

# Public Document Pack

## Chief Executive

**THE CIVIC MAYOR, CHAIR OF  
COUNCIL BUSINESS AND ALL  
MEMBERS OF THE COUNCIL**

Steven Pleasant, Chief Executive  
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Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 12th January, 2021 at 5.00 pm on Zoom** when the undermentioned business is to be transacted.

Please also find provided with this agenda copies of the guidance recommended by the Standards Committee to be provided to all elected members to assist you with your role as referred to in the minutes of the Standards Committee, and more particularly:

- (a) The LGA Councillors' guide to handling intimidation; and
- (b) The Lawyers in Local Government social media toolkit

Yours faithfully,



**Steven Pleasant  
Chief Executive**

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
1.	<b>CIVIC MAYOR'S ANNOUNCEMENTS</b>	
	The Civic Mayor to make any appropriate announcements.	
	<b>At this juncture the Civic Mayor will retire from the Chair and the Chair of Council Business shall assume the Chair for the remaining business.</b>	
2.	<b>MINUTES</b>	1 - 10
	That the Minutes of the proceedings of the Meeting of Council held on 3 November 2020 be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).	
3.	<b>APOLOGIES FOR ABSENCE</b>	
4.	<b>DECLARATIONS OF INTEREST</b>	
	To receive any declarations of interest from Members of the Council.	
5.	<b>COMMUNICATIONS OR ANNOUNCEMENTS</b>	
	To receive any announcements or communications from the Chair of Council Business, the Executive Leader, Members of the Executive Cabinet or the Chief Executive.	
6.	<b>COUNCIL BIG CONVERSATION</b>	
	To consider any questions submitted by Members of the public in accordance with Standing Orders 31.12 and 31.13.	
7.	<b>MEETINGS OF EXECUTIVE CABINET</b>	11 - 52
	To receive the minutes of the Meeting of the Executive Cabinet held on 28 October, 25 November and 16 December 2020.	
8.	<b>MEETING OF STANDARDS COMMITTEE</b>	53 - 152
	To receive the minutes of the Meeting of the Standards Committee held on 17 November 2020 and approve the following recommendations arising from the meeting:	
	<b>That the Standards Committee RECOMMEND TO COUNCIL to adopt the final version of the Local Government Association Model Code of Conduct for Members (appended to the minutes) to take effect for the New Municipal Year and the Monitoring Officer undertake the necessary training to effectively implement the revised Code.</b>	
	(Attached are copies of the guidance recommended by the Standards Committee to be provided to all Elected Members to assist with role as referred to in the minutes of the Standards Committee:	
	(a) The LGA Councillors Guide to handling intimidation;	

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(b) The Lawyers in Local Government social media toolkit,)

**9. MEETING OF OVERVIEW PANEL** 153 - 156

To receive the minutes of the Meeting of the Overview Panel held on 23 November 2020.

**10. MEETING OF DEMOCRATIC PROCESSES WORKING GROUP** 157 - 160

To receive the minutes of the meeting of the Democratic Processes Working Group held on 16 December 2020.

**11. LOCAL GOVERNMENT BOUNDARY COMMISSION SUBMISSION** 161 - 192

To consider the attached submission to the Local Government Boundary Commission.

**12. APPOINTMENTS TO VARIOUS BODIES**

To consider any changes to appointments to various bodies.

**13. NOTICES OF MOTION**

**Motion A in the name of Councillor Ryan:**

This Council notes the spending commitments outlined in the one-year spending review

This Council regrets that:

- The Chancellor failed to address the systemic underfunding of local Councils, opting instead for a series of one-off measures and further transferring the burden of paying for essential services to local Council Tax payers who have in many cases already been hard hit by the consequences of the coronavirus pandemic and years of Tory austerity.
- The Spending Review announced a £2.2bn increase in Councils' Core Spending Power. Of this sum, £1.5bn is assumed to come from Councils increasing Council Tax by 5% - the maximum the Government will allow without a referendum. Only £600m of this is labelled as new money with £300m of it recycled from previous spending commitments.
- The Government has not brought forward a plan to reform funding and provision of adult social care as promised and instead has given councils the power to raise a further adult social care precept – it assumes that this will be raised within the Core Spending Power increase. The precept can increase by 3% for 2021/22, but by using the ability to raise Council Tax as a means to generate income for adult social care, it is not linking to need. Those areas that can generate more Council Tax can raise more funding.
- While the Government has provided significant additional funding for 2020/21, this still leaves a significant shortfall and the Government continues to break its promise to 'do whatever it takes' to support public services tackling the pandemic, including fully reimbursing Councils and

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schools for additional costs and reduced income

- The Spending Review did not include additional funding for public health. This runs contrary to addressing the stark health inequalities exposed by COVID-19 and levelling up our communities. Keeping people healthy and well throughout their lives reduces pressure on the NHS and social care.
- The Government has not temporarily removed the No Recourse to Public Funds condition. This would reduce public health risks and ease the pressure on homelessness services by enabling vulnerable people to access welfare benefits, who are currently unable to do so because of their immigration status. The Chancellor also failed to commit to making permanent the £20 a week supplement to Universal Credit that has been crucial to protecting people from poverty.

This Council condemns:

- The wage freeze imposed on 2m public sector workers including firefighters, the police, teachers and local authority staff. Many of these workers have kept the country going during the pandemic and deserve more than a real term pay cut.

This Council believes:

- That only with the right funding and freedoms, can councils lead local efforts to level up the stark inequalities the pandemic has exposed and level up the economy so that it benefits everyone.

This Council resolves to ask the Chief Executive to write to:

1. The Local Government Association to urge a vigorous campaign for a long term local government funding settlement, for reform of adult social care and adequate funding of children's social care, education and social housing in the context of a new settlement reversing the centralisation of powers and decision-making that has been evident even before the pandemic.
2. The borough's three MPs urging that they oppose the public sector pay freeze and support efforts to secure the necessary funding and freedoms for local authorities.
3. Thérèse Coffey MP, the Secretary of State for Work and Pensions, calling on her to make the £20 a week Universal Credit supplement permanent.

**Motion B in the name of Councillor Drennan:**

That this Council notes:

1. On Tuesday 6 October 2020, the Trades Union Congress (TUC) received a letter from the Department for Education saying that ministers have

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decided to end the Union Learning Fund from March 2021.

2. The Union Learning Fund (ULF) was set up in 1998 to support trade unions to widen access to learning and training in workplaces for both union members and non-members. The fund supports workplace projects across England, and is coordinated by the TUC.
3. Each year around 200,000 workers are supported into learning or training with union support through the ULF and the TUC. These learners undertake all sorts of job-relevant learning and training, including basic literacy and numeracy, ICT skills, apprenticeships and traineeships, vocational training, continuing professional development and many other informal and formal courses.
4. In 2019–20, the ULF was worth £12 million. If upheld this decision will effectively end union-brokered skills training, and will undermine key government skills and retraining priorities at a crucial moment for our economy.

This Council understands that:

1. Union learning reaches people that other Department for Education programmes do not reach.
2. There is an independent evaluation of the Union Learning Fund every two years. It was most recently evaluated by the University of Exeter in 2018. They spoke to 2,459 learners, and found:
  - Over two-thirds (68 per cent) of learners with no previous qualifications got a qualification.
  - 47 per cent of those with entry level or level 1 qualifications got a qualification at a higher level.
  - Four in five (80 per cent) said they had developed skills that they could transfer to a new job.
  - Two in three (62 per cent) said their new skills made them more effective in their current job.
  - One in five (19 per cent) said they had been promoted or given increased responsibility and one in 10 (11 per cent) got a pay rise.
3. The 2018 independent evaluation found that union learning provided excellent value for money:
  - For every £1 spent on the Union Learning Fund, there is a return of £12.30: £7.60 to the worker, £4.70 to the employer.
  - The Union Learning Fund delivers an estimated net contribution to the economy of more than £1.4bn as a result of a boost to jobs, wages and productivity.
  - The return to the exchequer (through reduced spending on welfare benefits and other factors resulting from the boost to jobs and wages) is £3.57 for each £1 spent on the Union Learning Fund.
  - The £12 million government funding levered in an additional £54 million from employers, unions and training providers in 2019–20.

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4. The government has said it will put reskilling workers at the heart of its economic recovery plans after the pandemic. In September 2020, the government announced a new fully funded entitlement to achieve a first level 3 qualification, delivered through the National Skills Fund. Union learning is ideally placed to support this aspiration, in three ways:
  - directly, through delivering relevant level 3 courses to workplace learners, which is already a core function of the Union Learning Fund and was assessed as highly effective by the 2018 independent evaluation.
  - directly, through enabling those with basic skills to learn and develop, putting them in a position to progress to level 3 skills.
5. Successive governments of all parties have valued this role – and have supported the Union Learning Fund. As government funding, it is paid as a contract and is subject to stringent monitoring requirements. Union Learning Fund money can only be spent on the direct costs of getting working people into learning and skills training, and the associated costs of delivering this programme.
6. ULF projects adapted quickly to delivering online learning and training for workers during the pandemic and have actually surpassed the number of outcomes expected by government since the beginning of April.

This Council resolves to:

1. Express its public support for the continuation of the Union Learning Fund.
2. Raise this issue with our local MPs and encourage them to call on the government to reverse its decision.

#### **14. QUESTIONS**

To answer questions (if any) asked under Standing Order 17.2, for which due notice has been given by a Member of the Council.

#### **15. URGENT ITEMS**

To consider any other items which the Chair of Council Business (or other person presiding) is of the opinion shall be dealt with as a matter of urgency.

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

## COUNCIL

3 November 2020

Commenced: 5.00pm

Terminated: 8.35pm

**Present:** Councillors Affleck, Alam, Billington, Bowden, Bowerman, Boyle, Bray, Cartey, Chadwick, Choksi, Cooney, Cooper, Dickinson, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen (Chair), Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Patrick, Pearce, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.

**Apologies for Absence:** Councillor Sidebottom

*Councillor Kitchen, Chair of Council Business, in the Chair*

### 16. CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor congratulated three residents of Tameside who had been recognised by the Queen in her delayed birthday honours list, which was published in October, rather than June, so that work undertaken during the pandemic could be properly rewarded. Kathryn Davies from Droylsden had been awarded an MBE and Steve Barton from Stalybridge and Esin Eno-Obong from Denton had both been awarded the British Empire Medal.

The Civic Mayor further honoured Cecelia Leigh who had turned 106 years old and centenarians Rakseda Matwiji and Mary Turner.

The Civic Mayor also made reference to the Diversity Volunteer Awards celebration event in August, which she attended remotely.

### 17. COUNCIL MINUTES

#### RESOLVED

**That the minutes of the meeting of Council held on 21 July 2020 be approved as a correct record and signed by the Chair.**

### 18. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Council.

### 19. COMMUNICATIONS OR ANNOUNCEMENTS

The Executive Leader began by reflecting on some of the positive achievements of council teams and key partners during the current challenging times. In August the CCG had been awarded silver status under the Ministry of Defence's Employer Recognition Scheme for supporting the armed forces community, the Executive Leader commented on the exceptional collaboration between the Council, CCG and ICFT in this area. In the same month the annual Customer Service Excellence results were

published with Tameside once again achieving 100% compliance with 18 areas of compliance plus (good practice), up from 15 the previous year.

In September, the Head of Payments, Systems and Registrars, was announced as joint winner of the Public Services People Management Association peer of the year programme, and in October the prestigious Municipal Journal awards were handed out with double success for Tameside. The Markets team won the Innovation in Property Asset Management category and the Payments Team Manager was recognised for the Rising Star award. Also in October, the Research in Practice Awards highlighted a number of projects and staff from adults services for their innovate work.

The Executive Leader announced that the annual assessments of CCGs were published in October and was pleased to note that the Tameside & Glossop CCG led by Dr Ramachandra and Dr Ali retained their outstanding rating. The Healthy Hyde Team won Primary Care Team of the Year at the BMJ Virtual Awards last month for their work giving residents of care homes a bigger say in how their care was managed. Portland Basin was listed in the top 10% of destinations in Trip Advisor's Travellers Choice Award last month, and last week was the Local Government Chronicle (LGC) Awards. The joint work of the council, CCG and ICFT in the Digital Health Centre and Community Response Service was recognised when they won the Driving Efficiency through Technology category.

Tameside, along with the other 9 local authorities in GM, won the Public/Public Partnership work for workforce collaboration. Work being led in Tameside by the Assistant Director (People and Workforce Development), who was also the chair of the GM Heads of Human Resources, that had co-ordinated the collaboration.

The Executive Leader, on behalf of Members, expressed sincere congratulations to all those involved and thanked them for their hard work and dedication, which had been recognised as outstanding.

The Executive Leader stated that despite the Greater Manchester authorities putting together a detailed and fully costed submission to the government, which recognised the need to support those people and business suffering hardship she was disappointed that the negotiations had broken down over a difference of just £5 million, despite the billions spent on failed testing programmes and inadequate PPE. The Executive Leader said that any effective response to coronavirus must be built on solid local foundations, in a spirit of trust and cooperation. A good example of this was one GM, a new campaign launched a week ago to unite Greater Manchester. One GM looked beyond the package offered from government by bringing together money from the public sector, private business and charity donations to provide a package of support for those most in need, particularly over the winter months. The return of 80% furlough for a month and the doubling of support from 40% to 80% of trading profits for the self-employed was welcomed.

A further example of local action was the response to the issue of children going hungry over the school holidays. Prior to the onset of Covid-19, successive governments had supported the principle of free school meals for families on low incomes. That was to be welcomed, as was the commitment by the current government to provide free school meals over the summer holidays. However, when it became apparent that the government refused to provide the same support this half term as they did over the summer, Tameside launched a scheme which provided a £15 supermarket voucher for any child attending a Tameside school who was eligible for income based free school meals.

The Executive Leader announced that a number of consultations had been launched to let residents in Tameside and Greater Manchester have their say on what "building back better" meant to them. The annual budget conversation had opened on 2 November, asking people who lived and worked in Tameside about their priorities in regard to the services provided by both Tameside Council and Tameside and Glossop Clinical Commissioning Group. The Executive Leader referenced the serious challenges faced with the budget this year and estimated that a further £60 million in savings would be required next year to balance the books. The conversation would run until 6 January 2021 after which point, all responses would be analysed and incorporated into the decision-making processes for the new budget, which was due to be agreed in February 2021.

At the Greater Manchester level, there were also a number of discussions ongoing that would help to revolutionise the transport infrastructure, grow the economy and protect the shared environment for future generations. The GM Clean Air Consultation would lay the foundation for taking the fight to the silent killer of air pollution, which was estimated to contribute to the deaths of 1,200 people every year in the city region. Until 3 December, views were sought on the creation of a Greater Manchester-wide Clean Air Zone, carefully and specifically targeted at the roads in the city region with the highest levels of air pollution. Vans, buses, coaches, taxis, private hire vehicles, minibuses and heavy goods vehicles that did not meet certain emissions standards would have to pay a daily charge to drive in the Zone. Private cars, motorbikes and mopeds were not included. To support the transition to this Clean Air Zone, a package of funding would be offered to assist businesses to upgrade their affected vehicles before the new measures came into effect.

The GM Clean Air Consultation would be followed by the GM Consultation on Minimum Licensing Standards for taxis and private hire vehicles. This included addressing concerns about “out of town” private vehicles operating outside the area in which they were licensed, inconsistent standards across each local authority area, and older licensed vehicles contributing to air pollution. Vehicles would be required to abide by minimum standards of safety and accessibility for disabled people, as well as adopting a Greater Manchester-wide colour (black for taxis/Hackney cabs and white for private hire vehicles) and livery of a common design with the individual council logo incorporated. In the longer term, the goal was to make the entire GM licensed vehicle sector emission-free by the end of the decade.

The Executive Leader explained that, just over a week ago, Greater Manchester leaders had published the final draft of the city-region’s wide-ranging Plan for Homes, Jobs and the Environment – the Spatial Framework. The plan – endorsed at a meeting of the GMCA on Friday last week – would build the right homes in the right places so everyone can live in environmentally sustainable villages, towns and cities connected by a fully integrated, high-capacity transport system. The plan would now be reviewed by all ten districts and if approved, would go out for an eight-week public consultation, beginning Tuesday 1 December 2020.

