chief Executive



### IMPORTANT COVID-19 NOTICE

In-person Council and Committee meetings which are open to the press and public to observe have resumed from 7 May 2021 following the expiry of [the Regulations](#) that allowed local authorities to hold remote meetings.

Whilst most of these meetings will take place in the Council Chamber at the [Council Offices in Wigston](#), it may be necessary to host a meeting at an alternative venue and/or at short notice. This will allow all attendees to maintain social distancing and follow the latest [COVID-secure guidelines](#).

If attending an in-person meeting, all attendees must wear a face covering (unless exempt or when seated) and must sanitise their hands on entry and exit to/from the meeting venue. Meeting venue capacity will be severely restricted due to COVID-19 regulations, however there will still be opportunities for public participation in accordance with the [Council's Constitution](#).

Where the necessary technology is available and working, the press and public may still be able to watch the [live streams](#) of meetings without having to attend in-person. Instructions on how to access live streams can be found below where applicable. At a minimum, [audio recordings](#) of meetings will be made available on the Council's website shortly after any given meeting.

### ITEM NO.

### AGENDA

### PAGE NO'S



**Postal Address:** Council Offices, Station Road, Wigston, Leicestershire LE18 2DR

**Refuse & Recycling Centre:** The Depot, Wigston Road, Oadby, Leicestershire LE2 5JE

**Tel:** (0116) 288 8961 **Fax:** (0116) 288 7828 **Email:** [csc@oadby-wigston.gov.uk](mailto:csc@oadby-wigston.gov.uk)



[oadby-wigston.gov.uk](http://oadby-wigston.gov.uk)

~ Page 1 ~



OadbyWigstonBC



@Oadby\_Wigston

## **Live Stream of Meeting | Instructions**

This meeting will be live streamed.

### **Press & Public Access:**

#### **YouTube Live Stream**

A direct link to the live stream of the meeting's proceedings on the Council's YouTube Channel is below.

<https://youtu.be/AdZph9erQ9g>

#### **1. Calling to Order of the Meeting**

The meeting of the Council will be called to order to receive Her Worship The Mayor and Deputy Mayor.

#### **2. Apologies for Absence**

To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.

#### **3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

#### **4. Minutes of the Previous Meeting**

**5 - 8**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.

#### **5. Action List Arising from the Previous Meeting**

To read, confirm and note the Action List arising from the previous meeting.

#### **6. Motions on Notice**

To consider any Motions on Notice in accordance with Rule 14 of Part 4 of the Constitution.

#### **7. Petitions, Deputations and Questions**

To receive any Petitions, Deputations and, or, to answer any Questions by Members or the Public in accordance with Rule(s) 11, 12, 13 and 10 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.

#### **8. Mayor's Announcements**

To receive any announcements from the Mayor in accordance with Rule 2 of Part 4 of the Constitution.

##### **a. Official Mayoral / Deputy Mayoral Engagements**

**9 - 10**

#### **9. Leader's Statement**

To receive any statement from the Leader of the Council in accordance with Article 2.9.2(ii) of Part 2 of the Constitution.

- |   |                  |
|---|------------------|
| <b>10. Adoption of the LGA Model Code of Conduct with Local Amendments</b>  | <b>11 - 47</b>   |
| Report of the Head of Law & Democracy.  |                  |
| <b>11. Appointment of Director / Section 151 Officer</b>  | <b>48 - 50</b>   |
| Report of the Head of Law & Democracy.  |                  |
| <b>12. South Leicestershire Local Plan Making Statement of Common Ground (Oadby and Wigston, Blaby and Harborough)</b>  | <b>51 - 63</b>   |
| Report of the Planning Policy Manager.  |                  |
| <b>13. Public Sector Audit Appointments Limited (PSAA) – Appointment of Next External Auditor</b>   | <b>To Follow</b> |
| Report of the Interim Head of Finance / Section 151 Officer.  |                  |
| <b>14. Review of Minimum Revenue Provision (MRP) (December 2021)</b>  | <b>To Follow</b> |
| Report of the Interim Head of Finance / Section 151 Officer.  |                  |
| <b>15. Draft Budget 2022/23</b>   | <b>To Follow</b> |
| Report of the Interim Head of Finance / Section 151 Officer.  |                  |
| <b>16. Exclusion of the Press and Public</b>  |                  |
| The press and public are likely to be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighs the public interest in disclosing the information. |                  |
| <b>17. Leicestershire Building Control Partnership - Delegated Service (Exempt)</b>   | <b>64 - 97</b>   |
| Report of the Head of Built Environment.  |                  |
| <b>18. Resolution to Extend Six-Month Meeting Attendance Rule (December 2021) [Exempt]</b>  | <b>98 - 100</b>  |
| Report of the Head of Law & Democracy.  |                  |

**For more information, please contact:**

**Democratic Services**

Oadby and Wigston Borough Council  
Council Offices  
Station Road, Wigston  
Leicestershire  
LE18 2DR

**t:** (0116) 257 2775

**e:** [democratic.services@oadby-wigston.gov.uk](mailto:democratic.services@oadby-wigston.gov.uk)

**You can access all available public meeting documents  
and audio-visual live streams and recordings electronically on:**



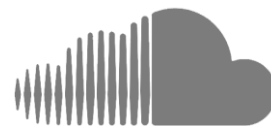
Our website **oadby-wigston.gov.uk** under **'Your Council'** and **'Meeting Dates, Agendas & Minutes'**



Your smart **iPad**, **Android** or **Windows** tablet device with the **'Modern.Gov'** app



Our **YouTube** Channel **ow.ly/FYQW50zDNkc** or smart device with the **'YouTube'** app (facilitated by **'Zoom'**)



Our audio platform **soundcloud.com/oadbywigstonbc** or smart device with the **'SoundCloud'** app

# Agenda Item 4

**MINUTES OF THE MEETING OF THE FULL COUNCIL HELD AT THE COUNCIL OFFICES,  
STATION ROAD, WIGSTON ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT TIME  
NOT SPECIFIED**

## **PRESENT**

Mrs L Kaufman                      Mayor  
Mrs R H Adams                     Deputy Mayor



## **COUNCILLORS**

N Alam  
L A Bentley  
G A Boulter  
J W Boyce                             Leader of the Council  
Mrs L M Broadley  
F S Broadley  
D M Carter  
M H Charlesworth  
M L Darr  
D A Gamble  
F S Ghattoraya                     Deputy Leader of the Opposition  
Mrs S Z Haq                         Deputy Leader of the Council  
Miss P V Joshi                      Leader of the Opposition  
J Kaufman  
Miss A Kaur  
K J Loydall  
D W Loydall

## **OFFICERS IN ATTENDANCE**

Mrs A E Court                        Chief Executive / Head of Paid Service  
C Campbell                            Head of Finance / Acting Section 151 Officer  
D M Gill                                Head of Law & Democracy / Monitoring Officer  
A Thorpe                                Head of Built Environment  
S Tucker                                Democratic & Electoral Services Manager / Deputy Monitoring Officer

## **94. CALLING TO ORDER OF THE MEETING**

The meeting of the Council was called to order to receive Her Worship the Mayor.

A minute's silence was observed in memory of the late former Councillor Gordon Kavanagh.

## **95. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillors R F Eaton, Mrs L Eaton JP, Ms C D Kozlowski and Mrs H E Loydall.

## **96. DECLARATIONS OF INTEREST**

In relation to item 6a of the agenda, the Monitoring Officer advised that although a number of Members were currently in receipt of the State Pension, this did not constitute

an interest greater than would apply to any other recipient, therefore this did not preclude them from taking part in debating the item or voting thereon.

**97. MINUTES OF PREVIOUS MEETING(S)**

By affirmation of the meeting, it was

**UNANIMOUSLY RESOLVED THAT:**

**The minutes of the previous meetings held on 30 March 2021 and 13 July 2021 be taken as read, confirmed and signed.**

**97. TUESDAY, 30 MARCH 2021, 6:00 PM (EXTRAORDINARY)**

**97. TUESDAY, 30 MARCH 2021, 7:00 PM**

**97. TUESDAY, 13 JULY 2021**

**98. ACTION LIST ARISING FROM THE PREVIOUS MEETING**

There was no Action List arising from the previous meeting.

**99. MOTIONS ON NOTICE**

**99a. SUSPENSION OF STATE PENSION TRIPLE LOCK**

The Council gave consideration to the motion as set out on page 16 of the agenda, proposed by Councillor M H Charlesworth and seconded by Mrs L M Broadley.

Following a debate the motion was put to the vote and carried unanimously.

**99b. FUNDING OF CAR PARKS**

The Council gave consideration to the motion as set out on page 17 of the agenda, proposed by Mrs L M Broadley and seconded by M H Charlesworth.

Following a debate the motion was put to the vote and carried.

**Votes For:           20**  
**Votes Against:      0**  
**Abstentions:        2**

**100. PETITIONS, DEPUTATIONS AND QUESTIONS**

None.

**101. MAYOR'S ANNOUNCEMENTS**

**101a. OFFICIAL MAYORAL / DEPUTY MAYORAL ENGAGEMENTS**

By affirmation of the meeting, it was:

**UNANIMOUSLY RESOLVED THAT:**

**The list of Official Engagements attended by The Mayor and/or Deputy Mayor be noted.**

**102. LEADER'S STATEMENT**

The Leader of the Council presented a Statement outlining his recent work, the administration's plans and an overview of recent decisions taken since the previous meeting of the Council.

The Leader requested that his gratitude to the Council's staff for their resilience in continuing to deliver services uninterrupted in spite of ongoing national and local pressures be placed on record.

It was confirmed that an additional meeting of the Policy, Finance & Development Committee will be convened on Tuesday 16 November to allow Members early involvement in the 2022/23 budget planning process.

It was further confirmed that the revised scheme of car parking charges will commence in the Borough on Monday 1 November 2021.

**103. EXCLUSION OF THE PRESS AND PUBLIC**

By affirmation of the meeting it was

**UNANIMOUSLY RESOLVED THAT:**

The press and public be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the items below on the grounds that it involved the likely disclosure of exempt information, as defined in the respective paragraph 3 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighed the public interest in disclosing the information.

**104. LEICESTERSHIRE BUILDING CONTROL PARTNERSHIP - DELEGATED SERVICE [EXEMPT]**

The Council were advised by The Head of The Built Environment that since the publication of the exempt report on pages 19 – 50 of the private agenda reports pack, further information had subsequently come to light which required additional work to be undertaken by Officers.

By affirmation of the meeting it was

**UNANIMOUSLY RESOLVED THAT:**

The item be deferred to the next meeting of Full Council on 21 December 2021.

**105. DEVELOPMENT OPPORTUNITIES UPDATE [EXEMPT]**

Councillor G A Boulter left the room at 20:15 and returned at 20:23. Advice was provided by the Monitoring Officer that as Councillor Boulter was not present for the entirety of the debate, he would not be permitted to take part in the vote thereon.

The Council gave consideration to the exempt report as set out on pages 51 – 63 of the private agenda reports pack. A paper containing a number of minor amendments to the published recommendations was tabled at the commencement of the debate.

The recommendations, as amended, were moved en bloc by The Leader of The Council, seconded by L A Bentley and it was

**UNANIMOUSLY RESOLVED THAT:**

**The recommendations, as amended, be approved.**

**106. CAPITAL PROGRAMME BUDGET UPDATE REPORT (2021/22) [EXEMPT]**

The Council gave consideration to the exempt report as set out on pages 64 – 72 of the private agenda reports pack.

It was moved by The Leader of the Council, seconded by Councillor K J Loydall JP and

**UNANIMOUSLY RESOLVED THAT:**

**The updated 2021/22 Capital Programme Budget for New Schemes be approved.**

**THE MEETING CLOSED AT 9.00 PM**



---

**Mayor**

---

**Tuesday, 21 December 2021**

---

*Printed and published by Democratic Services, Oadby and Wigston Borough Council,  
Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*



## Events attended by the Mayor October – December 2021

### OCTOBER

7	Haf Katib – Micro Data Management	Official 3G Opening
14	Councillor David Carter	Pride of the Borough Awards Evening
15	The Chairman of Trustees of LGS	Foundation Day Service
30	TEAMS (Charity)	Community Cup Presentation

### NOVEMBER

2	Jennifer, Lady Gretton DCVO, JP	The Queen's Award for Voluntary Services
9	Marilyn Bowles – Aigburth Residential Care Home	Visit to Aigburth Residential Care Home
11	OWBC – Councillor Bill Boulter	Remembrance Service – Armistice Day at PMP
11	Colin Towell – Wigston Civic Society	Unveiling Ceremony of the Lancaster Bomber Crash
14	All Saints Church, Wigston	Remembrance Sunday Service
20	Chris Swan – Oadby Town Centre Association	Oadby Light Switch On
27	Oadby & Wigston Lions	Bell Street Festival Light Switch On

## Events attended by the Deputy Mayor October – December 2021

### NOVEMBER

14 St Thomas Church, South Wigston Remembrance Sunday Service

### DECEMBER

4 St Peter's Church, Oadby Christmas Fair Opening  
4 OWBC South Wigston Christmas Light Switch On



<b>Full Council</b>	<b>Tuesday, 21 December 2021</b>	<b>Matter for Decision</b>
---------------------	--------------------------------------	----------------------------

**Report Title:** **Adoption of the LGA Model Code of Conduct with Local Amendments**

**Report Author(s):** **Dave Gill – Monitoring Officer (Head of Law and Democracy)**

<b>Purpose of Report:</b>	<p>To provide members with the opportunity to consider the Local Government Association (LGA) Model Code of Conduct for Members with local amendments as attached at Appendix 1. Members are asked to consider the proposed new code against the currently adopted code (attached at Appendix 2) and decide whether to adopt the updated code.</p> <p>The purpose of having a Code of Conduct for Members is to promote high standards of conduct and trust and set out what the public can expect from their representatives.</p>
<b>Report Summary:</b>	<p>Following consultation during 2020, the LGA published the final version of the model Code in January 2021.</p> <p>The model Code is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'.</p> <p>The expectation is that all Councils should adopt it as a minimum but provision for additional local variations is permitted. The Leicestershire Monitoring Officers Group extensively reviewed the proposed Model Code and agreed a number of local amendments as set out in the body of this report and reflected in Appendix 1.</p>
<b>Recommendation(s):</b>	<p><b>That the Council:</b></p> <p><b>A) Adopts the Local Government Association (LGA) Model Code of Conduct for Members with local amendments with effect from 1 April 2022; and</b></p> <p><b>B) Authorises the Monitoring Officer to make any consequential amendments to the Council's Constitution.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>Dave Gill Monitoring Officer (Head of Law and Democracy) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2)

	Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	Under the Localism Act 2011, each local authority has a duty to adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The LGA Model Code is suggested national good practice, and Councils can adopt this revised code, or adopt their own local code. As set out in the body of this report, the Monitoring Officers across Leicestershire have worked together to review the LGA Model Code and have suggested some changes to the format and style, with the aim of producing a Code that could be adopted on a county-wide basis.
Financial:	None as far as this report is concerned as any additional training requirements would be met from existing budgets.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	Constitutional Working Group
<b>Background Papers:</b>	Review of Ethical Standards in Local Government Report, January 2019: <ul style="list-style-type: none"> <li>• <a href="https://www.gov.uk/government/publications/localgovernment-ethical-standards-report">https://www.gov.uk/government/publications/localgovernment-ethical-standards-report</a></li> </ul>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Local Government Association Model Code of Conduct with Local Amendments</li> <li>2. Currently Adopted Code of Conduct</li> </ol>

## Background

### 1. The Local Government Association (LGA) Review

- 1.1 The LGA undertook a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life (CSPL), but also in response to rising local government concern about the increasing incidence of public, member to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.
- 1.2 The CSPL found there was considerable variation in the length, quality, and clarity of codes of conduct across local authorities.
- 1.3 The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed to set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.
- 1.4 The LGA's objectives in reviewing the model code of conduct were to:
  - Articulate what local government believes are good standards for all in public office;
  - Show leadership in good standards of conduct for those in public office, both elected and as employees;
  - Achieve consensus between the stakeholders affected by local government conduct;
  - Support its member Councils and partners in achieving good standards of conduct;
  - Support its member Councils and partners in achieving good standards of conduct;
  - Produce a code that is fit for purpose, useful and held in high regard;
  - Enhance the reputation of local government and local politicians;
  - Support the good running of Councils;
  - Support all democratically elected representatives to deliver their best on behalf of local communities;
  - Build on the good practice that already exists within member Councils.
- 1.5 The LGA has developed a model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.
- 1.6 In introducing the new model code, the LGA issued the following statement: "*The role of Councillors across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual Councillor affects the reputation of all councillors. We want the role of councillors to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors. As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused,*

*bullied or threatened by anyone, including the general public. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government."*

## **2. The Model Code**

- 2.1 The Model Code of Conduct with local amendments is attached at Appendix 1.
- 2.2 The Code applies to members when acting in their official capacity, and applies to all forms of communication and interaction, including: face to face meetings, online or telephone meetings, written communication, verbal communication and non-verbal communication, electronic and social media communications, posts statements and comments. The Code keeps the obligation to treat others with respect. All references to "civility" have been replaced with "respect".
- 2.3 The Code introduces an obligation to undertake code of conduct training, which the Council has already recognised as being mandatory, although this obligation is not contained within the current Code.
- 2.4 The Code attached is the product of a review by the Monitoring Officers on Leicestershire of the LGA Model Code of Conduct.