Transport for Greater Manchester’s Five-Year Transport Delivery Plan had been developed alongside the Spatial Framework to ensure all the new housing and commercial sites were supported by appropriate transport connections, especially accessible public transport. At the core of the plan was sustainability.

The Spatial Framework was much more than just a planning document. It was a key part of the ‘build back better’ strategy. Meeting the city-region’s housing need by building high quality affordable homes, connecting areas with environmentally sustainable transport links, as well as becoming carbon neutral by 2038, the plan was the bedrock of the ambition for inclusive growth for all.

The Executive Leader stated that Tameside was an exciting place to invest with a track record of successful development. A major global property consultancy had recently identified the top five areas in the UK prime for major development, and one of them was Tameside. In addition, three major investment projects of recent times had been shortlisted for awards in the North West Regional Construction Awards – Tameside One, Tameside Wellness Centre and Ashton Interchange.

The Executive Member (Finance and Economic Development), expanded on the Executive Leader’s comments in respect of Tameside being identified by a major global consultancy as one of the top five areas in the UK prime for major development along with Surrey Heath, East Hertfordshire, Chesterfield and Fareham.

He further informed Council Members of a partnership established with a Manchester based telecommunications company of a residential offering to expand affordable broadband to the borough’s social housing tenants.

The Executive Member (Lifelong Learning, Equalities, Culture and Heritage) explained that, due to the current Coronavirus restrictions, Remembrance Sunday services and events would be different this year. Government guidance was currently awaited in respect of remembrance events, however

Tameside was asking residents to pay their respects from their homes this year, rather than at war memorials. She added that the Civic Mayor would be laying a wreath at Ashton-under-Lyne War Memorial on Remembrance Sunday, and there would be small ceremonies at Denton and Stalybridge, with no more than six attendees.

On 11 November 2020 the Executive Leader and the Civic Mayor would lay a wreath at Ashton War Memorial as part of a brief ceremony. Tameside local studies and archives launched 11 days of remembrance at beginning of November and Dukinfield Town Hall would be floodlit in red over remembrance weekend. Families were also being encouraged to put a poppy in their window to honour those who have served in the forces.

The Executive Member (Housing, Planning and Employment) reported that he had received representation from Members with regard to land searches. He explained that there would be a return to the normal processes for land searches from the following day and made reference to issues experienced across the country whilst the digitalisation of the service was underway.

## **20. COUNCIL BIG CONVERSATION**

The Chair reported that there were no questions submitted by members of the public in accordance with Standing Orders 31.12 and 31.13.

## **21. MEETINGS OF EXECUTIVE CABINET**

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 29 July 2020, 26 August 2020 and 30 September 2020.

It was moved by Councillor Warrington and seconded by Councillor Fairfoull and it was:

### **RESOLVED**

**That the Minutes of the meeting of the Executive Cabinet held on 29 July 2020, 26 August 2020 and 30 September 2020 be received.**

## **22. DEMOCRATIC PROCESSES WORKING GROUP**

Consideration was given to the Minutes of the meeting of Democratic Processes Working Group held on 5 October 2020.

It was moved by Councillor Cooney and seconded by Councillor Warrington and it was:

### **RESOLVED**

**That the Minutes of the meeting of the Democratic Processes Working Group held on 6 October 2020 be received.**

## **23. GREATER MANCHESTER SPATIAL FRAMEWORK**

Consideration was given to a report of the Executive Member, Housing, Planning and Employment / Director of Growth, which sought approval to publish *Greater Manchester's Plan for homes, jobs and the environment (the Greater Manchester Spatial Framework (GMSF): Publication Draft 2020*, including supporting background documents, for a period of public consultation in accordance with planning regulations. Further, the report recommended that Full Council approve the submission of the GMSF for examination to the Secretary of State following the period of public consultation and sought delegation to make minor or non-material amendments to the plan and background documents at two separate points.

It was explained that, since the consultation closed, further work had been undertaken to analyse the responses, develop and refine the evidence base and prepare a further version of the plan. A Consultation Final Report accompanied the GMSF 2020 to enable people to see how their previous comments had been considered and how the plan had been changed as a result, or why some comments have not resulted in changes.

A revised draft GMSF had been prepared and the next consultation was the '*Publication stage*', a formal consultation on the jointly prepared plan and its background information, in accordance with relevant national regulations (in this case regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This formal consultation was proposed to take place between dates to be agreed at the AGMA Executive meeting scheduled for 30 October 2020.

The consultation would be carried out in line with the requirements of each of the district Statements of Community Involvement. The challenges posed by the coronavirus pandemic had been significant and government guidance continued to have implications for how the public could be engaged, especially through this next consultation phase. However, the government had also been clear that the challenge presented by the virus was not a sufficient reason to delay plan preparation. Therefore a range of activities and reasonable steps had been considered to ensure a broad spectrum of the community are engaged through publishing the plan and the achievement of a consultation in a safe and broadly consistent way across Greater Manchester.

As in 2019, a large share of development in Tameside was expected to be accommodated on sites within the existing urban area. However, three Green Belt sites at: Ashton Moss West; Godley Green Garden Village; and South of Hyde; were needed to supplement this for both employment and housing uses.

Godley Green continued to be identified as having potential to accommodate around 2,350 new homes, although not all are envisaged to be delivered within the plan period and South of Hyde around 440 new homes.

Ashton Moss West continued to be identified for employment uses, although the use classes prescribed had been brought up to date in line with recent government changes and overall development yields for the site had been reduced from around 175,000 square metres of potential floor space to around 160,000 square metres.

All of the three strategic sites maintained the same level of land to be taken out of the Green Belt (known as Green Belt deletions). This was mirrored through allocation boundaries that remained the same, apart from the addition of a small parcel of non-Green Belt land at the South of Hyde site. This was adjacent to Hilda Road and was to facilitate access from the A560.

Alongside the identification of three sites for development purposes, the GMSF Publication Draft 2020 also identified a number of sites to be protected and added to the Green Belt (known as Green Belt additions).

The existing Green Belt in Tameside extended to approximately 5,071 hectares and a further 75.19 hectares of land in the borough, across 12 sites, had been identified within the Publication plan to be designated as such. Initially 17 sites had been proposed within the 2019 GMSF and a further three sites were put forward through the 2019 consultation. Following further analysis of the proposed additions, there were 12 sites taken forward

This meant that the overall net change in Green Belt for the borough was a 2.7% reduction, this was comparative to an initial net reduction in 2016 of 8.6% and an overall net reduction in the Greater Manchester Green Belt in 2020 by 3.25%.

Discussion then ensued in relation to the Greater Manchester Spatial Framework and the proposals contained within the report and the advantages of working together with the other Greater Manchester authorities to develop the Framework and the need to develop a plan which was fit for future generations.

Following consideration of report, the Chair of Council Business announced that, in line with the rules set out in the constitution, he had received a request for a named vote from the following six Councillors; Councillors Boyle, Cooney, Kitchen, Martin, Naylor and Owen.

Councillors Billington, Chadwick, Dickinson, Patrick, Welsh and Huntbach added their names to the request for a named vote.

The named vote was then taken as follows:

For the motion:

Councillors: Affleck, Alam, Bowden, Bowerman, Boyle, Bray, Cartey, Choksi, Cooney, Cooper, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen, Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Pearce, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Wild and Wills.

Against the motion:

Councillors: Billington, Chadwick, Dickinson, Patrick and Welsh

**RESOLVED**

- (i) That, following Executive Cabinet's approval of the **GMSF: Publication Draft 2020** and supporting background documents for publication (Meeting of Executive Cabinet 2 November 2020, Minute 84 refers), these documents be **SUBMITTED** to the Secretary of State for examination, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 following the period for representations between the dates agreed at the **AGMA Executive meeting on 30 October 2020**; and
- (ii) That authority be delegated to the GM Lead Chief Executive, Housing, Homelessness and Infrastructure, in consultation with City Mayor, Paul Dennett, Portfolio Leader for Housing, Homelessness and Infrastructure to approve any minor or non-material changes to the **GMSF: Publication Draft 2020** and background documents, following the period for representations and prior to their submission to the Secretary of State, for examination.

**24. APPOINTMENTS TO VARIOUS BODIES**

It was proposed by Councillor Warrington and seconded by Councillor Fairfoull and it was:

**RESOLVED**

- (i) That Councillors Naylor and Owen replace Councillors Fairfoull and Ryan on the Audit Panel; and
- (ii) That Councillor J Fitzpatrick's resignation from the Greater Manchester Pension Fund be noted.

**25. NOTICES OF MOTION**

**MOTION A**

Consideration was given to the following motion received in accordance with Standing Order 16.1, which was moved by Councillor Feeley and seconded by Councillor T Smith:

*That this Council believes that in light of the Government's refusal to fund free school meals for our most vulnerable children this half term, it is now necessary to publically call on the Prime Minister to support Marcus Rashford's campaign to end Child Food Poverty with a second vote in the House of Commons with the full backing of the Conservative Party.*

*This Council believes that no child should suffer holiday hunger, which is why we actively sought to make available the necessary support to families entitled to free school meals with the provision of supermarket vouchers over the half term holiday. At least 9,000 children across the borough are entitled to such support and Tameside Council will do all that it can to ensure that no child is neglected on the basis of the Government's inaction.*

*Council would also like to note its gratitude and appreciation of Tameside teachers, school support staff, community volunteers, third party partners and businesses who have worked with us in providing support in tackling holiday hunger over the October half term.*

*This Council resolves:*

- To ask the Chief Executive to write to the Prime Minister and express this Council's belief that a second Common's vote should be held to provide additional Free School Meal support over this year's Christmas school holidays.*

*If the Government once again fails to do the right thing in the provision of free school meals, we as a Council will once again provide the support that is needed to ensure that no child goes hungry throughout this year's Christmas school holidays.*

Following consideration of the Motion, the Chair of Council Business announced that, in line with the rules set out in the constitution, he had received a request for a named vote from the following six Councillors; Councillors: Cooney, Fairfoull, Feeley, Ryan, Warrington and Wills

The named vote was then taken as follows:

For the motion:

Councillors: Affleck, Alam, Billington, Bowden, Bowerman, Boyle, Bray, Cartey, Chadwick, Choksi, Cooney, Cooper, Dickinson, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Glover, Gosling, Gwynne, A Holland, B Holland, Hollinshead, J Homer, S Homer, Huntbach, Jackson, Jones, Kitchen, Lane, Lewis, McNally, Martin, Mills, Naylor, Newton, Owen, Patrick, Quinn, Reid, Ricci, Robinson, Ryan, Sharif, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.

Against the motion:

None.

## **RESOLVED**

**That this Council believes that in light of the Government's refusal to fund free school meals for our most vulnerable children this half term, it is now necessary to publically call on the Prime Minister to support Marcus Rashford's campaign to end Child Food Poverty with a second vote in the House of Commons with the full backing of the Conservative Party.**

**This Council believes that no child should suffer holiday hunger, which is why we actively sought to make available the necessary support to families entitled to free school meals with the provision of supermarket vouchers over the half term holiday. At least 9,000 children across the borough are entitled to such support and Tameside Council will do all that it can to ensure that no child is neglected on the basis of the Government's inaction.**

**Council would also like to note its gratitude and appreciation of Tameside teachers, school support staff, community volunteers, third party partners and businesses who have worked with us in providing support in tackling holiday hunger over the October half term.**

**This Council resolves:**

- To ask the Chief Executive to write to the Prime Minister and express this Council's belief that a second Common's vote should be held to provide additional Free School Meal support over this year's Christmas school holidays.**

**If the Government once again fails to do the right thing in the provision of free school meals, we as a Council will once again provide the support that is needed to ensure that no child goes hungry throughout this year's Christmas school holidays.**

## **MOTION B**

Consideration was given to the following motion received in accordance with Standing Order 16.1 which was moved by Councillor Newton and seconded by Councillor Reid:

*That this Council notes the planning application submitted to Stockport Metropolitan Borough Council and referenced DC/074399, for a large scale extension to the Bredbury Parkway Industrial Estate on the border with Tameside.*

*That this Council further notes the land is protected as Green Belt and forms part of the Tame river valley which is a shared natural asset of both boroughs.*

*As the application currently stands, the development would stretch down to the river bank, destroying the openness of the Tame Valley at this location, and severely impacting on the Hulme's and Hardy Woods Local Nature Reserve and Haughton Dale Local Nature Reserve, both in Tameside. That the proposed development does not accord with the Stockport Unitary Development Plan preserved policies or the Stockport Core Strategy, neither does it accord with the draft GMSF allocation in relation to:*

- *Need*
- *Green Belt*
- *The Environment*
- *The River Valleys*
- *Air Quality*

*That this Council notes the existing traffic problems on the A6017 Stockport Road, Denton, arising from the Bredbury Industrial Estate and poor associated transport infrastructure that would be made significantly worse by the additional HGV traffic from an extensive addition to this Industrial Estate.*

*That this Council considers that no exceptional circumstances can be made for the proposal before Stockport Council.*

*That this Full Council notes and supports the planning objections made by Tameside Council, Councillors, Andrew Gwynne MP and William Wragg MP, and the significant number of residents of Tameside and Stockport to this planning application.*

Following consideration of the Motion it was:

## **RESOLVED**

**That this Council notes the planning application submitted to Stockport Metropolitan Borough Council and referenced DC/074399, for a large scale extension to the Bredbury Parkway Industrial Estate on the border with Tameside.**

**That this Council further notes the land is protected as Green Belt and forms part of the Tame river valley which is a shared natural asset of both boroughs.**

**As the application currently stands, the development would stretch down to the river bank, destroying the openness of the Tame Valley at this location, and severely impacting on the Hulme's and Hardy Woods Local Nature Reserve and Haughton Dale Local Nature Reserve, both in Tameside. That the proposed development does not accord with the Stockport Unitary Development Plan preserved policies or the Stockport Core Strategy, neither does it accord with the draft GMSF allocation in relation to:**

- Need
- Green Belt
- The Environment
- The River Valleys
- Air Quality

**That this Council notes the existing traffic problems on the A6017 Stockport Road, Denton, arising from the Bredbury Industrial Estate and poor associated transport infrastructure that would be made significantly worse by the additional HGV traffic from an extensive addition to this Industrial Estate.**

**That this Council considers that no exceptional circumstances can be made for the proposal before Stockport Council.**

**That this Full Council notes and supports the planning objections made by Tameside Council, Councillors, Andrew Gwynne MP and William Wragg MP, and the significant number of residents of Tameside and Stockport to this planning application.**

## **26. QUESTIONS**

Councillor Huntbach raised a question under Standing Order 17.2 as follows:

*There is now substantial evidence that a deficiency of vitamin D leads to higher infection rates and poorer outcomes for respiratory diseases. A metanalysis of 25 randomised, double-blind, placebo controlled trials published in the BMJ in 2017 concluded that "Vitamin D supplementation was safe and it protected against acute respiratory tract infection overall. Patients who were very vitamin D deficient and those not receiving bolus doses experienced the most benefit". The role of vitamin D in the immune system is understood.*

*For COVID 19, also a respiratory disease, the risk factors for poor outcome and vitamin D deficiency, according to a referenced report in the Lancet 'show striking overlap' and whilst there has not been time to complete randomised controlled studies, two published epidemiological studies have reported correlations between low vitamin D status and high COVID 19 incidence and mortality. The Lancet report concluded that:*

*Pending results of such trials, it would seem uncontroversial to enthusiastically promote efforts to achieve reference nutrient intakes of vitamin D, which range from 400 IU/day in the UK to 600–800 IU/day in the USA. These are predicated on benefits of vitamin D for bone and muscle health, but there is a chance that their implementation might also reduce the impact of COVID-19 in populations where vitamin D deficiency is prevalent; there is nothing to lose from their implementation, and potentially much to gain.*

*Given that this deficiency is easily and cheaply tested for and remedied, will the council ensure that Tameside's Public Health Department and CCG work together urgently on a programme of testing, supplementation and advice aimed at protecting those groups in the community which are known to be generally vitamin D deficient and have the worst outcomes from COVID or are at higher risk of contact, i.e. the elderly, nursing home residents, those with diabetes and related conditions, BAME communities and front-line hospital and social care staff.*

In response, Councillor Wills stated:

*Vitamin D is essential for skeletal growth and bone health. NICE, the National Institute for Health and Care Excellence, with Public Health England, has produced an advisory statement that there is currently no evidence to support taking vitamin D supplements to specifically prevent or treat COVID-19. However, all people should continue to follow UK Government advice on daily vitamin D supplementation which is to maintain bone and muscle health during the COVID-19 pandemic.*

*The advice is as follows:*

*The major natural source of Vitamin D is from exposure to sunlight. During winter months, we rely on body stores from sun exposure in the summer and the limited sources in our diet. The UK Government advises that everyone needs vitamin D equivalent to an average daily intake of 10 micrograms (400 international units). They advise that all people should consider taking a daily supplement containing 10 micrograms vitamin D during autumn and winter months. They also advise that people whose skin has little to no exposure to sunlight and ethnic minority groups with dark skin, from African, Afro-Caribbean and South Asian backgrounds, should consider taking a vitamin D supplement all year round. This advice would also apply to people whose skin has little to no exposure to sunlight because they are indoors shielding or self-isolating. Therefore, UK Government advice during the COVID 19 pandemic is that everyone should consider taking 10 micrograms of vitamin D a day because they might not be getting enough from sunlight if they're indoors most of the day.*

## **27. URGENT ITEMS**

The Chair reported that there were no urgent items of business for consideration.

**CHAIR**

## EXECUTIVE CABINET

2 November 2020

Commenced: 11.00am

Terminated: 12.00pm

**Present:** Councillors Warrington (Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Ryan and Wills

**Apologies for absence:** Councillor Kitchen

<b>In Attendance:</b>	<b>Steven Pleasant</b>	<b>Chief Executive &amp; Accountable Officer</b>
	<b>Sandra Stewart</b>	<b>Director of Governance &amp; Pensions</b>
	<b>Tom Wilkinson</b>	<b>Assistant Director of Finance</b>
	<b>Steph Butterworth</b>	<b>Director of Adults Services</b>
	<b>Ian Saxon</b>	<b>Director of Operations &amp; Neighbourhoods</b>
	<b>Richard Hancock</b>	<b>Director of Children's Services</b>
	<b>Jayne Traverse</b>	<b>Director of Growth</b>
	<b>Jessica Williams</b>	<b>Director of Commissioning</b>
	<b>Ilys Cookson</b>	<b>Assistant Director, Exchequer Services</b>
	<b>Tracy Brennand</b>	<b>Assistant Director, People and Workforce Development</b>
	<b>Sarah Threlfall</b>	<b>Assistant Director, Policy, Performance &amp; Communication</b>
	<b>Debbie Watson</b>	<b>Assistant Director, Population Health</b>
	<b>Gregg Stott</b>	<b>Assistant Director, Investment, Development and Housing</b>
	<b>David Berry</b>	<b>Head of Employment and Skills</b>

### 68. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

### 69. MINUTES OF EXECUTIVE CABINET

#### RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 30 September 2020 be approved as a correct record.

### 70. MINUTES OF STRATEGIC COMMISSIONING BOARD

#### RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 30 September 2020 be noted.

### 71. MINUTES OF EXECUTIVE BOARD

#### RESOLVED

That the Minutes of the meetings of Executive Board held on 16 September 2020, 30 September 2020 and 7 October 2020, be noted.

## **72. MINUTES OF THE LIVING WITH COVID BOARD**

### **RESOLVED**

**That the Minutes of the meeting of the Living with Covid Board held on 23 September 2020 be noted.**

## **73. CARBON AND WASTE REDUCTION PANEL**

### **RESOLVED**

**That the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 9 September 2020, be noted.**

## **74. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 31 AUGUST 2020**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to Month 5. It was explained that in the context of the on-going Covid-19 pandemic, the forecasts for the rest of the financial year and future year modelling had been prepared using the best information available but was based on a number of assumptions. Forecasts were subject to change over the course of the year as more information became available, the full nature of the pandemic unfolded and there was greater certainty over assumptions.

Members were reminded that the CCG continued to operate under a 'Command and Control' regime, directed by NHS England & Improvement (NHSE&I). NHSE had assumed responsibility for elements of commissioning and procurement and CCGs had been advised to assume a break-even financial position in 2020-21.

It was explained that as at Period 5, the Council was forecasting an overspend against budget of £3.678m. The £3.678m pressure was non-COVID related and reflected underlying financial issues that the Council would be facing regardless of the current pandemic.

The COVID-19 pandemic was unprecedented and whilst its impact on local public service delivery was clearly significant, the full scale and extent of the health, socio-economic and financial impact was not yet fully understood. The immediate demands placed on local service delivery would result in significant additional costs across the economy, and the economic impact was expected to have significant repercussions for our populations, resulting in losses of income for the Council across a number of areas, potentially for a number of years. Whilst the immediate focus was quite rightly to manage and minimise the impact of the virus on public health, the longer term financial implications and scenarios needed to be considered.

Members were informed that included within the Education Capital Programme was a scheme to increase capacity at Aldwyn School from a 45-pupil intake to 60. The Scheme had a total approved budget of £2.716m. In addition to the proposed extension works at Aldwyn School, the project scope would also include resurfacing of the flat roof area of the existing school. The proposed extension works required the new roof and existing roof to connect. Rather than forming a joint to a poor quality roof, it was recommended that given the age and condition of the existing roof (including ongoing leaks) it would be more cost effective and less disruptive to the school to renew the roof covering at the same time. This would reduce the potential future leak risk and water damage to the new extension. It was explained that the estimated roofing cost was £320k and that this would need to be funded from School Condition grant as the works related to repairs and maintenance of the existing site.

The Council had £2,399,149 of School Condition funding available to be spent during the 2020/21 financial year, to improve and maintain the school estate. Grant had previously been earmarked for schemes totalling £1,900,000 and there was a balance of unallocated School Condition funding of

£499,149. This unallocated balance would reduce to £179,149 if the additional funding for Aldwyn was approved.

With regard to the Adult Social Care Infection Control Fund – Round 2, it was explained that the purpose of the fund was to support adult social care providers, including those with whom the local authority did not have a contract, to reduce the rate of COVID-19 transmission within and between care settings, in particular by helping to reduce the need for staff movements between sites. The Government announced on 1 October 2021 that the Adult Social Care Infection Control Fund had been extended until March 2021, with an extra £546 million of funding. This was a new grant, with revised conditions from the original Infection Control Fund. Tameside had been allocated a total of £2,131,598. The split of the funding was detailed in the report.

Local authorities should pass 80% of each instalment to:

- care homes within the local authority's geographical area on a 'per beds' basis
- CQC-regulated community care providers (domiciliary care, extra care and supported living) within the local authority's geographical area on a 'per user' basis

The other 20% of the funding must be used to support care providers to take additional steps to tackle the risk of COVID-19 infections but could be allocated at the local authority's discretion. It was expected that any funding allocated through this 20% would be used to support the full range of social care providers regardless of whether the local authority already commissioned care from them. The Council was currently engaging with Action Together and other local voluntary and community groups to determine the discretionary allocation of the 20% funding. It was expected that the funding would be distributed to providers within 20 working days of receiving the funding allocation.

Members were informed that, following the provision of free school meals for pupils throughout the school summer holidays and the ceasing of the scheme by central government, the Council was seeking to protect its most vulnerable children during the October half term by introducing a voucher scheme for those eligible pupils. Based on the October census there were 8,174 pupils eligible to receive free school meals and based on a £15 voucher for the week this would cost a maximum of £122k. The additional support could be funded from the general Covid Grant support that had been provided by central government to support Councils in their response to the pandemic. If approved an Executive Decision would follow setting out the implementation strategy.

#### **RESOLVED**

- (i) That the forecast outturn position and associated risks for 2020/21, as set out in Appendix 1 to the report, be noted;**
- (ii) That capital funding allocation of £320,000 of available School Condition Grant Funding to fund the roof repair works at Aldwyn School, as set out in Section 3 of the report, be approved;**
- (iii) That the distribution of 80% (£1,705,278) of Infection Control grant as set out in Section 4 of the report, be noted;**
- (iv) That delegated authority be given to the Director of Adult Services, in discussion with the Director of Commissioning (Strategic Commission) and the Director of Operations at Tameside & Glossop Integrated Care NHS Foundation Trust (ICFT), to distribute the remaining 20% (minimum value of £426,320) of the infection control grant funding in an appropriate manner; and**
- (v) That the creation of a £122k free school meals budget be approved, to fund a free school meal voucher scheme for all eligible pupils over the autumn half term break, to be funded from the general Covid support grant funding that has been received from Government.**

## **75. BUDGET CONVERSATION 2021/22**

Consideration was given to a report of the Executive Leader / Executive Member, Finance and Economic Growth / CCG Co-Chairs / Assistant Director, Policy Performance and Communications / Assistant Director, outlining the proposals to engage with the public in autumn 2020 on their priorities for spending within the context of financial challenges facing public services, including the impact of the Covid-19 pandemic.

It was proposed that this year's engagement would take the form of a conversation with the public on providing sustainable public services for the future and their priorities including the impact of the Covid-19 pandemic.

The Assistant Director of Policy, Performance and Communications explained that due to changing national and local Covid-19 social distancing restrictions, engagement could take place at in-person meetings if safe and practical, but the majority of engagement was likely to take place through virtual engagement. Methods of virtual engagement may include Skype or Zoom video meetings, an online survey and social media. Engagement would be supported by an extensive communications campaign that would include digital methods such as websites, social media and email and non-digital methods such as newspapers, radio, and partner organisation networks.

The conversation would be used to educate and inform the public on the Strategic Commission's budget and its financial challenges whilst also allowing feedback and ideas from the public on how services could be improved and savings made.

It was stated that the conversation with Glossop residents would relate to health services commissioned by Tameside & Glossop Strategic Commission only. Engagement material would be tailored accordingly.

To support the engagement activity, a full programme of communications would be undertaken. This would include a full suite of infographics that could be used to help explain the Strategic Commission's budget and spend. These infographics would be used in the presentation to make it easier for the public to digest the information. This could then also be used on social media, websites, and other promotional material.

### **RESOLVED**

- (i) That the content of the report be noted;**
- (ii) That approval be given to proceed with the proposals, as detailed in the report.**

## **76. ALLOCATION OF THE ADULT SOCIAL CARE INFECTION CONTROL FUND RING-FENCED GRANT 2020**

The Executive Member, Health, Social Care and Population Health / CCG Chair / Director of Adults Services submitted a report describing the Conditions of the Adult Social Care Infection Control Fund Grant and how the Council was expected to allocate, distribute and report on the Grant across the CQC registered residential settings and community care settings and non-CQC registered 'other' care settings in the borough.

It was explained that Annex B of the Department of Health and Social Care *Adult Social Care Infection Control Fund Ring-Fenced Grant 2020 Local Authority Circular* published on 1 October 2020 reported that the allocation given to Tameside Council was £2,131,598. This total amount of funding was to be distributed across three care sectors across the borough as follows:

- CQC Registered Care Homes - £1,100,512
- CQC Registered Community Care Providers - £604,766
- Other Care Settings - £426,320

The report provided details of the conditions attached to allocation of the first and second payments of the grant and described the reporting process that would be put in place to demonstrate the appropriate application of the grant by the Council and the providers.

The purpose of the Grant was to provide support to adult social care providers, including those with whom the Council did not have a contract, to reduce the rate of COVID-19 transmission in and between care homes and support wider workforce resilience to deliver infection control. The Grant must only be used to support care homes and community care providers to tackle the risks of COVID-19 infections.

The Conditions of the Grant were set out in the LA Circular published 1 October 2020 at Annex C: Grant Conditions. Local authorities must ensure that 80% of the grant was allocated to care homes and CQC-regulated community care providers on a 'per bed' and 'per user' basis in order to support specific measures, as detailed in the report.

#### **RESOLVED**

- (i) The distribution of £2,131,598 of the grant funding, subject to the specified Conditions, be noted; and**
- (ii) That £1,100,512 is distributed across CQC regulated care homes, £604,766 is distributed across CQC regulated community care providers, and £426,320 is distributed across other care settings as detailed in Appendix 1 to the report.**

#### **77. COVID 19 - SELF ISOLATION PAYMENTS**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Assistant Director, Exchequer Services, which set out the eligibility criteria for self-isolation payments where the NHS had advised that self-isolation was necessary.

It was reported that On 20 September 2020 the Rt Hon Matt Hancock MP wrote to all local authority Chief Executives and Leaders confirming that with effect from 28 September 2020 there would be a new legal duty on all those who test positive for COVID-19 or are identified by the NHS Test and Trace as a close contact, requiring them to self-isolate. Failure to comply would carry a fine.

The letter made clear that local authorities should focus on the principle of encouraging, education and supporting compliance, and alongside that would be funding for a new Test and Trace Support Payment scheme for people on low incomes who are unable to work while they were self-isolating because they could not work from home.

The expectation was that all local authorities would process applications and administer payments and that systems were expected to be in place by 12 October. Individuals who were eligible prior to that date would be able to make a backdated claim. Individuals who were required to self-isolate and who met the benefits-linked eligibility criteria would be entitled to £500.

It was stated that Local authorities were expected to have systems in place by 12 October; individuals who were eligible prior to that date would be able to make a backdated claim.

The scheme would run until 31 January 2021. During this time, government would continue to review the efficacy of the scheme, and the impact of COVID-19 incidence levels.

DoHSC had been prescriptive in who must be considered eligible for a £500 lump sum payment if the person instructed to self-isolate by the NHS did not qualify as not in receipt of specified benefits. Given that discretionary funding was low in comparison to cases that could be anticipated and a set payment of £500 must be made, only 146 applicants could receive discretionary funding. This was a similar position across the GM region in terms of limited discretionary funding, therefore, agreement in principle had been reached across all of the Greater Manchester boroughs on the criteria.

#### **RESOLVED**

- (i) That the content of the report be noted; and**
- (ii) That the discretionary scheme, as detailed in Section 3 of the report, be approved.**

## **78. WORKFORCE GREEN TRAVEL OFFER – EXPANSION OF THE CYCLE TO WORK SCHEME**

A report of the Executive Leader / Executive Member, Transport and Connectivity / Assistant Director, People and Workforce Development, was submitted, which outlined the importance of a strong Green Travel Offer for the workforce with the opportunity to expand the Council's current Cycle to Work scheme via salary sacrifice to eligible employees of the CCG, whilst increasing the £1,000 purchase limit to enable the purchase of higher priced bikes; or to support those looking to buy an electric bike

In line with efforts to improve the carbon footprint and reduce the impact on the environment, the organisation had in place a cycle to work scheme for employees and Elected Members to support them in the purchase of a bike through a salary sacrifice scheme of up to £1,000.

The current circumstances provided an opportunity to encourage employees and elected Members to cycle and take opportunity of this scheme, which enabled them to save when purchasing through the scheme and ultimately enjoy the benefits of cycling on their physical and mental wellbeing.

The scheme continued to be available to all Council and School employees, in addition to elected Members, and would be further promoted during this period of time to encourage and support access and usage of the scheme.

In order to promote and enable greener travel across the workforce, it was proposed that the Council's existing cycle scheme would be extended to eligible employees of the CCG; who don't currently have a scheme in place.

It was recommended that, in order to mitigate risk, the purchase limit would be increased to £5,000 as opposed to completely removing it. This would still provide a greater range of available bikes, particularly for those who were advanced cyclists looking to purchase a higher priced bike, or those looking to buy an electric bike (e-bike) to make cycling more accessible.