A small working group was established to look at the Model Code with the aim of producing a Code which could be adopted on a county wide basis. That review suggested some formatting changes and some amendments to the wording, which are referred to in paragraph 2.5 below and have been incorporated into the local code.

- 2.5 The LGA Model Code had a joint statement at the beginning of the document, which has been deleted from the Local Model Code. References to "Councillor" have been replaced with "Member". The section "General Principles of Member conduct "of the Local Model Code, has been expanded to include the obligation to uphold high standards of public conduct, and further clarifications of when the Code applies are given on page 2.
- 2.6 The definitions of interests have been amended and are contained in Appendix 2 of the Model Code. The position regarding Disclosable Pecuniary Interests remains as this is contained within the Localism Act 2011 and must be registered. The other interests are 'Other Registrable Interests' and 'Non Registrable Interests'. The Model Codes set out the definitions of these and how a member establishes when they may have one of these interests and what that member should do if they have.
- 2.7 In addition the code was amended at Para 3.2.2 to deal with those members who are "twin" or "treble" hatted and sit on all 3 levels of local authorities (Parish, Borough/District and County) and to confirm that participation in discussion and decision making at one local authority will not by itself normally prevent them from taking part in discussion and decision making on the same matter at another local authority.

## **3. Consultation**

- 3.1 On 24 August 2021 the Constitution Working Group met to consider adoption of the proposed locally amended Code and after due consideration recommended that it be submitted to Full Council with a recommendation to adopt the Code with effect from 1 April 2022.

- 3.2 If the revised Code of Conduct is adopted by Council, it is envisaged that training would be procured jointly during 2022 by the Monitoring Officers group to provide consistency to the members of the 8 Principal and 169 Parish Councils in the County.

#### 4. County Wide Adoption of the Model Code

At the time of writing the report the current position in respect of the adoption of the Code by all principal authorities within Leicestershire was as follows:

Charnwood BC	Its Member Conduct Committee decided to wait to see the approach agreed by the County Council – it felt it was important to have a shared Code if possible, for the benefit of dual-hatted Members.
LCC	The revised model code was approved by the Corporate Governance committee on 5 November and will be submitted to Council on 1 December with a recommendation for approval.
Hinckley and Bosworth BC	Members of the Ethical Governance Committee are recommending adoption of the locally amended Code.
Blaby DC	Officers are recommending adoption of the model LGA code with the local amendments.
Harborough DC	Being considered by Full Council on 13 December.
Melton BC	Audit and Standards Committee to consider adoption on 30 November before making a recommendation to Council.
North West Leicestershire DC	A strategy group of members has considered the LGA model code with local amendments and are awaiting information in relation to the approach to be adopted by the County Council.

A rectangular box with a black border containing the text "Council Logo" in a yellow highlighted font.

**[Council Name]**

## **Member Code of Conduct**

### **BACKGROUND TO THIS CODE OF CONDUCT**

This section sets out general interpretation and background to the Code of Conduct, including definitions used within the code, the purpose of the code, the principles the code is based on and when the code applies. It does not form part of the Code of Conduct itself and consequently does not contain any obligations for you to follow, as these are contained in the 'Code of Conduct' section below.

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

#### **Definitions**

For the purposes of this Code of Conduct, a “member” means a member or co-opted member of **[Council Name]** (' the Council').

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

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

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

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

The purpose of this Code of Conduct is to assist you, as a member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow members, Council officers and the reputation of the council and local government. It sets out general principles of conduct expected of all members and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of member and local government.



## General principles of member conduct

Everyone in public office at all levels; i.e. all who serve the public or deliver public services, including ministers, civil servants, members and council officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles, which are set out in Appendix A.

Building on these principles, the following general principles have been developed specifically for the role of member and these principles underpin the obligations in the Code of Conduct that follows.

In accordance with the public trust placed in you, you should:

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

In undertaking your role you should:

- impartially exercise your responsibilities in the interests of the local community
- do not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence;
- ensure that public resources are used prudently in accordance with your Council's requirements and in the public interest; and
- uphold high standards of conduct, show leadership at all times and not misuse your position when acting as a member

## Application of the Code of Conduct

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

This Code of Conduct applies to you when you:

- act in your capacity as a member or co-opted member of the Council; and
- conduct the business of the Council (which, in this Code, includes the business of the office to which you are elected or appointed).

Where you act as a representative of the Council:

- on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

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

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct. It is your responsibility to comply with the provisions of this Code and to ensure all its obligations are met. You are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct which you are unsure of. [Town and parish members are encouraged to seek advice from their Monitoring Officer or Clerk (who may refer matters to the Monitoring Officer).]

## THE CODE OF CONDUCT

### Standards of member conduct

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

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

### General Conduct

#### 1. Respect

##### As a member:

**1.1 I will treat others member with respect.**

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

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

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

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

#### 2. Bullying, harassment and discrimination

##### As a member:

**2.1 I will not bully any person.**

**2.2 I will not harass any person.**

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be

a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the Council**

**As a member:**

#### **3.1 I will not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

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

### **4. Confidentiality and access to information**

**As a member:**

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

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the Council; and**

**3. I have consulted the [Monitoring Officer/Clerk] prior to its release.**

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

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

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a member:**

**5.1 I will not bring my role or Council into disrepute or conduct myself in a manner which could reasonably be regarded as bringing my role or Council into disrepute.**

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the Council and may lower the public's confidence in you or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

You are able to hold the Council and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a member:**

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

**6.2 I will not place myself under a financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.**

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

As a member you need to be able to act impartially in the exercise of your responsibilities and ensure that you make decisions in the interests of the local community. You should

therefore avoid any financial or other obligations to outside individuals or organisations whose influence may prevent you from acting impartially..

## **7. Use of Council resources and facilities**

**As a member:**

**7.1 I will not misuse council resources.**

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

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

You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a member.

Examples include:

- office support
- stationery
- equipment such as phones, ipads, dongles computers etc.
- transport
- access and use of council buildings and rooms.

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

## **8. Making decisions**

**As a member:**

**8.1 When reaching decisions on any matter I will have regard to any relevant advice provided to me by officers and professional third parties.**

**8.2 I will give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.**

**8.3 I will make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on individual and independent merit**

**8.4 I will be as open as possible about my decisions and actions and the decisions and actions of the authority and will be prepared to give reasons for those decisions and actions, notwithstanding my other obligations under this Code.**

To assist members in acting lawfully, officers may give advice from time to time. It is important that as a member you have due regard to any such advice given and consider it fully, even if (for good reason) you may choose not to follow that advice.

In making any decisions, giving reasons helps instil public confidence in the role of the member and can be a legal requirement in certain situations. You should ensure that you always give reasons in accordance with any specific requirements and having regard to the benefits of transparency generally.

As a member you must act impartially and not improperly seek to confer an advantage, or disadvantage, on any person. It is therefore important that when you are making decisions that involve choosing one party over another, that you do so based on independent merit. You should be open and transparent about the decisions that you have made and the actions of the authority.

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

### **As a Member:**

**9.1 I will undertake Code of Conduct training provided by my Council.**

**9.2 I will cooperate with any Code of Conduct investigation and/or determination.**

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

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

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

### **Protecting your reputation and the reputation of the Council**

## **10. Interests**

### **As a member:**

**10.1 I will register and disclose my interests in accordance with the provisions set out in Appendix B**

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

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

decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix B, is a criminal offence under the Localism Act 2011.

The provisions of this paragraph 10.1 shall be applied in such a manner as to recognise that this Code of Conduct should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision-making at one local authority will not by itself normally prevent you from taking part in discussion and decision-making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to an interest which might lead to bias in exceptional circumstances.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer, or from the clerk in the case of town and parish councils.

## 11. Gifts and hospitality

As a member:

- 11.1 **I will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.**
- 11.2 **I will register with the [Monitoring Officer/Clerk] any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 11.3 **I will register with the [Monitoring Officer/Clerk] any significant gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact the Monitoring Officer or Clerk for guidance.



## 12. Dispensations

As a member:

- 12.1 I may request a dispensation from the **[Proper Officer]** for one meeting only.
- 12.2 I must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting.
- 12.3 I must make my request 5 days prior to the meeting at which the Dispensation is required.
- 12.4 If I wish to make a further request for dispensation, this must be made to the **[Relevant Officer/Committee]**.
- 12.5 I will only be granted a Dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.

Appendix B sets out the situations where a Member's personal interest in a matter may prevent them from participating in the decision-making process. In certain circumstances, however, there may be reasonable grounds to allow a Member to participate in decision-making on that matter where it would be in the public interest to do so. Where you consider that there may be good grounds for you to continue to participate you should request a dispensation from the Monitoring Officer.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

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

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B – Interests

### 1. Definitions

“**Disclosable Pecuniary Interest**” means any interest described as such in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#) and includes an interest of yourself, or of your Partner (if you are aware of your Partner's interest) that falls within the descriptions set out in the following table. A Disclosable Pecuniary Interest is a Registerable Interest.