It was explained that whilst the removal of the purchase limit presented some financial risk, the scheme included clear terms and conditions, which set out at the start of the agreement how money would be recovered where required. To further mitigate the financial risk, it is proposed that a payment framework would be implemented, which dictated the term of the hire agreement, dependent upon the price of the bike.

It was further explained that as savings were based on the amount of salary sacrificed by each employee; increasing the spending limit would also increase the savings realised by both the organisation and the participating employees.

### **RESOLVED**

- (i) That the current £1,000 purchase limit on the Council's Cycle to Work scheme be increased to £5,000, to provide the option of purchasing higher priced bikes, including e-bikes, to make cycling more accessible;**
- (ii) The existing Council Cycle to Work scheme be expanded to be inclusive of eligible employees of the CCG, in order to promote and enable greener travel across the workforce;**
- (iii) A value linked repayment framework be applied, to manage the risk of higher bike purchases for both the Council and the CCG; and**
- (iv) That the scheme be approved to include the following parameters:**
  - Approval is subject to meeting the required eligibility checks and signing the agreed terms of the salary sacrifice scheme;**

- **Only employees who have successfully passed their probation period are eligible to apply; and**
- **Only employees who are not subject to a formal performance/capability process or with a live performance/capability warning are eligible to apply.**

## **79. WORKFORCE GREEN TRAVEL OFFER - CAR LEASING SCHEME VIA SALARY SACRIFICE**

The Executive Leader / Assistant Director, People and Workforce Development, submitted a report, which outlined the importance of a strong Green Travel Offer for the workforce with the opportunity to implement a car leasing scheme via salary sacrifice for employees of Tameside Council. The report set out a proposal to introduce a HMRC approved, green car leasing scheme via salary sacrifice to the employees of Tameside MBC.

It was explained that Tameside & Glossop CCG already offered a salary sacrifice car leasing scheme to their employees, through the provider NHS Fleet Solutions. As a partner organisation in the Single Commissioning Group, selecting this provider would achieve a consistent approach to the reward offer for the workforce, whilst also engaging a public sector organisation.

The scheme would allow an employer to provide employees with a brand new fully maintained and insured car, at a lower cost than they could normally achieve in the retail market. The employee would pay for their car over a two or three year period through a fixed reduction in their gross salary, via a HMRC approved salary sacrifice scheme.

There were a number of advantages to the Council of implementing a car leasing scheme, including:

- 'Green' credentials – by helping to remove old / energy inefficient cars and replace them with new cars which emitted less CO2.
- There would be a reduction in employer NICs and pension contributions directly related to the amount that was salary sacrificed.
- Recruitment and retention - the scheme would aid the organisation's ability to recruit and retain employees, as easy access to a good-value car leasing deal was an attractive employee benefit.
- Compliance / duty of care –The Council was liable for ensuring that employees were licensed, taxed, insured and that their cars were roadworthy. New cars leased through the salary sacrifice arrangement being proposed dramatically reduced the organisation's liability as the lease cost to the driver included insurance, servicing and maintenance of the vehicle, breakdown cover as well as tyre and windscreen replacement.

Whilst the scheme had a number of benefits, there were also risks; some of which had a financial implication. The Local Government Pension Scheme (LGPS) considered car leasing as a non-allowable benefit, which would mean that pension contributions and benefits were based on the salary after the lease amount had been sacrificed. This would produce a short term saving for the organisation as the employers' pension contributions were paid on the reduced salary and not the gross salary. However the longer term implication was reduced pension contributions from employees who participated in the scheme for the duration of the lease term.

One of the main risks relating to the scheme was early termination fees. Whilst the providers had measures in place to mitigate such risk from the organisation, in some circumstances the Council would be liable for any outstanding costs that could not be recovered from the employee e.g. when an employee leaves without working their notice period.

**RESOLVED**

- (i) That the implementation of a car leasing scheme via salary sacrifice for employees of Tameside Council (excluding Schools) to promote and enable greener travel where car is the chosen mode of transport, be approved;
- (ii) That the chosen provider from the lead 2 companies outlined in the report, be NHS Fleet Solutions;
- (iii) That the car leasing scheme be approved to include the following parameters:
  - Sacrificed salary deduction cannot reduce pay below the minimum wage
  - One lease arrangement per employee
  - Approval is subject to meeting the required eligibility checks and signing the agreed terms for the salary sacrifice arrangement
  - Only employees who have successfully completed their probation period, and are not subject to a formal performance/capability process or with a live performance/capability warning are eligible to apply
  - Apply risk protection measures as built in costs where appropriate i.e. Family Cover to mitigate any potential financial loss.
- (iv) That an emissions cap be placed within the car leasing scheme at 110 – 120 g/km; steering individuals towards eco-friendly transport, but continue to allow popular, lower emission, petrol cars to be included.
- (v) That HMRC advisory fuel rates be paid for company cars, as updated each quarter; and
- (vi) That the scheme be offered to School Staff.

## **80. INCLUSIVE GROWTH STRATEGY 2021-26**

The Executive Member, Finance and Economic Growth / Director of Growth submitted a report which setting out the vision, aims and priorities of the emerging Tameside Inclusive Growth Strategy 2021-26 along with a timeline for consultation and adoption.

It was explained that the draft Inclusive Growth Strategy 2021-26 set the vision, aims, priorities and delivery plans to transform Tameside by harnessing the strengths and opportunities of people, land, health and digital. Inclusive Growth for Tameside's economy would deliver economic growth for all by enabling all Tameside's residents to access opportunities. The emerging vision, aims and priorities were considered by Executive Board on the 4 March 2020. The Strategy would be dependent on a range of partners working across private, public and voluntary sectors to deliver out plans. In the development and production of this strategy, steps had been taken to ensure that the idea of inclusiveness was practiced in engagement in and delivery of our practical work.

The Strategy would provide detail to the Corporate Plan on how to realise and deliver overarching priorities. The Inclusive Growth Strategy would provide the local response to the Greater Manchester (GM) Local Industrial Strategy and sat at the centre of a range of core local strategies that were interdependent, these included:

- Tameside Housing Strategy (in development)
- Tameside Strategic Asset Management Plan (in development)
- GM Combined Authority (GMCA) 5 year Environment Plan
- Tameside Local Plan (in development)
- GM Spatial Framework (in development)
- Tameside Locality Plan

The Strategy would deliver across all of the priorities in the Corporate Plan. The Strategy would be parent to sub delivery plans that further evidenced the work across wider determinant strands such as health and poverty.

The Strategy had been informed by the GM Local Industrial Strategy, Independent Prosperity Review 2019 and Tameside Economic Baseline Review 2020. Wider studies, reports and research documents had also informed this work including the emerging Tameside Housing and Asset

Management strategies. The Tameside Economic Baseline Review provided the core evidence base for the strategy, a copy of which was appended to the report.

A timeline for the work was detailed in the report and Members were informed that public stakeholder consultation and engagement (including with youth council) was proposed to take place from 4 November - 16 December 2020 for 6 weeks, with the Strategy being submitted for adoption to the meeting of Executive Cabinet in January 2021.

#### **RESOLVED**

- (i) That the commencement of the consultation on the Draft Inclusive Growth Strategy with a minimum consultation period of 6 weeks, be approved; and**
- (ii) That the Economic Baseline Report be noted and made available as part of the consultation with the public.**

### **81. STATEMENT OF COMMUNITY INVOLVEMENT**

Consideration was given to a report of the Executive Member, Housing, Planning and Employment / Director of Growth, which stated that the Council's current Statement of Community Involvement (SCI) had been adopted on 31 August 2016 to reflect changes to how planning documents were prepared and communities involved. The Covid-19 pandemic and continued progress on the Greater Manchester Spatial Framework (GMSF) meant it was important to reflect a number of more technical amendments to the SCI, ensuring consistency across Greater Manchester in the message delivered through SCIs about the GMSF.

The SCI had now been the subject of a six-week period of public consultation which ended on 1 October 2020. The outcomes of this were presented, where appropriate modifications had been made and it was the final updated SCI which was presented to be agreed for publication.

It was stated that consultation was an important part of the planning process. It brought significant benefits by: strengthening the evidence base for plan-making and decision taking; ensuring community commitment to the further development of an area; promoting regeneration and investment; and increasing ownership and strength of delivery.

Members received a Responses Report appended to the report which summarised the methodology used to publicise the consultation on the revised draft SCI; provided a summary of representations received; and the Council's response to the representations. In summary, no further amendments to the SCI were considered necessary following the careful consideration of the consultation responses.

#### **RESOLVED**

**That the revised Statement of Community Involvement as set out at Appendix 1 to the report, be adopted and published.**

### **82. GREATER MANCHESTER TRANSPORT STRATEGY 2040, OUR FIVE YEAR DELIVERY PLAN (2020-2025) AND LOCAL IMPLEMENTATION PLANS" - CONTENT AND PUBLICATION ARRANGEMENTS.**

A report was submitted by the Executive Member, Transport and Connectivity / Director of Growth, providing details of the content and publication arrangements for the refreshed Greater Manchester Transport Strategy 2040, Our Five Year Delivery Plan (2020-2025) and Local Implementation Plans.

It was stated that the initial version of the 2040 Strategy had undergone a policy refresh to reflect work undertaken, and the changed context, since 2017. In particular, the refreshed 2040 Transport Strategy would include reference to the "Right-Mix" ambition for at least 50% of all journeys to be made by active travel and public transport by 2040, details of the GM Mayor's 'Our Network' plan to

create an integrated, modern and accessible transport network, an increased emphasis on the physical benefits of cycling and walking, the climate emergency declared by GMCA and all ten councils and the development of the GM Clean Air Plan.

The document had also been updated to reflect the contemporary devolution agenda, including publication of the Bus Reform business case and GM Rail Prospectus; ongoing work to develop 2040 sub-strategies.

In parallel, with the GMSF consultation in early 2019, a light-touch consultation on the GM Transport Strategy 2040 Draft Delivery Plan was undertaken via a dedicated email address. From a transport perspective the comments on the GMSF connectivity chapter were of particular relevance to the Delivery Plan. A final version of this document, including consultation feedback has now been prepared.

“Our Five-Year Delivery Plan” was supported by ten Local Implementation Plans (LIPs) covering the period 2020 to 2025. Each of the ten councils that make up Greater Manchester has its own LIP. It was also hoped that the LIPs will enable authorities to better express and describe the local transport and minor works interventions that need to be delivered or developed in the short term, to support Right-Mix and Carbon Reduction targets.

Alongside the other district Local Implementation Plans (LIP), Tameside’s own plan set out its transport priorities for the next five years, as part of the Greater Manchester Transport Strategy 2040 5-Year Delivery Plan (2020-2025). Each plan was considered “live” meaning that while the wider delivery plan tended to consider large, medium and long-term future initiatives, the LIP was mainly focussed on local neighbourhood and town-level priorities and interventions to support the broader economic vision and other related benefits to be delivered across Tameside. Within the Tameside Local Implementation Plan, a summary of Tameside Strategic Schemes contained within the “Our Five-Year Delivery Plan” (2020-2025) are reproduced below at Map 1 with further details provided at Appendix 1 to the report.

## **RESOLVED**

- (i) That the refreshed Greater Manchester Transport Strategy 2040 and the final version of “Our Five-Year Delivery Plan” be endorsed for approval by GMCA and publication in November 2020, alongside GMSF; and**
- (ii) That the publication of the supporting Local Implementation Plans (including Tameside’s) be approved as an appendix to “Our Five-Year Delivery Plan”, acknowledging that these are “live” documents and will be subject to regular review and update as appropriate.**

### **83. HATTERSLEY STATION TICKET OFFICE REDEVELOPMENT, GOVERNANCE OF RAIL INVESTMENT PROCESS (GRIP) STAGES 6 – 8**

The Executive Member, Finance and Economic Growth / Director of Growth, submitted a report, which provided information on the progress made to date on Hattersley Station Ticket Office redevelopment and sought the authorisation to make the award of a grant up to the sum of £571,828.51 to Northern Trains Limited for the construction and commissioning of the Hattersley Rail Station Ticket Office Redevelopment Project through a formal Grant Funding Agreement.

The report summarised the progress to date and it was explained that the first phase of the strategy to improve Hattersley Railway Station was funded from Local Sustainable Transport Fund monies with a substantial contribution from the Hattersley Land Board. Phase one was completed in March 2016 with a significant increase in passenger numbers.

The second phase of the strategy to improve Hattersley railway station was for the provision of an improved ticket office. The Council had secured grant funding of £750,000 from the Greater Manchester Combined Authority through the GM Growth Deal Round 2 to deliver this project. This

funding had to be spent by the end of March 2021. Following approval, Northern Trains Limited would be awarded a grant to carry out these works.

Members were advised that a letter received by the GMCA in May 2020 from the Ministry of Housing, Communities and Local Government (MHCLG) set out the position around how Government wanted to manage the 2020/2021 Growth Deal grant, based upon forecast spend and commitment. In summary, the Government said that they would initially pay only 2/3 of GM's LGF allocation for 2020-21 in advance followed by a period of joint working and review over the summer on contractual commitments and likely spend over the remainder of the year. The remaining 1/3 of Growth Deal grant would be dependent on GM achieving full spend across the Growth Deal programme the financial year and being able to demonstrate that this full spend was 'contractually committed' by 31 July 2020.

Following work by TfGM and GMCA with partners to maximise both the contractual commitment of spend on GD projects by 31 July 2020, and on bringing forward expenditure where possible, on all projects. The MHCLG responded to the GMCA stating that the final third of the LGF funding would be paid to the GMCA in August 2020.

The necessity to enter into the Grant Funding Agreement for GRIP Stages 6 to 8 at the earliest opportunity was emphasised, to minimise the risk of losing funding earmarked for this project.

#### **RESOLVED**

- (i) That the making of the award of a grant up to the sum of £571,828.51 to Northern Trains Ltd to undertake GRIP Stages 6 – 8 for the construction and commissioning of the Hattersley Rail Station Ticket Office Redevelopment Project through a formal Funding Agreement, be approved;**
- (ii) That the risks of entering into the Grant Funding Agreement be accepted and it be approved that:**
  - a. Delegated Authority be provided to the Director of Growth to enter into the Grant Funding Agreement on behalf of Tameside MBC;**
  - b. Delegated Authority be provided to the Director of Growth to manage the programme of works associated with the Grant Funding Agreement and to drawdown and incur all expenditure related to delivery. On-going performance and reporting will be provided as required.**

#### **84. GREATER MANCHESTER SPATIAL FRAMEWORK**

Consideration was given to a report of the Executive Member, Housing, Planning and Employment / Director of Growth, seeking approval to publish Greater Manchester's Plan for homes, jobs and the environment (the Greater Manchester Spatial Framework (GMSF)): Publication Draft 2020, including supporting background documents, for a period of public consultation in accordance with planning regulations. Further, the report recommended that Full Council approve the submission of the GMSF for examination to the Secretary of State following the period of public consultation and sought delegation to make minor or non-material amendments to the plan and background documents at two separate points.

It was explained that, since the consultation closed, further work had been undertaken to analyse the responses, develop and refine the evidence base and prepare a further version of the plan. A Consultation Final Report accompanied the GMSF 2020 to enable people to see how their previous comments had been considered and how the plan had been changed as a result, or why some comments have not resulted in changes.

A revised draft GMSF had been prepared and the next consultation was the 'Publication stage', a formal consultation on the jointly prepared plan and its background information, in accordance with relevant national regulations (in this case regulation 19 of the Town and Country Planning (Local

Planning) (England) Regulations 2012). This formal consultation was proposed to take place between dates to be agreed at the AGMA Executive meeting scheduled for 30 October 2020. The publication plan was one that the ten boroughs of Greater Manchester considered sound. At the end of this next consultation period, the plan, along with copies of representations made, and other supporting documents, would be submitted to the Secretary of State.

The consultation would be carried out in line with the requirements of each of the district Statements of Community Involvement. The challenges posed by the coronavirus pandemic had been significant and government guidance continued to have implications for how the public could be engaged, especially through this next consultation phase. However, the government had also been clear that the challenge presented by the virus was not a sufficient reason to delay plan preparation. Therefore a range of activities and reasonable steps had been considered to ensure a broad spectrum of the community are engaged through publishing the plan and the achievement of a consultation in a safe and broadly consistent way across Greater Manchester.

The GMSF Publication Draft 2020 continued to follow the broad spatial strategy approach of significant growth within the core area of Greater Manchester, while boosting the competitiveness of the north and sustaining the south of the area. To this effect, the spatial distribution of development was also broadly similar to that set out in 2019. In pursuit of this, the GMSF 2020 proposed at least 2,460,000 square metres of new office floor space, 4,220,000 square metres of industrial and warehousing floorspace and close to 180,000 new homes across Greater Manchester over the plan period.

As in 2019, a large share of development in Tameside was expected to be accommodated on sites within the existing urban area. However, three Green Belt sites at: Ashton Moss West; Godley Green Garden Village; and South of Hyde; were needed to supplement this for both employment and housing uses.

Godley Green continued to be identified as having potential to accommodate around 2,350 new homes, although not all are envisaged to be delivered within the plan period and South of Hyde around 440 new homes.

Ashton Moss West continued to be identified for employment uses, although the use classes prescribed had been brought up to date in line with recent government changes and overall development yields for the site had been reduced from around 175,000 square metres of potential floorspace to around 160,000 square metres.

All of the three strategic sites maintained the same level of land to be taken out of the Green Belt (known as Green Belt deletions). This was mirrored through allocation boundaries that remained the same, apart from the addition of a small parcel of non-Green Belt land at the South of Hyde site. This was adjacent to Hilda Road and was to facilitate access from the A560.

Alongside the identification of three sites for development purposes, the GMSF Publication Draft 2020 also identified a number of sites to be protected and added to the Green Belt (known as Green Belt additions).

The existing Green Belt in Tameside extended to approximately 5,071 hectares and a further 75.19 hectares of land in the borough, across 12 sites, had been identified within the Publication plan to be designated as such. Initially 17 sites had been proposed within the 2019 GMSF and a further three sites were put forward through the 2019 consultation. Following further analysis of the proposed additions, there were 12 sites taken forward

This meant that the overall net change in Green Belt for the borough was a 2.7% reduction, this was comparative to an initial net reduction in 2016 of 8.6% and an overall net reduction in the Greater Manchester Green Belt in 2020 by 3.25%.

While the spatial strategy and distribution of development within the GMSF Publication Draft 2020 remained broadly similar to that presented in the 2019 revised Draft GMSF, there had been substantial work to strengthen the evidence base. This had been added to significantly in direct response to consultation comments and had informed the development of the GMSF Publication Draft 2020 and its policy content.

The report concluded that, in 2014 the Council resolved to work collaborative with those in Greater Manchester to prepare jointly a strategic planning document for the city region. The next consultation stage represented a move toward the culmination of that process, prior to submission of the plan to the Secretary of State for independent examination.

The plan, alongside thematic policy content, identified in Tameside three strategic sites for growth and twelve sites for further protection as additions to the designated Green Belt. Alongside this, it also sought to provide the borough with an up to date housing target, the strategic context for the borough's Local Plan and updated development management policies to be used in the determination of planning applications.

#### **RESOLVED**

- (i) That the GMSF: Publication Draft 2020, be approved, including strategic site allocations and green belt boundary amendments, and reference to the potential use of compulsory purchase powers to assist with site assembly, and the supporting background documents, for publication pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for a period for representations between the dates agreed at the AGMA Executive meeting on 30 October 2020;**
- (ii) It be recommended that Full Council approves the GMSF: Publication Draft 2020 for submission to the Secretary of State for examination following the period for representations;**
- (iii) That delegated authority be given to the Director of Growth in consultation with the Executive Member (Housing, Planning and Employment), to approve the relevant Statement of Common Ground(s) required, pursuant to the National Planning Policy Framework 2019;**
- (iv) That delegated authority be given to the Lead Chief Executive, Housing, Homelessness and Infrastructure, in consultation with City Mayor, Paul Dennett, Portfolio Leader for Housing, Homelessness and Infrastructure, to make minor or non-material amendments to the GMSF: Publication Draft 2020 and background documents prior to their publication.**
- (v) It be noted that, upon adoption, the GMSF is likely to replace elements of the borough's existing planning framework, such as some of the saved policy content within the 2004 Unitary Development Plan.**

**Executive Cabinet recommends that Council:**

- (vi) Following Executive Cabinet's approval of the GMSF: Publication Draft 2020 and supporting background documents for publication ((i) above refers), agrees that these documents are submitted to the Secretary of State for examination, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 following the period for representations between the dates agreed at the AGMA Executive meeting on 30 October 2020.**
- (vii) Delegates authority to the Lead Chief Executive, Housing, Homelessness and Infrastructure, in consultation with City Mayor, Paul Dennett, Portfolio Leader for Housing, Homelessness and Infrastructure to approve any minor or non-material changes to the GMSF: Publication Draft 2020 and background documents, following the period for representations and prior to their submission to the Secretary of State, for examination.**

## 85. GODLEY GREEN GARDEN VILLAGE - PROJECT UPDATE & BUSINESS CASE

A report was submitted by the Executive Member, Housing Planning and Employment / Director of Growth, which provided an update following the Council's decision in December 2019 to enter into a Grant Funding Agreement (GFA) with Homes England to secure £10m for the critical infrastructure required to open up the site for residential development.

It was explained that Godley Green had the potential to provide transformational change to the Tameside housing market through delivery of up to 2,350 new quality homes helping to satisfy the housing requirements of local people across all tenure and housing types, from affordable to executive homes.

Godley Green was "the" key strategic site for Tameside. If it came forward for development through greenbelt release, it had the potential to deliver 25% of the Council's housing requirements over the Greater Manchester Strategic Framework (Greater Manchester Spatial Framework) plan period. If the site was not promoted for development, the Council would be required to identify alternative sites to meet its future housing requirements.

Members were presented with the anticipated benefits to the Council, these were summarised as follows:

- Council Tax – An increase in council tax to enable the funding of borough wide services
- Section 106 – The borough would benefit from any developer or section 106 contributions from the scheme to invest in public infrastructure
- Enhanced Council Land Value – The land value uplift of the Council's 8.5 acres
- HIF Grant Investment in the borough– If the scheme performs better than initially expected, the £10m would be recoverable by the council to reinvest in housing and place making across the borough.
- Recover costs incurred pursuing the Planning Permission and development related fees
- Housing Needs – The site could deliver 25% of the Council's housing needs over the plan period
- Affordable Homes – The site would deliver 30% affordable housing.
- Social Value – Significant new public realm and new green and blue infrastructure.
- Hyde & Hattersley – Impact of the new community and wider socio-economic benefits
- Exemplar Scheme – Creation of a nationally recognized exemplar settlement
- Job Creation – The local centers will provide jobs for local people
- Education – New educational curriculum and vocational opportunities linked to Godley Green.
- Health & Wellbeing – Through the high-quality provision and improved access to open space.
- Energy Sustainability – Modern methods of construction and renewable energy solutions
- Accessibility – High quality place making with a focus on removing vehicle reliance.
- Transformational Growth – Place People

The report explained that due to the complexity, duration, and scale of this the project, a programme had been established around 6 key stages which reflected the different risks, outputs and governance that would be required to deliver the vision for Godley Green. There were multiple interdependencies between each stage which would require progress to be made concurrently and in a collaborative way:

- Stage 1 – Project Inception & Securing Funding
- Stage 2 – Planning Application Process
- Stage 3 – Securing Land Interests
- Stage 4 – Developer and/or Partnership discussions
- Stage 5 – HIF Funded Infrastructure Delivery
- Stage 6 – Wider Site Delivery

Acting as Land Promoter, the Council was preparing a hybrid planning (outline development with

detailed Infrastructure works) application for the project based on a Very Special Circumstances (VSC) case. This approach had been discussed with, and endorsed by, the Local Planning Authority (LPA) through regular pre-planning meetings.

It was reported that it was unlikely that one single factor would provide sufficient weight to make the case for greenbelt release, given its size, scale and location. However, it was considered that a VSC case could be made by combining a number of benefits together, each of which would carry a different degree of weight. For a development of the scale and complexity of Godley Green the LPA had confirmed that a full Environmental Impact Assessment (EIA) would be required.

The cost of developing a planning application of this scale was circa £2,125,000. This was being funded through the initial £720,000 HIF drawdown and £1,000,000 of Council support committed through the budget setting process. The remainder would be funded through existing budgets.

The report summarised Stage 3 and the Land Option Agreements. Under the grant funding agreement, there was a commitment by way of pre-drawdown condition to secure the land interest. The most optimal approach, endorsed by Homes England, was for the Council to enter into Land Options Agreements (LOA) with each of the landowners within the redline that constitutes the Godley Green development proposition.

In line with the HIF contract conditions, a CPO strategy would need to be developed to run alongside the landowner Option Agreement negotiations and Planning Application. Without a CPO, the Council may be unable to demonstrate deliverability of the site which would impact the planning application determination.

Whilst it could be possible to acquire land by option agreements, the Council would need to consider using compulsory purchase powers. The Council needed assurance that the site assembly exercise could be completed without undue delay and without being held to ransom by owners maximising value unreasonably and unwilling to sell. An external legal team had been appointed to provide support on the CPO process and a range of other issues relating to the Planning Application process.

#### **RESOLVED**

- (i) That a budget of £2.75m to allow the progression to the next phase of the project as detailed within the confidential business case, be approved;**
- (ii) In approving the additional £2.75m budget, that the significant benefits afforded by the scheme of a positive planning decision with any financial benefits from this being used to replenish the Medium-Term Financial Strategy reserve by the £2.75m, be noted.**
- (iii) That the bringing forward of £0.5m of reserve funding into 2020/21 that is currently earmarked to be spent in 2021/22 to allow the completion of the planning application by February 2021, be approved;**
- (iv) That entering into Land Option Agreement's as the preferred route to acquiring the land interests across the Godley Green site to satisfy the existing contractual commitments with Homes England, be approved;**
- (v) That the spending of the approved implementation budget as outlined in the confidential business case set out at Appendix A to the report, be approved; and**
- (vi) That the postponement of the Council led consultation for Godley Green until the new year be approved, to allow the consultation to run consecutively with the Greater Manchester Spatial Framework consultation following advice from the Local Planning Authority. This will not impact the overall delivery date of Godley Green.**

#### **86. FORMER TWO TREES SCHOOL, DENTON - DEMOLITION OF BUILDINGS AND SITE CLEARANCE**

The Executive Member, Finance and Economic Growth / Director of Growth submitted a report seeking approval and funding to proceed with the proposed demolition of the former Two Trees School buildings and associated site clearance in preparation for disposal or redevelopment.

It was explained that, following the school closure in 2012, a condition survey of the buildings was undertaken and identified that parts of the buildings on site were unsuitable for future occupation due to general condition and safety concerns. These areas were isolated from the main occupied areas and made inaccessible. No repairs or maintenance have been carried out on these areas since this decision. In 2015 when the site was used as decant accommodation for Tameside One further investigations were carried out and other areas isolated due to further deterioration of the building fabric.

It was explained that the LEP costed plan indicated that full asbestos removal, demolition costs and site clearance would be £763,480 and take 8 months to complete from the date of approval. Prior to the start of demolition works planning and building control consent would be obtained.

In order to reduce the demolition programme it was proposed that a soft strip of the building be undertaken in advance of planning approval. The soft strip would include the removal of redundant mechanical and electrical installations and asbestos.

The demolition procurement route was via the LEP through the Additional Services contract and plans to clear the site were at an advanced stage including a detailed cost plan necessary to inform this report, which had been developed through a robust procurement exercise through the LEP.

The cost estimate would be fixed once the final surveys of the site had been concluded. The cost of demolishing the building and clearing the site was estimated at £763,480 with a request to allow £0.800m in the Capital programme to allow for the findings of proposed surveys.

#### **RESOLVED**

- (i) That the demolition and site clearance of the buildings at the former Two Trees High School be authorised in principle, subject to detailed surveys and planning approval noting that the removal of asbestos and mechanical and electrical installations can proceed in advance of planning approval to demolish;**
- (ii) That the demolition and site clearance be procured through the LEP Additional Services Contract;**
- (iii) That it be recommended to Council that the approved capital programme is varied to allocate an indicative budget of £0.800m to fund demolition and site clearance on the basis of urgent Health and Safety works; and**
- (iv) That it be agreed that, in the event that the detailed surveys indicate that additional budget is required that the whole project cost be subject to scrutiny and approval of the Executive.**

#### **87. THE COUNCIL'S SPORT AND LEISURE FACILITIES – FINANCIAL SUSTAINABILITY DURING THE COVID-19 (CORONAVIRUS) PANDEMIC**

Consideration was given to a report of the Executive Member, Neighbourhoods, Community Safety and Environment / Assistant Director of Population Health / Assistant Director of Finance, which outlined the current trading position of Active Tameside and a number of options around the next steps to ensure the survival of the Council's leisure offer through the pandemic.

It was explained that the closure of all facilities to the general public on 20 March 2020 until the reopening of some centres in July has resulted in a loss of almost £1m a month in lost trading income. By taking advantage of the government business grants, staff furlough scheme and VAT holidays, as well as other cost saving measures running costs have been reduced by as much as practically possible.

Active Tameside also had business insurance and were awaiting a court ruling as to whether the policy wording was sufficient to allow a claim for the business interruption caused by Covid. The ruling and eventual insurance pay out if successful was unlikely to be received until March 2021.

Throughout the closure period Active Tameside had been able to continue to provide the commissioned services to vulnerable groups throughout the pandemic and had been paid for these by the Council accordingly.

Members were advised that, despite measures taken and the reopening of some services, Active Tameside would run out of cash mid November 2020 and become technically insolvent. The situation had been made worse as leisure providers were exempt from most Covid-19 emergency support funding. Without further support from central government, the Council, or an insurance payout this would ultimately result in Active Tameside ceasing to be able to trade and handing back the assets to the Council for it to run.

The Council had therefore been reporting a potential call on its budgets for the year in terms of supporting Active Tameside of £3.5m (including prudential borrowing) as part of its monthly monitoring reports to Executive Cabinet.

Trading had been running better than expected since reopening, however, direct debit take for memberships was down by a third from the March 2020 figure, meaning a £56k per month reduction in this important source of revenue.

It was highlighted that Executive Cabinet had already supported Active Tameside's cash-flow position through this difficult period through a number of measures:

- 31 March 2020 - repayment of prudential borrowing of £0.788m was deferred to at least 2021/22.
- 1 April 2020 - paid the total value of the 2020/21 management fee of £1.077 million upfront (as usual).
- 1 July 2020 – agreed an advanced payment for Adult's and Children's commissioned services of £0.6m to the end of October 2020.
- 1 October 2020 - advance the remaining £0.845m due for the remainder of the year for the services commissioned from Active Tameside from the Adult's and Children's Services Directorates.

It was stated that these payments had supported the cash flow of Active Tameside until the end of October. In the absence of further funding whether through a successful insurance claim, specific government support for Leisure Trusts generally, or from the Council, Active Tameside would be unable to continue trading beyond this.

Therefore, In order to provide Active Tameside further cash funding to buy time as the trading position, outstanding insurance claim, and development of any government support package, it was proposed that the Council advance Active Tameside an amount to be agreed monthly, based on open book accounting to allow the service to remain solvent.

It was proposed that the cash support provided would be reviewed on a monthly basis, based on the trading performance and local covid restrictions. The funding amount identified was in line with the losses other Local Authorities are experiencing and all avenues for controlling costs were being explored. It was proposed that the further support required from November 2020 would be via a loan agreement to be paid back over the lifetime of the contract. Officers had been working with other local authorities in Greater Manchester and nationally to share experiences, best practice and approaches taken with leisure providers.