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

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

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

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

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

**"Other Registerable Interest"** is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body

- (i) exercising functions of a public nature
- (ii) any body directed to charitable purposes or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

**“Registrable Interests”** are interests that you are required to register in accordance with this Code of Conduct and include both Disclosable Pecuniary Interests and Other Registerable Interests.

**“Non-Registrable Interests”** are interests that you are not required to register but need to be disclosed in accordance with section 3.3.

A **“Dispensation”** is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and this Appendix B.

A **“Sensitive Interest”** is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.2 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest. In such circumstances you just have to disclose that you have an interest.

A matter **“directly relates”** to one of your interests where the matter is directly about that interest. For example the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter **“affects”** your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

## 2. Registering Interests

- 2.1. Within 28 days of becoming a member or co-opted member or your re-election or re-appointment to office you must register with the Monitoring Officer any Disclosable Pecuniary Interests and any Other Registerable Interests.
- 2.2. Where you have a Sensitive Interest you must notify the Monitoring Officer with the reasons why you believe it is a Sensitive Interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
- 2.3. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

## 3. Declaration at and Participation in Meetings

If you are present at a meeting and you have either a Registerable or Non-Registerable Interest in any matter to be considered or being considered, and the interest is not a Sensitive Interest, you must disclose that interest to the meeting (whether or not it is registered).

To determine whether your interest affects your ability to participate in a meeting, you must first determine what type of interest you have and, if necessary, go on to apply the tests as set out below.

### 3.1. Disclosable Pecuniary Interests

3.1.1. Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests subject to paragraph 3.2.2 below:

- a. you must disclose the interest;
- b. not participate in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

### 3.2. Other Registerable Interests

3.2.1. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests subject to paragraph 3.2.2 below:

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.2.2 The provisions of paragraph 3.1.1 and 3.2.1 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

### 3.3. Non-Registerable Interests

3.3.1. Where a matter arises at a meeting which **directly relates** to a financial interest or the well-being of yourself or of a friend, relative or close associate (and is not a Registerable Interest):

- a. you must disclose the interest;
- b. may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and
- c. must not remain in the room unless you have been granted a Dispensation.

3.3.2. Where a matter arises at a meeting which does not directly relate to but **affects**

- a. a financial interest or the well-being of yourself or of a friend, relative or close associate; or
- b. a financial interest or wellbeing of a body included in those you need to disclose under Other Registerable Interests

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test in paragraphs 3.3.3 and 3.3.4 should be applied.

3.3.3. Where a matter under paragraph 3.3.2 **affects** the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

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

3.3.4. Where a matter under paragraph 3.3.2 does not affect the financial interest or well-being or body:

- a. to a greater extent than it affects the financial interests or wellbeing of the majority of inhabitants of the ward affected by the decision; and/or
- b. a reasonable member of the public knowing all the facts would not believe that it would affect your view of the wider public interest;

you may remain in the room, speak if you wish to and take part in any discussion or vote on the matter, provided you have disclosed your interest under paragraph 3.3.2.

#### **4. Single-Member-Decision-Making**

4.1. Some local authorities operate single-member-decision-making where their constitutions allow. In the event that you are making a decision as a single member the following section applies in relation to any interests you may have. For the avoidance of doubt, parish councils do not operate single-member decision-making and this section does not apply to them.

4.1.1. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single-member-decision-making) and the interest is:

- a. A Registrable Interest; or
- b. A Non-Registrable Interest that falls under paragraph 3.3.3 above;

you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

4.1.2. Where you have a personal interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function (i.e. single-member-decision-making) and the interest is a Non-Registrable Interest that falls under paragraph 3.3.4 , you must make sure that any written statement of that decision records the existence and nature of your interest.



**Registerable Interests**  
 These are interests that you are required to register in accordance with the Code of Conduct. They are interests that you would know about in advance of an item coming up (e.g. land you own) and you should have included them when filling in your register of interests.

What type of Registerable Interest do you have in this matter?

**Disclosable Pecuniary Interests**  
 These are any interests that are described as DPIs under the Code of Conduct and include both the interests of yourself and of your partner.

**Other Registerable Interests**  
 These are personal interests that relate to certain types of bodies that you may be involved in as set out in the Code of Conduct.

Does the matter directly relate to one of your Disclosable Pecuniary Interests?

Does the matter directly relate to the financial interest or wellbeing of one of your Other Registerable Interests?

Does the matter affect a financial interest or the wellbeing of yourself or of a friend, relative or close associate?

Is the financial interest or wellbeing affected to a greater extent than the financial interests or wellbeing of the majority of inhabitants?

Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?

**You must:**

- Disclose the interest;
- Not speak on the matter;
- Not participate in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

**You must:**

- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

**You must:**

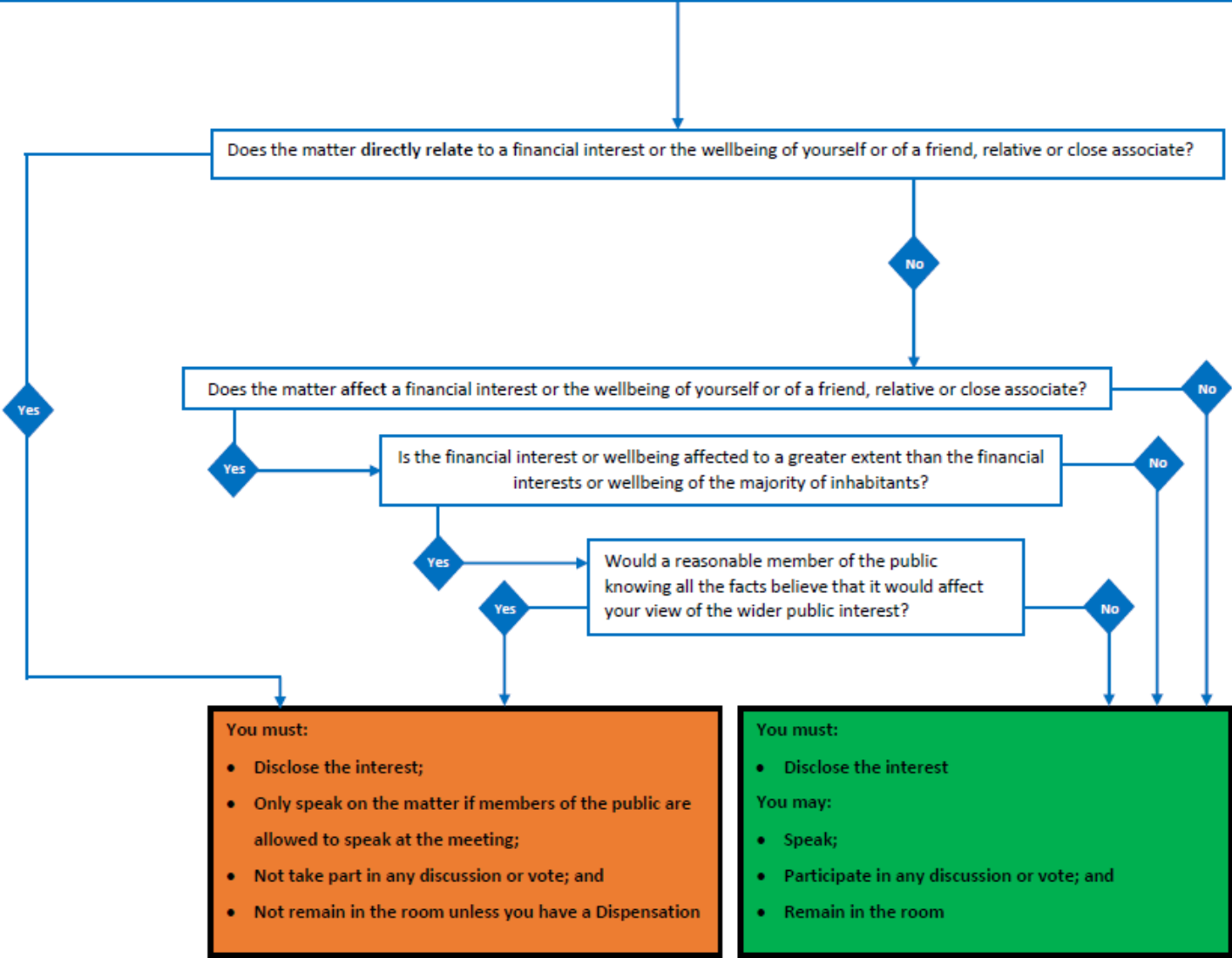
- Disclose the interest

**You may:**

- Speak;
- Participate in any discussion or vote; and
- Remain in the room

**Non-Registerable Interests**

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



~ Page 34 ~

85

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

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

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

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

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

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

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

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

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the

allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

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

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

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

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

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

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

***The LGA has committed to reviewing its Model Code on an annual basis to ensure it is still fit for purpose.***

This page is intentionally left blank

### 1. SECTION 2 - MEMBERS' CODE OF CONDUCT

---

#### CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS

The Member's Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the Council.