Members were further informed that, since the writing of the report, government had announced that the country would be entering into a second lockdown and from midnight on 4 November 2020 all centres would be closed to the public for a minimum period of 4 weeks. In response to a query from Members, the Assistant Director of Finance clarified that, should the 80% furlough scheme be extended, the Trust should just be able to cover its costs, however they would obviously lose income from membership direct debits/casual income.

The Assistant Director of Population Health further advised that work was currently underway to examine the sustainability of the offer going forward and that savings options would be presented to Executive Cabinet in December 2020; public consultation in January 2021, and proposals presented to Cabinet in February 2021 with proposed management fee for 21/22.

**RESOLVED**

- (i) It be agreed that the current phased opening as described in the report, remains in place until 31 March 2021, subject to any further restrictions being put in place by central government;**
- (ii) That an amount of £1.8m to be paid via a loan agreement to be paid back over the lifetime of the contract to allow Active Tameside to remain solvent during 2020/2021; and**
- (iii) Support the completion of a Sport and Leisure review with savings options presented to Cabinet in December 2020, public consultation in January 2021, and proposals presented to Cabinet in February 2021 with proposed management fee for 21/22.**

**88. URGENT ITEMS**

The Chair reported that there were no urgent items for consideration at this meeting.

**CHAIR**

## EXECUTIVE CABINET

25 November 2020

Commenced: 1.50pm

Terminated: 2.10pm

**Present:** Councillors Warrington (Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen and Ryan

**Apologies for absence:** Councillor Wills

**In Attendance:**

Dr Ashwin Ramachandra	Co-Chair, Tameside & Glossop CCG
Dr Asad Ali	Co-Chair, Tameside & Glossop CCG
Steven Pleasant	Chief Executive & Accountable Officer
Sandra Stewart	Director of Governance & Pensions
Kathy Roe	Director of Finance
Steph Butterworth	Director of Adults Services
Ian Saxon	Director of Operations & Neighbourhoods
Richard Hancock	Director of Children's Services
Jayne Traverse	Director of Growth
Jessica Williams	Director of Commissioning
Tom Wilkinson	Assistant Director of Finance
Sarah Threlfall	Assistant Director, Policy, Performance & Communication
Debbie Watson	Assistant Director, Population Health
Mathew Chetwynd	Estates Business Manager

### 89. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Cooney	Agenda Item 11: Enville House, Richmond Street, Ashton-under-Lyne. OL6 7TX	Prejudicial	Member of the Board of Ashton Pioneer Homes.

### 90. MINUTES OF EXECUTIVE CABINET

#### RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 2 November 2020 be approved as a correct record.

### 91. MINUTES OF STRATEGIC COMMISSIONING BOARD

#### RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 28 October 2020 be noted.

### 92. MINUTES OF EXECUTIVE BOARD

#### RESOLVED

That the Minutes of the meetings of Executive Board held on 14 October 2020, 21 October 2020 and 4 November 2020, be noted.

### **93. MINUTES OF THE LIVING WITH COVID BOARD**

#### **RESOLVED**

**That the Minutes of the meeting of the Living with Covid Board held on 14 October 2020 be noted.**

### **94. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 30 SEPTEMBER 2020**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to 30 September 2020 and forecasts to 31 March 2021. It was explained that in the context of the on-going Covid-19 pandemic, the forecasts for the rest of the financial year and future year modelling had been prepared using the best information available but was based on a number of assumptions. Forecasts were subject to change over the course of the year as more information became available, the full nature of the pandemic unfolded and there was greater certainty over assumptions.

Members were reminded that the CCG continued to operate under a 'Command and Control' regime, directed by NHS England & Improvement (NHSE&I). NHSE had assumed responsibility for elements of commissioning and procurement and CCGs had been advised to assume a break-even financial position in 2020-21.

It was explained that as at Period 6, the Council was forecasting an overspend against budget of £3.678m. Whilst this forecast included some COVID related pressures, £2.830m of pressure was not related to COVID but reflected underlying financial issues that the Council would be facing regardless of the current pandemic. This included continuing significant financial pressures in Children's Social Care, budget pressures in Adults services and income shortfalls in the Growth Directorate, and in Capital and Financing due to the loss of income from Manchester Airport.

It was reported that Council Tax collection rates had slowly improved since April, but remained 1% below target. If this trend continued then the forecast deficit on Council Tax collection by the end of March 2021 was £1.090m of which the Council's share was £0.912m.

Business Rates collection improved between April and July. This improvement was not sustained in August, with a deterioration in September and overall collection was still significantly below target. If this trend continued then the forecast deficit on Business Rates by the end of March 2021 was £3.299m. There remained a risk that economic conditions, and Tier 3 restrictions, could have a significant negative impact on the sustainability of some businesses, resulting in increased non-payment with minimal opportunity for recovery.

It was highlighted that the Council was facing significant pressures on High Needs funding and started the 2020/21 financial year with an overall deficit on the DSG reserve of £0.557m. The projected in-year deficit on the high needs block was expected to be £3.543m due to the significant increases in the number of pupils requiring support. If the 2020/21 projections materialised, there would be a deficit of £3.638m on the DSG reserve at 31 March 2021.

With regard to the Capital Programme, assuming that the planned disposals proceeded there was a forecast balance of £8.306m of capital receipts to fund future capital schemes not reflected in the fully approved programme.

Earmarked schemes currently included on the capital programme totalled £44.9m, with a forecast £33.2m of corporate funding needed to finance these schemes compared to a forecast balance of £8.306m surplus capital receipts. Many of the earmarked schemes were identified in 2017/18 and therefore, as reported to Members in the Month 3 finance report, should be the subject of a detailed review and reprioritisation.

## RESOLVED

- (i) That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted;
- (ii) That the significant pressures facing budgets, and the progress with savings delivery, as set out in Appendix 2 to the report, be noted;
- (iii) That the reserve transfers set out on page 24 of Appendix 2 to the report, be approved;
- (iv) That the collection rates for Council Tax and Business Rates as set out in Appendix 3 to the report, be noted;
- (v) That the budget virements as set out in Appendix 4 to the report, be approved;
- (vi) That the forecast position in respect of Dedicated Schools Grant as set out in Appendix 5 to the report, be noted;
- (vii) That the write-off of irrecoverable debts for the period 1 July to 30 September 2020 as set out in Appendix 6 to the report, be approved;
- (viii) That the funding position of the approved Capital Programme as set out in Appendix 7 to the report, be noted; and the removal of all remaining earmarked schemes be approved including a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of further surplus assets for disposal.

## 95. ADULT SOCIAL CARE WINTER PLAN 2020-21

The Executive Member, Adult Social Care and Population Health / Director of Adults Services submitted a report, which presented the local economy response to the Adult Social Care Winter Plan 2020-21 that was published by the Department of Health and Social on 18 September 2020.

It was explained that the Winter Plan covered four key themes:

- preventing and controlling the spread of infection in care settings;
- collaboration across health and care services;
- supporting people who receive social care, the workforce, and carers; and
- supporting the system.

The Winter Plan further described key government national interventions and set out the key actions for local authorities, NHS organisations and providers, as detailed in the report.

The local economy response to the Winter Plan 2020-21 was appended to the report. The response set out the key actions and priorities for the local area to ensure resilience and contingency to support individuals and providers through the winter.

The overarching aims of the local Winter Plan were detailed as follows:

- Ensuring everyone who need care and support could get high quality, timely and safe care throughout the autumn and winter period;
- Protecting people who need care, support or safeguards, the social care workforce, and carers from infections including COVID-19; and
- Making sure that people who need care, support or safeguards remain connected to essential services and their loved ones whilst protecting individuals from infections including COVID-19.

Members were informed that a comprehensive review of the current local system position was currently being undertaken to understand the local system's preparedness to meet the needs of local people, with providers and a workforce that were equipped to deliver safe, appropriate services. This assessment would be used to inform key priorities for the local economy to ensure delivery against the Winter Plan 2020-21.

The government had announced various funding streams to support the delivery of the range of programmes required to protect the local population during the pandemic. The allocated budgets to support additional or specific spend to deliver pandemic specific services were being closely

monitored via the Finance Teams. It was unclear at this stage what the additional costs of delivering the Winter Plan would be.

## **RESOLVED**

**That the local response to the Adult Social Care Winter Plan 2020-21 be noted and supported.**

### **96. PROVISION OF GENERALIST SOCIAL WELFARE INFORMATION AND ADVICE AND SPECIALIST EMPLOYMENT ADVICE**

A report was submitted by the Executive Member, Neighbourhoods, Community Safety and Environment / Executive Member Adult Social Care and Population Health / Clinical Lead, Public Health / Director of Operations and Neighbourhoods, which explained that the Council had had a contract with Citizens Advice Tameside for many years to deliver generalist social welfare advice and specialist employment advice. The current contract ended on 31 March 2021 therefore consideration was being given to the provision of this service moving forward.

It was explained that, the contract agreement enabled Citizens Advice Tameside to meet the core costs of delivering the advice service including the salary costs of a small number of managerial, advice and administrative staff. The contract also acted as a conduit for levering in external funding and during 2018/19 this amounted to an additional amount of £272,918 that provided additional advice and support services to Tameside residents. Prior to Covid-19 the delivery model was centred predominantly around a daily drop-in advice service from Tameside One, telephone advice through the GM telephone advice line and by face to face appointments. Additionally specifically funded projects to deliver debt advice, Universal Credit Help to Claim, social prescribing and advice appointments at outreach venues. Since March 2020, the service had been delivered remotely by telephone, email and webchat.

In 2019/20, the service advised 4681 new clients and reported £1,920,564 in additional income gains for Tameside residents which included successful claims for benefit, energy switches, grants and compensation payments. The service assisted 336 clients with employment advice in 2019/20 with 130 clients advised by the employment caseworker. This caseworker was funded through the current contract to provide 18 hours a week of specialist employment advice. Advice included helping people realise their rights, assisting with dispute resolution, raising grievances, challenging dismissals and assisting with employment tribunals. As well as paid staff, the service was supported greatly by volunteers and 23 new volunteers were recruited and trained in 2019/20 along with 3196 volunteer hours worked across the year.

Members were informed that the contract was managed quarterly with performance figures provided on time and included demographic data, numbers of clients helped, outcomes, complaints, customer satisfaction and social policy issues. There had been no areas of concern raised throughout the contract period.

The current contract fulfilled all the requirements to support residents of Tameside seeking information and advice and it was proposed that any new contract specification included the same areas of social welfare law and debt advice. It was also proposed that any new contract included a requirement to deliver 18 hours a week of specialist employment advice to include assistance with tribunals. Due to the limited amount of funding, it was expected that the provider would utilise the core contract funding to develop the service offer and make the organisation sustainable by securing additional external funding.

Members were advised that, previously a direct contract had been awarded to Citizens Advice Tameside by a waiver to standing orders. The current contract ended on 31 March 2021 and advice was sought from STAR as multiple waivers had been agreed with no market testing. STAR provided a report that outlined three options for the re-commissioning of the contract that ensured the Council remained compliant with Contract Procedure Rules (CPR), as follows:

- Join the GM collaborative Citizens Advice contract;

- Direct award of contract to Citizens Advice Tameside; and
- Tender the contract by procurement exercise.

Having considered the options above, as detailed in the report, and the outcome of the soft market test; the Contract Procedure Rules required the authority to demonstrate value for money through a competitive tender exercise. It was proposed therefore, that a tender exercise be undertaken to the amount of £116,000 per annum for a 3 year period, to enter into a contract for the provision of generalist social welfare information and advice and specialist employment advice. Following completion of a successful tender exercise, it was proposed that consideration was given to delegate authority to the Director of Operations and Neighbourhoods to award the tender and enter into all necessary contract arrangements.

#### **RESOLVED**

- (i) **That approval be given to tender the provision of generalist social welfare information and advice and specialist employment advice to commence 1 April 2021; and**
- (ii) **That delegated authority be afforded to the Director of Operations and Neighbourhoods to award the tender and enter into all necessary contract arrangements.**

#### **97. PLANNING WHITE PAPER CONSULTATION RESPONSE**

Consideration was given to a report of the Executive Member of Housing, Planning and Employment / Interim Assistant Director, Planning and Transport which stated that the Government's consultation on the White Paper Planning for the Future sought views on each part of a package of proposals. The White Paper sought reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land was available for development where it was needed.

The paper covered plan-making, development management, developer contributions and other related policy proposals. Through a series of focused questions, it gave the opportunity for comments to be provided by 29 October 2020 and the proposed responses from the Council were set out in **Appendix 1** to the report.

#### **RESOLVED**

**That a copy of a consultation to the Government's Planning White Paper consultation set out at Appendix 1 to the report, approved by the Executive Member and submitted on 29 October 2020 to meet the statutory consultation deadline be received.**

#### **98. STALYBRIDGE HIGH STREET HERITAGE ACTION ZONE PROGRAMME – CAPITAL PROGRAMME FUNDING**

The Executive Member, Finance and Economic Growth / Director of Growth submitted a report, explaining that on 12 February 2020, Executive Cabinet approved in principle, subject to the grant offer and conditions, the allocation of £1.275m match funding required for the High Street Heritage Action Zone (HSHAZ) Programme. As part of the match-funding requirement, Executive Cabinet also approved funding to be ring fenced from the existing earmarked capital investment pot for the refurbishment of capital assets.

Members were informed that officers had completed the due diligence required on the Grant Funding Agreement with Historic England and have considered the opportunity and assumptions made about the match funding and details were given in the report. Approval was now required for £963k to be committed within the Council's Capital Programme as part of the match funding and to note the Grant Fund Agreement was engrossed, ready for execution, subject to the approval of the capital programme budget.

## RESOLVED

- (i) That the increased commitment requirement of £963k within the Capital Programme required as match funding for the HSHAZ programme, be approved;
- (ii) That the match funding amount of £963k be financed from the Business Rates 100% retention pilot reserve, be approved; and
- (iii) That the entering into the Grant Funding Agreement, as set out in this report, be authorised.

## 99. THE MAYOR'S CHALLENGE FUND - FULL SCHEME DELIVERY APPROVAL

Consideration was given to a report of the Executive Member, Transport and Connectivity / Assistant Director, Operations and Neighbourhoods providing an update on Tameside's Mayor's Challenge Fund programme and set out details of the first two schemes:

**Hill Street, Ashton-under-Lyne** - The Hill Street Mayor's Challenge Fund scheme would provide an east-west cycle route from the A627 Cavendish Street to the A6017 Stockport Road via Hill St, Victoria St and Trafalgar Sq. The scheme provided links towards the Peak Forest Canal, which runs from Ashton town centre to the Stockport boundary via Hyde. At Portland Basin, access would also be provided to an existing cycle route on the Ashton Canal, linking west towards Manchester City Centre.

**Chadwick Dam, Stalybridge / Ashton-under-Lyne** - The Chadwick Dam Mayor's Challenge Fund scheme would provide improved cycle and walking facilities within Stamford Park, connecting from an existing CCAG2 scheme to the A635 Mossley Road. It would provide additional links to Lake View, Mellor Road and the adjacent Tameside Hospital, as well as connecting across Mossley Road. A parallel cycle and pedestrian crossing would provide access across Mossley Road to reach Rose Hill Road, where a 20mph Zone would be extended to provide access via this quiet route to the residential areas northeast of Ashton.

It was explained that a full business case for the Hill Street and Chadwick Dam schemes was submitted to TfGM on 14 October 2020 for review and approval. This followed a draft submission in August and subsequent review feedback that had now been taken on board.

It was anticipated that the outcome of the review would be known at the Greater Manchester Combined Authority meeting on the 11 December 2020. Subject to approval, this would mean that works could start on site in January 2021

Members were informed that both schemes were presented at a Mayor's Challenge Fund Consultation that ran from 10 February to 8 March 2020. The outcome of the consultation was presented in a Consultation Report, an extract of which was appended to the report, summarising the feedback that was received for the two schemes. The scheme designs had been reviewed in detail to ensure that where possible the feedback had been taken into account.

The total funding amount being sought from Mayor's Challenge Fund was £686,951 (including £75,010 development costs already approved). There was no funding gap identified for the schemes. If any cost increases occurred following Full Approval, the Council's Mayor's Challenge Fund Project Team would manage this through the change control process working jointly with TfGM. Details were also given of complimentary match funding, which would enhance the two Mayor's Challenge Fund schemes.

## RESOLVED

**That the following be agreed to support the delivery of the Hill Street, Ashton-under-Lyne and Chadwick Dam, Stalybridge and Ashton-under-Lyne schemes:**

- (i) The delivery of the two schemes outlined in Section 3 of the report be approved subject to receiving Full Approval from TfGM based on the funding package set out in Section 3.9 of the report;

- (ii) Authorise entering into a Delivery Agreement with TfGM, upon TfGM's approval of the full business case;
- (iii) Authorise entering into Delivery Agreements with TfGM for the delivery of future Mayor's Challenge Fund schemes which have received Programme Entry status;
- (iv) Approval of the GMCA development costs for the Mayor's Challenge Fund, A57 Denton to Hyde scheme, as set out in Section 2.5 of this report and add the £358,160 grant funding to the Capital Programme; and
- (v) It be noted that all future schemes that need match funding will require advance approval of Cabinet.

## **100. TRANSITION SUPPORT - ALTERNATIVE LEASE**

A report was submitted by the Deputy Executive Leader / Director of Children's Services, seeking continued authority to acquire tenancies for the Transition Support Scheme under the existing governance for a management agreement and to enter into lease arrangements.

It was explained that, in Tameside there were currently 357 Care leavers aged 18- 25 –this did not include 128 who were not currently open to the service following the change in legislation increasing support to age 25. There were currently 111 Care Leavers aged 18+ who required suitable and appropriate accommodation. Limited access to suitable move on accommodation that would adequately support young people to leave care created significant cost pressures whilst they remained in high cost external provision.

Members were informed that, the February 2019 Cabinet report agreed the expansion of the pilot bedsit program with Jigsaw Housing Trust that was created in 2016, offering seven people at any one time an opportunity to move into independent living. The support was high quality, initial results had been excellent, and the annual cost was dramatically reduced. In February 2019 it was agreed that the Service was to expand by an additional 10 properties. Details of current provision was provided in the report.

Progress had been made with Registered Providers to identify appropriate accommodation from existing housing stock available for re-let in the Borough and this was twin tracked with identifying potential new provision through conversion of empty property both owned by the Registered Provider's and available on the open market.

From February 2020 there were offers from the Registered Providers to identify properties for the scheme, however, delivery had been very slow. Of late, Coronavirus had had a further impact with a halt on evictions leading to a reduction in available properties. The Registered Providers had reduced their repairs services, impacting on any re-let work on voids.

The quickest route to access provision should be through the Registered Provider's re-let stock however this had been slow due to low turnover. New provision (unless bought off the shelf) would have a time lag whilst suitable property was identified, feasibility work undertaken, funding put in place, technical issues resolved (i.e. Planning for conversions) and works undertaken. In addition, direct lets by the Council via the Private Sector and their Agents were being investigated in the absence of available Registered Providers stock being available.

Whilst some Registered Providers were comfortable with a Management Agreement and Licence arrangement as set out in the February 2019 Cabinet report, some Registered Providers currently did not want to enter these arrangements and had been advised to request a Lease arrangement rather than a Management Agreement / Licence. There were advantages to Lease arrangements in that they allowed the Council to have a legal interest and more formal arrangement in the property, ability to be flexible to meet the circumstances for each property and landlord, manage risks and be clear / limit liabilities such as repairing obligations. The lease could be structured to suit the requirements of the Council and the Registered Provider/Private Sector partners required this arrangement. The same arrangement could be achieved in a Management Agreement.

It was recommended that authority be given to enter into Lease arrangements for those Registered Providers and Private Sector partners who required this form of Agreement to proceed when making property available for the Councils requirements. Prior to entering into a lease with a Registered Provider and Private Sector partners, early involvement with Estates would ensure that Heads of Terms were agreed, which for example would include ensuring the rent could not be increased substantially, from which TMBC Legal would ensure that the proposed lease with partners met with the Council's requirements.

The current position on registered provider's and private providers approached to identify remaining properties was outlined in the report.

## **RESOLVED**

**That it be agreed to amend the approval given by Executive Cabinet in February 2019 to allow for 17 tenancies for the Transition Support Service under a Management Agreement, to be obtained by entering into lease arrangements with RPs and Private Providers where required, subject to the Head of Legal being satisfied with the terms, and the Director of Growth confirming in each case that the tenancy represents value for money whether under a Management agreement or lease.**

*At this juncture, Councillor Cooney left the meeting during consideration of the following item of business, having declared a prejudicial interest as a member of the Board of Ashton Pioneer Homes, and took no part in the discussion nor decision thereon.*

### **101. ENVILLE HOUSE, RICHMOND STREET, ASHTON**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Director of Growth, which explained that the Council entered into a lease agreement for nil consideration with Northern Counties Housing Association Limited (now The Guinness Partnership) on 15 February 1999 in respect to the subject property, Enville House.

Members were informed that the property was initially used as a 'Single Men's' Hostel and the Council limited the user clause as per the lease agreement. The Guinness Partnership discontinued use of the property in 2017 and it had been vacant since with areas falling into disrepair.

The lease was for a term of 99 years from the date of the agreement and expired on 14 February 2098 with 78 years remaining. The Guinness Partnership secured funding (via the Housing Corporation at the time) and used this together with their own capital monies to convert and refurbish the property to ensure that it was fit for purpose in accordance with the terms of the lease.

In accordance with the lease, the Guinness Partnership agreed a number of user clauses summarised in the report, which have been in breach since the property has been vacant.

The Council were contacted by Ashton Pioneer Homes ('APH') in 2017 to advise that the property was vacant and that they were seeking to take an assignment of the lease from the Guinness Partnership with a view to convert the property into 8 self-contained flats that would be available for affordable rent. Ashton Pioneer Homes advised that they had agreed to acquire the leasehold interest held by the Guinness Partnership for the equivalent of £335,000.

This sum was understood to consist of:

- £200,000 Homes England grant liability relating to the initial refurbishment; and
- A direct payment of £135,000 from APH to The Guinness Partnership representing a proportion of their outstanding book value after the Homes England grant liability.

In addition, Ashton Pioneer Homes had advised that they would intend to invest a further £483,839 in converting and refurbishing the property. The conversion costs would be funded using APH's own resources as the Homes England subsidy would not be available for the project.

In order to support the transaction in addition to providing consent to the assignment, the Council had been asked to accept a surrender of the remaining 78 year lease term and grant a new lease term of 125 years. Furthermore, as the current lease restricted the use of the property to a 'Temporary Housing Hostel for homeless single men', it would be necessary for the Council to widen the user clause to permit the property to be used for affordable rent.

Ashton Pioneer Homes had suggested that in January 2018, they engaged with the Council and that they believed that the Council would consent to the assignment and similarly allow a surrender and renewal to take place subject to legal and financial due diligence. Whilst any positive feedback provided by the Council was without prejudice, and required Council Governance it had become apparent that Ashton Pioneer Homes had spent a considerable amount of time and resource in progressing the transaction at their own risk.

Following review of the proposed transaction, the Estates Service agreed that whilst the principles of the proposed transaction were practical in respect of restoring use of a vacant property, there were several complex matters that were not considered or had been discussed between the parties, details of which were provided in the report.

Ashton Pioneer Homes had constructed a proposed transaction to which the Council had agreed in principle, however the following options also needed to be considered and agreed in order to ensure that the options were properly considered and a decision was made in the best interests of the Council, considering the implications extending beyond the property transaction. On the assumption that The Guinness Partnership would comply with a surrender of their lease under terms other than that proposed by Ashton Pioneer Homes, the Council would likely consider the following options:

- Transfer the freehold interest in the property to APH at market value;
- Advertise the Freehold property on the open market;
- Retain the property for operational use; and
- Proceed with APH's proposal and grant consent to the assignment of the lease from The Guinness Partnership to APH with an extension to 125 years and widen the user clause with a premium payable to the Council.

#### **RESOLVED**

- (i) That consent be provided to an assignment of the leasehold interest between The Guinness Partnership and Ashton Pioneer Homes; and**
- (ii) That the lease be re-gearred upon assignment to reflect the current market value, to extend the term and to widen the user clause for a total premium of £47,500 payable to the Council.**

#### **102. URGENT ITEMS**

The Chair reported that there were no urgent items for consideration at this meeting.

**CHAIR**

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## EXECUTIVE CABINET

16 December 2020

Commenced: 1.40pm

Terminated: 2.20pm

**Present:** Councillors Warrington (Chair), Fairfoull, Feeley, Gwynne, Kitchen Ryan and Wills

**Apologies for absence:** Councillors Bray and Cooney

<b>In Attendance:</b>	Dr Ashwin Ramachandra	Co-Chair, Tameside & Glossop CCG
	Dr Asad Ali	Co-Chair, Tameside & Glossop CCG
	Steven Pleasant	Chief Executive & Accountable Officer
	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Steph Butterworth	Director of Adults Services
	Ian Saxon	Director of Operations & Neighbourhoods
	Richard Hancock	Director of Children's Services
	Jayne Traverse	Director of Growth
	Jessica Williams	Director of Commissioning
	Jeanelle De Gruchy	Director of Population Health
	Tom Wilkinson	Assistant Director of Finance
	Sarah Threlfall	Assistant Director, Policy, Performance & Communication
	Ilys Cookson	Assistant Director, Exchequer Services
	David Berry	Head of Employment and Skills

### 103. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

### 104. MINUTES OF EXECUTIVE CABINET

#### RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 25 November 2020 be approved as a correct record.

### 105. MINUTES OF STRATEGIC COMMISSIONING BOARD

#### RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 25 November 2020 be noted.

### 106. MINUTES OF EXECUTIVE BOARD

#### RESOLVED

That the Minutes of the meetings of Executive Board held on 11 November and 2 December 2020, be noted.

## **107. MINUTES OF THE LIVING WITH COVID BOARD**

### **RESOLVED**

That the Minutes of the meeting of the Living with Covid Board held on 4 November and 18 November 2020 be noted.

## **108. MINUTES OF THE CARBON AND WASTE REDUCTION PANEL**

### **RESOLVED**

That the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 18 November 2020 be noted.

## **109. MINUTES OF THE STRATEGIC PLANNING AND CAPITAL MONITORING PANEL**

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 14 December 2020. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

### **RESOLVED**

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 14 December 2020, be noted; and
- (b) That the following recommendations be approved:

## **CAPITAL PROGRAMME FINANCIAL MONITORING REPORT**

That the EXECUTIVE CABINET be RECOMMENDED to:

- (i) Note the forecast outturn position for 2020/21 as set out in Appendix 1.
- (ii) Approve the re-profiling of budgets into 2021/22 as set out on page 4 of Appendix 1.
- (iii) Note the funding position of the approved Capital Programme as set on page 9 of Appendix 1. Members are reminded that the Period 6 finance report asked for approval to remove all remaining earmarked schemes and approve a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of further surplus assets for disposal.
- (iv) Note the changes to the Capital Programme as set out on page 10 in Appendix 1
- (v) Note the updated Prudential Indicator position set out on pages 11-12 of Appendix 1, which was approved by Council in February 2020.

## **CAPITAL PROGRAMME – OPERATIONS AND NEIGHBOURHOODS (NOVEMBER 2020)**

That the EXECUTIVE CABINET be RECOMMENDED to note the following:

- (i) rescheduling to the Tameside Asset Management Plan (TAMP) and the Highways Maintenance Programme. The commencement of the works programme was revised due to Covid 19.
- (ii) the progress with regards to Flooding: Flood Prevention and Consequential Repairs and the rephrasing as a result of the successful bid for Department of Transport funding to improve highway drainage in the borough
- (iii) progress with regard to the Slope Stability Programme.
- (iv) progress with regards to the Cemetery Boundary Walls Programme.
- (v) the rescheduling to Replacement of Cremators and Mercury Abatement, Filtration Plant and Heat Recovery Facilities Programme by the significant impact Covid 19 has had on the operation of the Crematorium and the suppliers of cremator equipment.
- (vi) the start date for the Children's Playground Programme.
- (vii) the progress with regards to the Ashton Town Centre Public Realm Project.
- (viii) the impact of Covid 19 on the LED Street Lighting Lanterns Project.

- (ix) the progress with regards to the Mayor's Challenge Fund Programme (MCF).
- (x) progress with regards to the £400,000 awarded under the Emergency Active Travel Fund.
- (xi) the progress with regards to the Highways England – Designated Funds Scheme.
- (xii) that works are progressing with regards to the successful Transport Infrastructure Investment Fund – Highway Maintenance Challenge Fund bid of £400,000 (£350,000 from the Department of Transport, £50,000 Tameside) with respect of improving highway drainage infrastructure.
- (xiii) progress with regards to Department for Transport – Safer Roads Fund project in conjunction with Oldham MBC.
- (xiv) the replacement tipper as set out in section 2.31 in this report arrived at the end of July 2020 and is now operational.
- (xv) authority was granted to procure two minibuses via competitive tender as set out in section 2.33
- (xvi) approval has been given for the purchase of an additional gully cleansing vehicle to enable the Council to maintain the highway gully network in line with our service standards as set out in section 2.34
- (xvii) the allocation of £300,000 from Transport for Greater Manchester (TfGM) for bus stop enhancements within Tameside, and seek approval from Executive Cabinet for £300,000 to be added to the Council's Capital programme for this project to be delivered by the Council.
- (xviii) approval for the revised funding package required to deliver the Ashton Streetscape MCF scheme as set out in 2.27 of this report. This revision does not require any additional funding from the Council's Capital programme.
- (xix) approval to commit funding from the existing Sustainable Travel budget for works to the Tame Valley Loop as identified in Sections 3.23-3.29 of this report.
- (xx) the potential changes to the individual Mayor's Challenge Fund schemes funding packages as set out in Appendix 3 of this report. The revisions, at this stage, are estimates only and are subject to further scheme development and TfGM approval.

#### **ADULTS CAPITAL PLAN**

That the EXECUTIVE CABINET be RECOMMENDED to:

- (i) note the updates provided in this report.
- (ii) approve Statutory Compliance expenditure of £100,000 (in total) to be allocated from the Disabled Facilities Grant budget to support the adaptations required at the Mount Street, Hyde supported living scheme.
- (iii) approve that the methodology by which the Housing Adaptations Service is resourced from the current fee based structure to one of direct capitalisation of salaries directly from the Disabled Facilities Grant.

#### **LEISURE ASSETS CAPITAL INVESTMENT PROGRAMME**

##### **RESOLVED**

That the EXECUTIVE CABINET be RECOMMENDED to note the report.

#### **FINANCE & IT CAPITAL UPDATE REPORT**

##### **RESOLVED**

That the EXECUTIVE CABINET be RECOMMENDED to note the report and the details of the status of the schemes in the programme.

#### **GROWTH CAPITAL REPORT**

That the EXECUTIVE CABINET be RECOMMENDED to approve that the following be added to the approved Council Capital Programme:

- (i) The Corporate Landlord Statutory Compliance capital expenditure for the period identified in Appendix 5 of £0.028m.
- (ii) S106 funding allocations of £0.052m as detailed in section 2.29.
- (iii) That £0.793m of Growth's 2020/21 capital budget is re-phased as set out in APPENDIX 6.