### 2. General Provisions

---

#### 2.1 Introduction

- 2.1.1 This Code applies to **you** as a member of Oadby and Wigston Borough Council ('the Authority').
- 2.1.2 You should read this Code in conjunction with the Procedure Rules as detailed in the Constitution.
- 2.1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

#### 2.2 Interpretation

- 2.2.1 In this code:
  - (a) **"co-opted member"** means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
  - (b) **"meeting"** means any meeting of:
    - (i) the Authority;
    - (ii) any of the Authority's committees, subcommittees, joint committees, joint subcommittees, or area committees.
  - (c) **"member"** means any person being an elected or co-opted member of the Authority.

#### 2.3 Scope

- 2.3.1 You must comply with this Code whenever you:
  - (a) Act in your capacity as a member or co-opted member of the Authority;
  - (b) Conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed).

- 2.3.2 Where you act as a representative of the Authority:
- (a) On another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) On any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **3. The Principles**

---

3.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:

3.1.1 **Principle 1 – Selflessness**

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

3.1.2 **Principle 2 – Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3.1.3 **Principle 3 – Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

3.1.4 **Principle 4 – Accountability**

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

3.1.5 **Principle 5 – Openness**

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

3.1.6 **Principle 6 – Honesty**

Holders of public office should be truthful.

**3.1.7 Principle 7 – Leadership**

Holders of public office should exhibit these principles in their own behaviour.

They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**3.2** The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

**4. General Obligations**

---

**4.1 Respect**

4.1.1 You must treat others with respect by striving to establish respectful and courteous relationships with everyone you come into contact with as a member.

4.1.2 You must not:

- (a) Do anything which may cause the Authority to breach any of the equality enactments;
- (b) Bully any person;
- (c) Intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) A complainant;
  - (ii) A witness; or
  - (iii) Involved in the administration of any investigation or proceedings; in relation to an allegation that a member (including yourself) has failed to comply with his or her Authority's code of conduct.
- (d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

**4.2 Confidentiality**

4.2.1 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:



- (a) You have the consent of a person authorised to give it;
- (b) You are required by law to do so;
- (c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) The disclosure is:
  - (i) Reasonable and in the public interest; and
  - (ii) Made in good faith and in compliance with the reasonable requirements of the Authority.

4.2.2 You must not prevent another person from gaining access to information to which that person is entitled by law.

### **4.3 Reputation of the Authority**

4.3.1 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

### **4.4 Use of Your Position and the Authority's Resources**

4.4.1 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

4.4.2 You must, when using or authorising the use by others of the resources of the Authority:

- (a) Act in accordance with the Authority's reasonable requirements;
- (b) Ensure that such resources are not used improperly (including use for political and part political purposes).

### **4.5 Publicity**

4.5.1 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

### **4.6 Decision Making**

4.6.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their

statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.

4.6.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

4.6.3 You must follow the adopted corporate operational policies of the Authority.

## **5. Interests**

---

### **5.1 Disclosable Pecuniary Interests**

#### **Definition**

5.1.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:

- (a) Yours;
- (b) Your spouse's or civil partner's;
- (c) Somebody with whom you are living as husband and wife or as if you are civil partners;

and you are aware, in the case of paragraphs (b) and (c), that the other person has the interest.

[Note 2: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time.]

#### **Declaring at and Participation in Meetings**

5.1.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:

- (a) You must disclose the interest to the meeting whether or not it has been registered;
- (b) Unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

(c) Unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

- 5.1.3 Where you have a Disclosable Pecuniary Interest in any business of your Authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 5.1.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 5.1.5 Where an executive member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **5.2 Personal Interests**

### **Definition**

- 5.2.1 You have a personal interest in any business of the Authority where either:
- (a) It relates to or is likely to affect:
- (i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
  - (ii) Any body:
    - Exercising functions of a public nature;
    - Directed to charitable purposes; or
    - One of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management.

(iii) The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

(b) A decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

5.2.2 For the purposes of paragraph 5.2.1, a "relevant person" is:

(a) A member of your family or any person with whom you have a close association; or

(b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or

(c) Any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or

(d) Any body of a type described in sub-paragraph 5.2.1(a)(i) or 5.2.1(a)(ii).

### **Declaring at and Participation in Meetings**

5.2.3 Subject to paragraph 5.2.5 below, where you have a Personal Interest in any business of the Authority and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.

5.2.4 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.

5.2.5 Where you have a Personal Interest, but, by virtue of paragraph 5.4.2, sensitive

information relating to it is not registered in the Authority's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

### **5.3 Personal Interests Which Might Lead to Bias**

#### **Definition**

5.3.1 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section 5.1 of Part 5 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:

- (a) You have a "Personal Interest" as defined in paragraph 5.2.1 and 5.2.2 above; and
- (b) That "Personal Interest" is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

5.3.2 The provisions of paragraph 5.3.1 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

#### **Declaring at and Participation in Meetings**

5.3.3 If you are present at any meeting of the Authority, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 5.3.4 and 5.3.5 below, at the meeting:

- (a) You must disclose the interest to the meeting (whether or not it is registered);
- (b) Unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;

(c) Unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

5.3.4 Where you have a Personal Interest which might lead to bias in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

5.3.5 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:

- (a) Housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;
- (b) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) An allowance, payment or indemnity given to members;
- (d) Any ceremonial honours given to members; or
- (e) Setting Council Tax or precept under the Local Government Finance Act 1992.

#### **5.4 Registration of Interests**

5.4.1 Subject to paragraph 5.5.1 (Sensitive Interests), you must within 28 days of:

- (a) The adoption of this Code; or
- (b) Your election or appointment to office as a member (where that is later);

notify the Monitoring Officer of:

- (i) Any Disclosable Pecuniary Interest, as defined in paragraph 5.1 above; and

- (ii) Details of your Personal Interests where they fall within the category mentioned in paragraph 5.2.1 above.

5.4.2 Subject to paragraph 5.5.1 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 5.2.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

## **5.5 Sensitive Interests**

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

## **5.6 Dispensations**

5.6.1 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Council may grant you a dispensation in accordance with rules and procedures established by the Authority.

# Agenda Item 11



<b>Full Council</b>	<b>Tuesday, 21 December 2021</b>	<b>Matter for Information and Decision</b>
---------------------	--------------------------------------	--

**Report Title:** **Appointment of Director / Section 151 Officer**

**Report Author(s):** **Dave Gill (Head of Law & Democracy/Deputy Monitoring Officer)**

<b>Purpose of Report:</b>	To obtain approval for the appointment of a Director / Section 151 Officer.
<b>Report Summary:</b>	The Council is required to appoint formally the statutory position of Section 151 Officer under Section 151 of the Local Government Act 1972.  Subject to approval, the Constitution will be updated to reflect the powers delegated to the new Director.
<b>Recommendation(s):</b>	<b>A. That the appointment of Tracy Bingham as the Council's Director / Section 151 Officer be confirmed with effect from 31 January 2022; and</b> <b>B. That the Monitoring Officer arrange for the Constitution to be reviewed and amended as appropriate.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	Anne Court (Head of Paid Service / Chief Executive) (0116) 257 2681 <a href="mailto:stephen.hinds@oadby-wigston.gov.uk">stephen.hinds@oadby-wigston.gov.uk</a>  David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a>
<b>Corporate Objectives:</b>	Not applicable.
<b>Vision and Values:</b>	Not applicable.
<b>Report Implications:-</b>	
Legal:	The appointment of a Section 151 Officer is a statutory requirement under Section 151 of the Local Government Act 1972.
Financial:	The Section 151 Officer is responsible for the sound administration of the Council's financial affairs.
Corporate Risk Management:	Regulatory Governance (CR6) Organisational / Transformational Change (CR8)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.



<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	<a href="#">The Constitution of the Council</a>
<b>Appendices:</b>	None.

## 1. Background

- 1.1 In accordance with the Local Government Act 1972, there is a requirement on the Authority to designate three Statutory Officers: Head of Paid Service, Monitoring Officer and Section 151 Officer / Chief Finance Officer.
- 1.2 The latter is required to be a suitably qualified individual. The Section 151 Officer, along with the Head of Paid Service and the Monitoring Officer combine to form the Council's Statutory Officer functions. These roles are key to ensuring lawfulness, fairness, probity and general good governance that support the Council in achieving its aims. It is important that they work effectively together yet maintain appropriate independence.
- 1.3 Since the departure of the Deputy Chief Executive in March 2021, the role of Section 151 Officer has been performed on an interim basis by the Head of Finance.
- 1.4 On 11 October 2021, an Appointments Panel was convened to interview shortlisted candidates for the vacant Director post. As a result of this process, Tracy Bingham was successfully appointed to the role, and is due to commence employment with the authority on 31 January 2022.
- 1.4 It is a requirement under the Council's Constitution that appointments to the three statutory posts (Head of Paid Service, Section 151 Officer and Monitoring Officer) are confirmed by the relevant Committee.
- 1.4 Tracy Bingham possesses the necessary experience, expertise and professional qualifications to undertake the statutory role of Section 151 Officer and it is recommended that Council formally confirms her appointment.

## 2. The Role and Duties of the Section 151 Officer

- 2.1 According to the Chartered Institute of Public Finance and Accountancy (CIPFA), there are five key areas critical to the achievement of a Chief Finance Officer's statutory responsibilities:
  - maintaining strong financial management underpinned by effective financial controls;
  - contributing to corporate management and leadership;
  - supporting and advising democratically elected representatives;
  - supporting and advising Officers in their operational roles; and
  - leading and managing an effective and responsive financial service.

### **3. Other Implications**

- 3.1 Once approved, the Council's Constitution will be reviewed by the Monitoring Officer and amended as appropriate to ensure the power to deal with financial matters that are the statutory responsibility of the Section 151 Officer are accurately referred to in the Constitution.



<b>Full Council</b>	<b>Tuesday, 21 December 2021</b>	<b>Matter for Decision</b>
---------------------	--------------------------------------	----------------------------

**Report Title:** **South Leicestershire Local Plan Making Statement of Common Ground (Oadby and Wigston, Blaby and Harborough)**

**Report Author(s):** **Jamie Carr (Planning Policy Manager)**

<b>Purpose of Report:</b>	To request Member approval of the Statement of Common Ground.
<b>Report Summary:</b>	<p>During Local Plan production, all plan-making authorities are required to produce, maintain and keep up-to-date statements of common ground. A statement of common ground is a factual statement that sets out agreement on issues with neighbouring authorities and other relevant organisations. Local authorities can have a number of statements of common ground focusing on different topics with different organisations.</p> <p>This statement of common ground focuses on three strategic cross boundary issues and associated evidence base (strategic transport, infrastructure delivery and whole plan viability), as well as seeking to align local plan timescales. This statement is directly relevant for the plan making authorities of Oadby and Wigston, Blaby and Harborough district/boroughs, but has been produced with the support of Leicestershire County Council (as the local highways authority) and Hinckley and Bosworth Council (as an adjacent neighbour to Blaby District).</p> <p>This statement sets out that the most appropriate way of dealing with the strategic cross boundary issues mentioned would be to produce a joint evidence base for Oadby and Wigston, Blaby and Harborough district/boroughs. This statement also sets out that the joint evidence base could bring with it a number of advantages.</p> <p>Further, the statement suggests that local plan production timetables for the authorities of Oadby and Wigston, Blaby and Harborough should be aligned as far as possible.</p>
<b>Recommendation(s):</b>	<b>That the South Leicestershire Local Plan Making Statement of Common Ground set out at Appendix A be approved.</b>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Anne Court (Chief Executive) <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>Adrian Thorpe (Head of Built Environment) (0116) 257 2645 <a href="mailto:adrian.thorpe@oadby-wigston.gov.uk">adrian.thorpe@oadby-wigston.gov.uk</a></p> <p>Jamie Carr (Planning Policy Manager) (0116) 257 2652 <a href="mailto:jamie.carr@oadby-wigston.gov.uk">jamie.carr@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1)

	Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
<b>Vision and Values:</b>	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Innovation (V4) Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	There are no implications arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
<b>Consultees:</b>	None.
<b>Background Papers:</b>	None.
<b>Appendices:</b>	<b>1.</b> Appendix 1 – South Leicestershire Local Plan Making Statement of Common Ground

## 1. Introduction

- 1.1 During Local Plan production, all plan-making authorities are required to produce, maintain and keep up-to-date statements of common ground.
- 1.2 A statement of common ground is a factual statement that sets out agreement on issues, including cross boundary strategic issues, with neighbouring authorities and other relevant organisations. Local authorities can have a number of statements of common ground focusing on different topics with different organisations. The Council produced a number of statements of common ground during the preparation of the current adopted Local Plan.
- 1.3 This statement of common ground focuses on three identified strategic cross boundary

issues and associated evidence base (namely strategic transport, infrastructure delivery and whole plan viability), as well as alignment of local plan timescales. The statement is directly relevant for the plan making authorities of Oadby and Wigston, Blaby District and Harborough District, but has been produced with the support of Leicestershire County Council (as the local highways authority), and Hinckley and Bosworth Council (as an adjacent neighbour to Blaby District).

- 1.4 The statement sets out that the most appropriate way of dealing with the strategic cross boundary issues mentioned, would be to produce joint evidence base for Oadby and Wigston, Blaby and Harborough district/boroughs. The statement also sets out that the joint evidence base could bring with it a number of advantages.
- 1.5 Further, the statement suggests that local plan production timetables for the authorities of Oadby and Wigston, Blaby and Harborough should be aligned as far as possible.
- 1.6 In relation to the alignment of local plan timescales, it is worth noting that this is in response to the Government requirement that all local authorities must have an up to date Local Plan in place by December 2023; as set out in the 19th January 2021 Written Ministerial Statement and the more recent Chief Planners Planning Newsletter (November 2021).
- 1.7 As Members will be aware, the Council has already begun its new Local Plan journey and is seeking to have a new Local Plan in place by the end of 2023.
- 1.8 Updates or further statements of common ground with Blaby District and Harborough District will be prepared and maintained in light of future publication of evidence.

## **2. Discussion**

### Geography

- 2.1 Although, all local authorities within Leicester and Leicestershire are linked and are situated within a shared housing market area (the Leicester and Leicestershire Housing Market Area) and a shared functional economic market area (the Leicester and Leicestershire Functional Economic Area); for the purpose of this statement of common ground, only the administrative areas of Blaby District, Harborough District and the Borough of Oadby and Wigston are relevant.
- 2.2 This South Leicestershire geographical area is important now and for the future, as it has an opportunity to play a pivotal role in strategic infrastructure provision to enable a shift towards delivering more future planned growth on strategic sites with accompanying local infrastructure. This is consistent with the approach set out in the Leicester and Leicestershire Strategic Growth Plan.
- 2.3 The administrative areas plan set out in Appendix A of this statement of common ground illustrates the relevant geographical area and local authority boundaries.

### Key matters being dealt with in the Statement

- 2.4 There are a number of key strategic issues that are identified within this statement of common ground. These issues include; Transport connectivity; Other Infrastructure Requirements; and, Development Pressures and Opportunities. Further information in relation to these can be found at paragraphs 6.1 to 10.1 (inclusive) of the statement of common ground in Appendix A to this report.
- 2.5 In short, the above issues will be assessed and dealt with through the production of three

pieces of key evidence base work – Strategic Transport Assessment; Infrastructure Delivery Plan; and Whole Plan Viability.

- 2.6 It is envisaged that these three pieces of joint evidence base will be undertaken during the Autumn / Winter period of 2022 – 2023 when the authorities involved have a good indication of the likely scale and locations for growth which will emerge from work currently taking place with the whole of Leicester and Leicestershire.
- 2.7 The Strategic Transport Assessment will assess, identify and set out whether or not the levels of growth proposed for each local authority can be accommodated on the current network, from a transport and highway perspective. The assessment will also recommend likely interventions needed to accommodate proposed growth if the current network cannot accommodate it.
- 2.8 The Infrastructure Delivery Plan will assess and set out the required infrastructure (additional to highway and transport) likely to be needed to allow the levels of proposed growth to come forward. Required infrastructure could range from, new sports pitches and open-spaces, to GP surgeries, to new Schools, to new retail centres.
- 2.9 The Whole Plan Viability Assessment will take account of all of the growth proposed, all of the interventions that are required to bring it forward, all of the required infrastructure, as well as relevant policy requirements (for example affordable housing) and assess whether it is viable to accommodate everything. To note – the Council's current adopted Local Plan was subject to both an affordable housing assessment and a whole plan viability assessment.
- 2.10 Further information in relation to the three pieces of joint evidence base can be found at paragraphs 11.1 to 11.9 (inclusive) of the statement of common ground in Appendix A to this report.
- 2.11 It should be noted that this statement of common ground will not deal with the re-distribution of Leicester City's unmet housing and employment need. This issue will be dealt with in a wider Leicester and Leicestershire statement of common ground in the future.

#### Advantages to undertaking the evidence jointly

- 2.12 There are a number of advantages to local authorities undertaking Local Plan evidence base jointly, and include;
  - Meeting the Duty to Cooperate – joint working demonstrates fully that emerging Local Plans are based on effective and on-going cooperation and as far as possible are based on agreement. This helps the Council to demonstrate to the Planning Inspectorate that it has fulfilled its legal duty. The more areas of agreement, the greater chance the Council will have in having its new Local Plan found sound by the Planning Inspectorate.
  - No surprises – on-going joint and collaborative working enables each of the local authorities to share information and plans in relation to potential development and growth occurring within each area. It also ensures that appropriate mitigation can be assessed and proposed, irrespective of the local authority area where the growth is proposed or the impact is predicted.
  - Money saving – it is envisaged that joint working between the three local authorities will bring about cost savings due to economies of scale. It is hoped that the preparation of a single piece of evidence base for three local authority areas, would be more cost effective than producing three pieces of the same evidence base

individually.

- Less risk – it is envisaged that working jointly will help negate the risk of developers challenging local authorities due to issues arising elsewhere. Working jointly will mean a collaborative and consistent approach is used throughout.
- No abrupt stop – working jointly with the three local authorities with which the Borough shares a boundary, allows for true cross boundary working, for example, new walking and cycling or highway infrastructure would not just abruptly stop at one boundary edge, it would flow seamlessly across if it was needed to. It also allows for cross boundary impacts of development and growth to be assessed and mitigated appropriately. This is particularly relevant for a small Borough such as Oadby and Wigston.

### Aligning Local Plan timescales

- 2.13 In addition to the three key areas of joint evidence base, this statement of common ground sets out that the three local authorities will attempt to align their Local Plan production timetables.
- 2.14 Earlier this year, the Government in its 19<sup>th</sup> January 2021 Written Ministerial Statement, set out that every local authority must have an up-to-date Local Plan in place by the end of 2023. In addition, in a more recent statement, this requirement has been reiterated. The Chief Planner Planning Newsletter, sets out that *'it is critical that work should continue to advance Local Plans through to adoption by the end of 2023 to help ensure that the economy can rebound strongly from the COVID-19 pandemic. Completing Local Plans will help to ensure that we can build back better and continue to deliver the homes that are needed across England'*.
- 2.15 With the above in mind, it is considered that attempting to align the three local authorities Local Plans is an opportunity that should not be passed up.
- 2.16 The Council has already commenced its new Local Plan production and has undertaken two public consultations – Call for Sites and Issues and Options consultation. The decision to begin the new Local Plan process was taken due to the Government announcement (set out above) and the increase to Leicester City's unmet housing and employment need.
- 2.17 The Council's most up-to-date Local Development Scheme sets out the new Local Plan timetable.

### **3. Conclusion**

- 3.1 The South Leicestershire Local Plan Making Statement of Comment Ground sets out that the three local authority areas of Oadby and Wigston, Blaby District and Harborough District will work together on three vital pieces of Local Plan evidence base – Strategic Transport Assessment; Infrastructure Delivery Plan; and, Whole Plan Viability.
- 3.2 All three pieces of evidence mentioned above are required to underpin every local authorities Local Plan, so the Council would need to undertake them irrespective of whether they are produced jointly with Blaby District and Harborough District, or not. However, as demonstrated above, there are a number of advantages to producing it jointly.
- 3.3 In addition to undertaking the three key pieces of evidence jointly, it is considered that there is currently a great opportunity to align the Local Plan timescales of the three local authorities, not only because of the requirement to have up-to-date Local Plans in place by the end of 2023 (therefore all local authorities should be striving for this), but also that the

key issues identified are best dealt with jointly and consistently.



## South Leicestershire Local Plan Making Statement of Comment Ground (November 2021)

### 1. Introduction

- 1.1. This Statement of Common Ground (SoCG) has been prepared jointly by Blaby District Council, Harborough District Council and Oadby and Wigston Borough Council hereafter referred to as “the authorities”.
- 1.2. Given their shared geographical boundary with Blaby District Council, Hinckley and Bosworth Borough Council (HBBC) are an additional signatory to this SoCG. HBBC is at a more advanced stage in evidence development and plan making than that the authorities. This is set out in more detail in section 13 below.
- 1.3. Leicestershire County Council is the upper tier authority with statutory responsibilities for transportation, education, social care, flooding, minerals & waste planning and public health, and as such is an additional signatory.
- 1.4. This statement has been prepared for the purposes of the emerging Local Plans that each of the authorities have commenced or are due to commence. It focuses on some of the key shared issues that each of the authorities will need to address in developing their Local Plans, the opportunities for understanding and potentially overcoming those issues and finally what this means for each of those authorities in the context of the Government requirement to have an up to date Local Plan in place by December 2023, as set out in the 19th January 2021 Written Ministerial Statement.
- 1.5. Further SoCG will be prepared and maintained in light of future publication of evidence and local plan timetabling for each authority area. Section 15 sets out the ‘next steps’ for the authorities following completion of key evidence.

### Duty to Cooperate

### 2. Policy Context

- 2.1. Paragraph 27 of the National Planning Policy Framework (NPPF) (most recently updated July 2021) explains that local planning authorities have a requirement to produce and maintain one or more SoCG to document the identified cross-boundary matters and progress in cooperating to address these.

### 3. Background

- 3.1. As part of the Leicester and Leicestershire sub region the authorities have a long history of working closely and effectively together.
- 3.2. The Leicester and Leicestershire authorities have continuously engaged with each other on strategic matters and throughout the preparation of Local Plans across the area. This is most clearly evidenced through:
  - The establishment of the Leicester & Leicestershire Members Advisory Group

- The joint preparation of evidence, including the Housing & Economic Development Needs Assessment (2017)
  - The adoption of a non-statutory Strategic Growth Plan 2018 which includes ‘notional’ housing figures.
  - The agreement of Joint Position Statements in 2017, 2018 and 2020
- 3.3. More recently this is demonstrated in the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2021) (L&L SoCG) which sets out a work programme for the apportionment of Leicester City’s unmet need.

#### **4. Role of this SoCG**

- 4.1. This SoCG is prepared in the context of identified key cross boundary issues that are specific to this group of authorities due to their geography, shared boundaries and known strategic constraints.
- 4.2. This SoCG sets out some of the key cross-boundary matters being addressed through cooperation by the authorities. Specifically, it highlights the cross boundary strategic planning matters in the authorities’ administrative areas that need to be addressed through collaborative evidence. By doing this it aims to demonstrate that the authorities’ emerging local plans are based on effective and ongoing cooperation and that the individual strategies are as far as possible based on agreement. The authorities will work together to achieve this through the alignment of local plan and evidence production timetables as much as possible.

#### **5. Strategic Geography**

- 5.1. As detailed in the L&L SoCG, all authorities are within a shared housing market area, the Leicester and Leicestershire Housing Market Area (HMA), and a shared functional economic market area, the Leicester and Leicestershire Functional Economic Area (FEMA). However, for the purpose of this SoCG, only the administrative areas of Blaby District, Harborough District and the Borough of Oadby and Wigston is relevant.
- 5.2. This geographical area is important to the whole of the L&L HMA, and will be even more so in the future as it has an opportunity to play a pivotal role in strategic infrastructure provision to enable a shift towards delivering more future planned growth on strategic sites with accompanying local infrastructure.
- 5.3. The administrative areas plan set out in Appendix A show that all the authority areas also share a boundary. There is a need to work cooperatively in an effective way to address key strategic matters pertaining to these areas.

#### Key Matters on which the parties agree

#### **6. Apportionment of Leicester’s Unmet Need to 2036**

- 6.1. The Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2021), signed by all parties within the Leicester

and Leicestershire Housing Market Area (HMA) and Functional Economic Area (FEMA), sets out the current position and details the work currently underway that will inform the apportionment. This will not be repeated in this statement.

## **7. Strategic Matters**

- 7.1. With a shared strategic geography, the following key cross boundary issues have been identified: transport connectivity; other infrastructure requirements; and development pressures and opportunities. This SoCG is not intended to identify all common issues but focus on those listed above where a shared approach is considered to be the most effective in finding solutions to expedite plan making for each authority.

## **8. Transport Connectivity**

- 8.1. Key transport networks within the geographic area are interconnected. These include routes on the Strategic Road Network (SRN) and Local Road Network (LRN) which run through the authority areas, most notably the M1, M69, A47, A6, A5199 and the A426. Successive transport evidence has identified existing constraints on each of these routes that result from traffic movements covering a large area. Specifically, this includes capacity issues on the key north-south arterial routes in and out of Leicester City, and the limitations of existing east-west highway infrastructure.
- 8.2. Larger scale highway mitigation secured through current plans is enabling growth to come forward, for example Lutterworth East on the A426 and Lubbethorpe for the M1, albeit the mitigation is primarily to deal with site-specific impacts arising from the respective developments as opposed to dealing with wider, cumulative impacts of growth.
- 8.3. However, it is expected that, in the absence of mitigation, further strategic growth within the authorities' areas would have severe additional individual, cumulative and (in many cases) cross-boundary impacts on already congested parts of the highway network and that these impacts could require strategic transport solutions to address. Given the complexity and integrated nature of the transport network within the authorities' areas, a consistent and joint transport evidence base will provide a more robust basis on which to plan.

## **9. Other Infrastructure Requirements**

- 9.1. New development can put pressure on existing communities, services and facilities if there is a lack of accompanying infrastructure, such as open space, education provision and health facilities. As such, it is necessary to work with a range of service providers to identify all necessary infrastructure to make strategic growth sustainable and deliverable. Historically this has been challenging on an individual local planning authority basis. Often service providers have resourcing issues which can hinder them from engaging effectively in the process in a timely manner. They often operate on a larger scale than the local authority level and again this can impact their ability to respond effectively. By the authorities working together, it is anticipated that the resourcing burden on service providers will be reduced.

## 10. Development Pressures and Opportunities

10.1. Each authority is considering strategic growth opportunities, many of which are close to administrative boundaries and all of which will be served by the same roads and other transport facilities (e.g. bus and rail services) and are therefore likely to interact in transport and other infrastructure terms. Correspondingly, a common approach to transport assessment and the identification of other infrastructure is required to understand the interrelationships between the potential growth options and identify appropriate cumulative mitigation. Cross boundary working is particularly beneficial in this respect.

## 11. Evidence Production

11.1. As stated above there is a history of joint working for evidence production with clear benefits being efficiencies for each partner but also strength in robustness of evidence. To address the issues detailed above, the authorities will work together to produce the following key pieces of evidence:

- **Strategic Transport Assessment**

11.2. The housing and employment targets for each of the authorities will be subjected to a joint strategic transport assessment that will cover the authority areas as identified within Appendix A. This will be produced in collaboration with Leicestershire County Council Highways, National Highways, Leicester City Council and other relevant highway authorities.

11.3. The STA will identify the implications of the growth options in transport terms including pinch points on the existing network and will test scenarios of mitigation to understand whether growth can come forward.

11.4. This work will follow the sub regional Strategic Transport Assessment currently in production for the administrative areas of the eight local planning authorities and two transport authorities within Leicestershire.

- **Infrastructure Delivery Plan**

11.5. Growth allocated within a Local Plan must be supported by identified strategic infrastructure. This includes, but is not limited to, highways and transport, health, and education, and also other infrastructure such as utilities and libraries.

11.6. The authorities will look to jointly commission consultants to produce an infrastructure delivery plan which will identify the strategic infrastructure required to deliver growth in each of the emerging local plans.

11.7. The authorities will consider effective ways in which to engage with relevant infrastructure providers, including through an infrastructure board. This could bring benefits to those organisations that operate on a more strategic basis than local authority area.

- **Viability**

11.8. The outputs of the STA and IDP will be subjected to a whole plan viability appraisal. Although each of the authorities will need to consider their own specific proposed provisions in their draft local plans, the mitigation measures will be tested together.

- **Other opportunities**

11.9. If an opportunity for joint working arises that is not set out within this SoCG the authorities are not bound by the list within this SoCG and will look to take advantage of joint evidence production where possible.

## **12. Local Plan Timescales**

12.1. Each authority is required to prepare a Local Development Scheme (LDS) which sets out a timetable for preparing its Local Plan. Progress is dependent upon the outcome of the sub regional evidence base, as set out above, before the more substantive Local Plan evidence base can commence. As set out in the Leicester & Leicestershire Authorities - SoCG relating to Housing and Employment Land Needs (June 2021) the sub regional evidence is due for completion Winter 2021/2022. Evidence relating to transport impact, infrastructure requirements and whole plan viability cannot be undertaken until this sub regional work is complete. The authorities will ensure that they are in a position to expedite the joint evidence on completion of the sub regional work.

12.2. Each authority will maintain their own local plan work programmes, but will incorporate the below milestones:

- Strategic Transport Assessment - Autumn / Winter 2022
- Whole Plan Viability – Autumn / Winter 2022
- Infrastructure Development Plan – Autumn / Winter 2022

12.3. The authorities are clear that the alignment of local plan production does not extend to the production of a joint local plan but will explore opportunities to align local plan work programmes where possible on the back of the above evidence timetable. Each authority will continue in the production of a Local Plan for their own administrative area.

## **13. Hinckley and Bosworth Borough Council**

13.1. Hinckley and Bosworth Borough Council (HBBC) shares an administrative boundary with BDC and geographically occupies the south west of Leicestershire and as such has a strong relationship with the authorities on strategic matters. HBBC are at a more advanced stage in evidence development and plan making than that the authorities. This means that some pieces of work will be undertaken only by the three authorities and HBBC's existing evidence base will be used to supplement this work to present a complete picture. Where appropriate, HBBC evidence base will be updated, for example, to align time periods. The authorities and HBBC will maintain an ongoing and effective relationship on cross

boundary strategic issues and will ensure the evidence the authorities commission as listed above will reflect evidence produced by HBBC to inform their Local Plan.

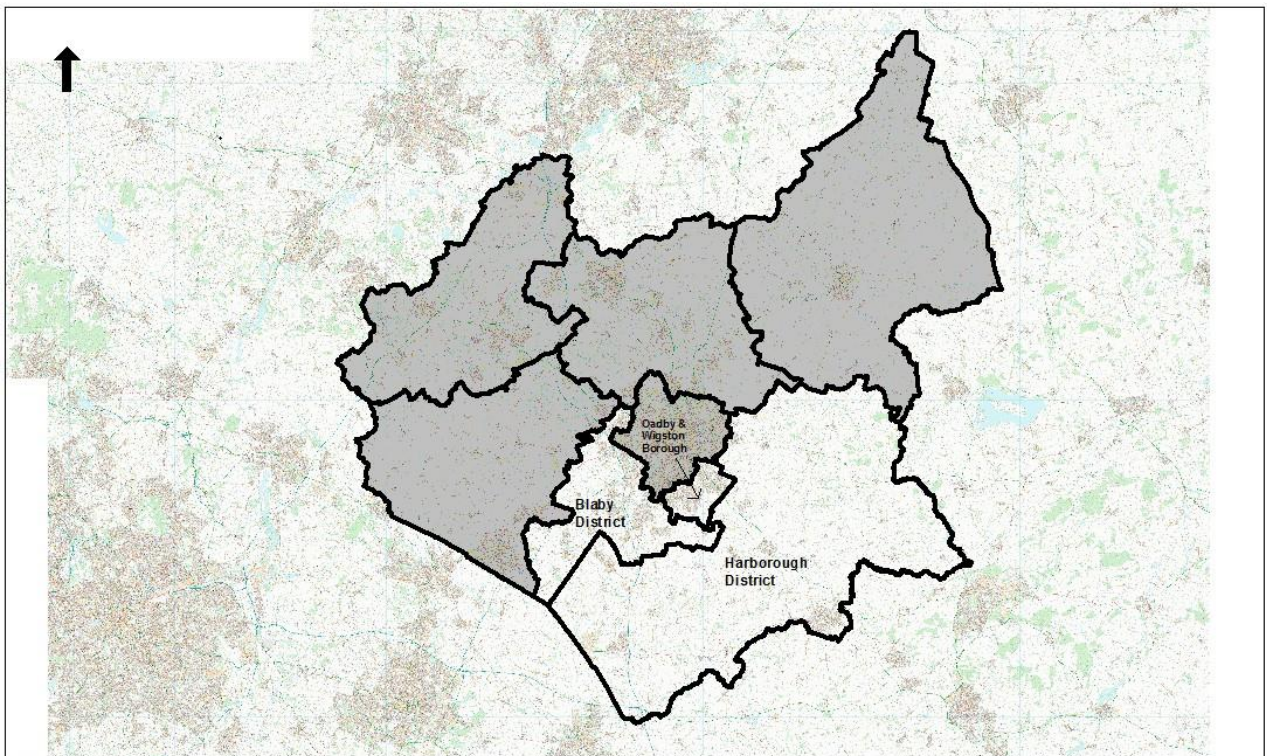
#### **14. Updating this SoCG**

- 14.1. The authorities acknowledge the Government intend to reform the planning system and have consulted on a White Paper - Planning for the Future.
- 14.2. There is no timetable for the reforms and the proposals could change following consultations. Against this back-drop the Government is encouraging authorities to get up to-date Local Plans in place.
- 14.3. This SoCG includes an agreed programme of work to jointly undertake key evidence to inform each authority's local plan production. The authorities agree the Duty to Cooperate is an ongoing process and this SoCG will be kept up to date or superseded by a new SoCG to reflect the latest position. This process will be managed through ongoing joint work between the authorities.

#### **15. Next Steps**

- 15.1. This SoCG focuses on some of the key shared issues that each of the authorities will need to address in developing their Local Plans and a programme of joint working on important evidence. On completion of the joint evidence, the authorities will continue to work together and will:
  - analyse the outcomes of the jointly produced evidence as listed in section 11 above;
  - jointly produce further SoCG as necessary.

## APPENDIX A – Geographical extent of three authority areas



Scale 1:416066

Map Ref: SK5509

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. BLABY DISTRICT COUNCIL Licence No. 100018176 2020

# Agenda Item 17

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

(Document is Restricted)



(Document is Restricted)

(Document is Restricted)

# Agenda Item 18

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

(Document is Restricted)