## **EDUCATION CAPITAL REPORT**

That EXECUTIVE CABINET be RECOMMENDED to approve:

- (i) Proposed changes to the Education Capital Programme, Basic Need Funding Schemes Appendix 1, Special Provision Fund and Healthy Pupils' Capital Fund as outlined in Appendix 2A and 2B and School Condition Allocation Funding Schemes Appendix 3.
- (ii) To transfer £56,000 of fire safety budget back to the unallocated SCA budget now that final costs for replacement fire alarms have been obtained) paragraph 6.8)
- (iii) Allocate £13,000 to works to upgrade the gas supply at Broadbottom CE (paragraph 6.12)
- (iv) retrospective costs £10,123 funded from contingency following an urgent inspection of Victorian lath and plaster ceilings at eight schools during the October half term (paragraph 6.15)
- (v) retrospective urgent works to the boiler control system at Hurst Knoll CE undertaken during October half term costing £5,010 funded from contingency (paragraph 6.17)
- (vi) Design work to tender stage for electrical re-wires at Fairfield Primary (£10,614) and Arlies Primary (£9,981) be approved (paragraph 6.20)
- (vii) That a high level estimate of £220,000 be allocated to carry out replacement roof works at Stalyhill Infant school (paragraph 6.23)
- (viii) That £30,000 be allocated to carry out further investigation and scheme development for roof replacements and repairs at Corrie, Fairfield, Greswell, Hollingworth and Oakdale schools while noting that the main works to these roofs will need to be prioritised over several financial years;
- (ix) To allocate £15,000 for scheme development to tender stage for improved security access arrangements at Milton St John's CE school;
- (x) To allocate £10,000 for design to tender stage of replacement boilers at Audenshaw Primary School;
- (xi) To note that the boilers at Gorse Hall and Hurst Knoll school require replacement and to set aside £200,000 from 2021/22 SCA funding for this purpose. Bids have also been submitted to the Greater Manchester decarbonisation fund and it is hoped that some or all of this amount may be offset;
- (xii) To allocate a further £10,000 of 2020/21 funding to carry out further visits at February 21 half term to complete asbestos management reports;
- (xiii) To obtain costs to begin a five-year rolling programme of building condition surveys to ensure the asset management plan is maintained;
- (xiv) To allocate £32,500 of unallocated Basic Need Grant to Mossley Hollins to cover final costs;
- (xv) Following a consultation with the school and parents, an appraisal of the options to expand Hawthorns Primary School is further progressed by officers and an outline business case is developed for consideration by members in April 2021. An indicative Capital Allocation of £200,000 is made from the Basic Need funding for the design, surveying and business appraisal activity.

## **CHILDRENS SOCIAL CARE PROPERTY CAPITAL SCHEMES UPDATE REPORT**

That the EXECUTIVE CABINET be RECOMMENDED:

- (i) to note the delays in relation to the purchase of the new residential property for the assessment unit as set out in section 2.1 of the report;
- (ii) to approve the drawdown of a further £48,000 from the Children's Earmarked Reserve to fund the additional works, outlined at 2.2, to make St Lawrence Road safe and bring it into use; and

- (iii) to approve the drawdown of £13,541 from the Children's Earmarked Reserve to fund the additional works and refurbishment of the Fairfield Unit as outlined in 2.3.

#### **110. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2020**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to 31 October 2020 and forecasts to 31 March 2021.

The Director of Finance reported that at Month 7, the Council was forecasting a year end overspend of £3.4m, which was a slight improvement on the position reported at month 6 due mainly to a revised forecast in Children's Social Care. COVID pressures exceeded £40m but with £39m of COVID related grant funding and other income contributions, the net pressure relating to COVID was £0.898m.

Significant pressures remained across Directorates, most significantly in Children's Social Care where expenditure was forecast to exceed budget by £3.718m, with further cost pressures in Adults and Education, and income loss pressures in the Growth Directorate.

In the first 6 months of the year the NHS had operated under a national command and control financial framework, with CCGs and providers advised to assume a break-even financial position in 2020-21. Changes to the national financial regime from month 7 meant that individual organisations financial positions would be monitored within the context of a financial envelope set at an STP (Sustainability and Transformation Partnership) level, which for the CCG, meant at a Greater Manchester level.

The CCG was showing a year to date pressure of £4,924k, but a break even position by year end. This related to top up payments which had not yet been received: £4,277k outstanding from command & control in first half of year, plus £647k Hospital Discharge Programme costs in M7. A decision on funding for the first half of the year would be made by NHSE by the end of November.

#### **RESOLVED**

**That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted.**

#### **111. IMPLEMENTATION OF THE 2020 MODEL PAY POLICY FOR BOTH SCHOOL BASED AND CENTRALLY BASED TEACHING STAFF**

Consideration was given to a report of the Executive Leader / Executive Member of Lifelong Learning, Equalities, Culture and Heritage / Assistant Director, People and Workforce Development, which outlined key statutory changes to pay and conditions effective from 1 September 2020 for all staff who were employed and subject to teachers pay and conditions.

It was reported that, following the recommendation of the School Teachers Review Body (STRB) the Department for Education produced a 2020 School Teachers' Pay and Conditions Documents (STPCD) that came into force on the 14 October 2020. The updated STPCD recommended that:

- Minimum of the Main Pay Range (MPR) was increased by 5.5%.
- Maximum of the MPR and the minima and maxima of all other pay and allowance ranges for teachers and school leaders were uplifted by 2.75%.
- The uplifts applied to all four regional pay bands; and
- Advisory pay points were reintroduced on the MPR and Upper Pay Range (UPR) from September 2020.

A summary of the statutory changes to the school teachers pay and conditions documents and the implications for the Councils Model Pay Policy 2020 were detailed.

It was proposed to provide the corresponding percentage uplift on all discretionary pay points in all teacher pay ranges and on all allowances. A 2.75% uplift on all discretionary points in the unqualified, leading practitioner and leadership pay ranges. This proposal was consistent with previous years approach and feedback at a local consultative level whereby local trade union representatives and head teachers had previously and consistently supported the uplift of all discretionary points within a pay range to the same level as that awarded to the minima and maxima pay levels. It was further proposed to adopt the advisory 6-point main pay range (MPR) and 3 point upper pay range (UPR) pay points.

#### **RESOLVED**

- (i) That the Model Pay Policy 2020 as detailed in Appendix 1 to the report, be implemented for all centrally based teaching staff employed within the Education Service;**
- (ii) That the Model Pay Policy 2020 as detailed in Appendix 1 to the report, be recommended for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all teaching staff employed within these schools;**
- (iii) That the national cost of living pay award be implemented with effect from 1 September 2020, to all teacher pay ranges and allowances as follows:**
  - Minimum of the main pay range (MPR) is increased by 5.5 per cent.**
  - Maximum of the main pay range (MPR) and the minimum and maximum of all other pay ranges (i.e. unqualified pay range, upper pay range (UPR) leading practitioner and leadership pay range) and allowance ranges (i.e. TLR and SEN allowances) are increased by 2.75 per cent.**
  - Advisory pay points are reintroduced on the MPR and UPR from September 2020, applying a higher than 2.75 per cent pay increase on the MPR2 – MPR5 pay points.**

#### **112. PLAYING PITCH STRATEGY**

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Director of Growth / Director of Growth, which reminded Members that approval to sell the freehold interest in the former Hartshead School site was given by Executive Cabinet on 25 September 2019. The terms of sale included an undertaking by the Council to Sport England to: refresh the Tameside Playing Pitch Strategy, install an all-weather practice cricket facility at Ladysmith Cricket Club in Ashton, the development of a School Sports Facility Strategy and provision of two additional full size adult grass football pitches in the locality with the costs met from the proceeds of sale estimated at approximately £75,000.

The report set out proposals to deliver the undertaking made to sport England and sought approval to proceed based on the information set out in the report.

The report stated that it was proposed that two practice wickets be installed on the former tennis court at the club site bringing the area back in to productive use. The installation was dependent upon a successful planning application, which would be submitted in December 2020. If planning approval was achieved then the installation would take place in March 2021 in readiness for the start of the 2021 cricket season.

Further, there was a requirement to mitigate against the loss of natural turf pitches at the Former Hartshead school site. However, there was currently no identified user demand for additional pitches in this locality so this need should be re-evaluated as part of the new Playing Pitch Strategy.

#### **RESOLVED**

- (i) That the development of an updated Playing Pitch Strategy for Tameside be approved;**
- (ii) That an updated strategy for the community use of school sports facilities in Tameside be approved;**
- (iii) That the installation of artificial practice cricket wicket at Ladysmith Cricket Club, Ashton be approved; and**

- (iv) that £0.040m be allocated from the capital programme to fund an all-weather cricket facility at Ladysmith Cricket Club in Ashton.

### **113. LOCAL RESTRICTION SUPPORT GRANTS – MANDATORY**

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Assistant Director of Exchequer Services which detailed the administration of the Local Restrictions Support Grant in accordance with guidance issued by the Secretary of State for the Department for Business, Energy and Industrial Strategy.

Members were informed that on 9 September 2020 the Secretary of State for the Department of Business, Energy and Industrial Strategy (BEIS) announced the introduction of Local Restrictions Support Grants (LRSG) to help support businesses that were required to close due to localised restrictions as a result of COVID-19. Further guidance on the administration of the LRSG was issued on 3 November 2020.

The grants were a combination of mandatory and discretionary grants and some businesses would be eligible to receive more than one grant.

There were 5 grants payable under the new grant schemes;

- Local Restriction Support Grant (Closed);
- Local Restrictions Support Grant (Sector);
- Local Restrictions Support Grant (Addendum);
- Local Restriction Support Grant (Open); and
- Additional Restrictions Grant

Appendix 1 to the report outlined each grant in detail and highlighted the complexity of administration and understanding for the business community.

The Assistant Director, Exchequer Services, summarised the mandatory grant schemes, which went live in Tameside on the 10 November 2020. The mandatory grant schemes were the Local Restriction Support Grant (Closed), Local Restrictions Support Grant (Sector) and Local Restrictions Support Grant (Addendum).

The government had confirmed that local authorities would be reimbursed in full for all grants that were paid to eligible businesses that were affected. Payments would be made under section 31 of the Local Government Finance Act 2003, however grant funding letters had not yet been received for all grants from BEIS.

The application form for the mandatory grants went live on 10 November 2020 after approval from internal audit had been secured. As at 20 November 2020, a total of 654 had been received and 110 paid to date to the value of £143,434.

### **RESOLVED**

**That the arrangements for the payment of mandatory grants to business rates payers, as detailed in the report, be noted.**

### **114. LOCAL RESTRICTIONS SUPPORT GRANT AND ADDITIONAL RESTRICTIONS GRANT – DISCRETIONARY**

The Executive Member, Finance and Economic Growth / Director of Growth, which set out preferred options for the disbursement of the Local Restrictions Support Grant (Open) & Additional Restrictions Grant Funds.

It was explained that the Council has received five funding for five different business support grants. Three of the funding streams were for mandatory grant schemes (see Minute 113 above), which were fully funded and operated in accordance with prescribed terms. The report focused on the two discretionary funding streams for business rates grants – Local Restrictions Support Grant (Open) and Additional Restrictions Grant.

It was further explained that Local Authorities had been given the discretion to determine the payment schedule and timings for the grants, however Government strongly encouraged payments to be made to eligible businesses as quickly as possible in order to help businesses in need. The success measure of the Tameside schemes would be their implementation with all monies being paid to Tameside businesses. Whilst discretion has been given to Local Authorities, Section 13 of the LRSO (Open) guidance advised that the fund was aimed at hospitality, hotel, bed & breakfast and leisure businesses.

The preferred options for support and design of each funding stream were set out in the report, with other non-preferred options detailed in an appendix to the report. The two schemes set out for approval would provide up to £6,603,940 of financial support to Tameside businesses.

#### **RESOLVED**

- (i) That the recommended Local Restriction Support Grant (Open) and Additional Restriction Grant schemes and payments covering the periods before and after National Lockdown, be approved;**
- (ii) That applications be paid immediately once eligibility checks are completed and appropriate state aid declarations have been completed by the applicants;**
- (iii) That a review and outcome report setting out all applications paid be published on the Council website in April 2021; and**
- (iv) That the temporary re-prioritisation until February 2021 of the Growth Directorate Services as set out in the report be agreed, to enable the delivery of Local Restriction Support Grant Open and Additional Restrictions Grant.**

#### **115. ASHTON OLD BATHS – OPERATION AND MAINTENANCE**

A report was submitted by the Executive Member, Finance and Economic Growth / Director of Growth, setting out future arrangements for Ashton Old Baths operation and ongoing maintenance.

A summary of the operation of the Ashton Old Baths since opening was provided and it was explained that the centre had experienced high occupancy until the impact of Covid-19. Plans for the future, including income from the new annexe space and the canopy for the event space, put the centre in a positive position for future years.

Members were informed that the new office floor space was expected to generate extra business rates of circa £45,922 per annum from the Ashton Old Baths project. This figure was based on actuals from 2017/18 from Oxford Innovation who managed the Ashton Old Baths Phase 1. This would be in addition to the Business Rate contribution between 2017 and 2020 which on average had been £52,170 per annum.

Members were presented with a forecast of the cumulative overall expenditure above that budgeted by Oxford Innovation over the lifetime of the project to 31 March 2024. This was due to:

- Impact of Covid-19 on occupancy since March 2020.
- The top floor event space was not able to be used for most of the year due to it being too cold, resulting in this planned source of revenue being severely restricted to date, this would be resolved for the financial year 2021/22. The canopy for the top floor event space had been included in the new Annexe phase and was expected to be in place before March 2021.
- Defined Gateway criteria as to the type of companies that were permitted to occupy a unit in the centre under the terms of the ERDF funding, also restricting revenue opportunities especially during the Covid-19 pandemic.

Tameside Council had a management agreement with Oxford Innovation. The agreement was currently in its fourth year and was in the form of a management agreement rather than a lease. The Management Agreement was dated 28 February 2017, for a 5 year term, with the option for two +1 year extensions at TMBC's discretion

The report proposed that the +1, +1 year extensions to the management agreement be enacted. Further, that a modification to the existing contract would also take place to enable Oxford Innovation to provide overall management arrangements to the existing and new Annexe space with the exception of the Data Centre which would be managed by an external provider (currently being procured with budget identified for this management contract).

It was reported that the Annexe needed to be brought under effective management from completion and business continuity was required especially in the Covid-19 operating environment. The modification was needed for economic and technical reasons and would cause significant inconvenience and substantial duplication of costs for the Council if not managed by one provider with operational experience of the building and local market.

It was explained that the economic impact of Brexit uncertainty, followed by the unprecedented drop in economic activity caused by Covid-19 lockdown and subsequent recession, had seen the centre experience its first major decline in occupancy, and demand from businesses who met the gateway criteria. However, there had been continued interest from businesses who met elements of the gateway criteria.

Members were advised that following legal advice there was sufficient comfort in the Grant Funding Agreement to suggest that an expansion of use would be acceptable, provided it targeted existing and growing SMEs in priority sectors. It was proposed that Tameside Council would formally request this change.

The options for Gateway criteria were set out in the report with the preferred option being an evolution to support the future occupancy, start-ups impacted by COVID in the short term and financial performance of Ashton Old Baths (Option 3).

#### **RESOLVED**

- (i) That the submission of a change request to the ERDF Monitoring Body to evolve the current gateway criteria for new businesses applying for accommodation to support increased occupancy be authorised;**
- (ii) That the existing Management Agreement be extended to one-plus, one-plus year with Oxford Innovation;**
- (iii) That modification to the existing contract with Oxford Innovation be authorised, to incorporate the new Annexe from February 2021;**
- (iv) Subject to recommendations (ii) and (iii) above, the procurement be approved and enter into a new management contract on expiry of the existing contract after seven years (2024) with a further report to Cabinet in 2022/23 prior to procurement; and**
- (v) That the estimated net revenue budget of £ 36k for Ashton Old Baths as stated in table 1 in the report for the period 2021/22 to 2023/24, be approved. This sum will be financed from the existing Growth revenue budget over this period.**

#### **116. DECARBONISATION OF THE PUBLIC ESTATE - ACCEPTANCE AND EXPENDITURE OF GRANT FUNDING**

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Executive Member, Neighbourhoods, Community Safety and Environment / Assistant Director of Strategic Property, providing background information with regard to the Decarbonisation of the Public Estate Fund and the bid submission that the Council had made to the Fund, working as part of GMCA consortium. The report also provided information in relation to the processes involved in bid submission, the timescales involved and the detail of the Council's submission.

It was explained that, as part of the Summer Fiscal stimulus, Government announced £1bn funding for the Public Sector Decarbonisation Scheme (PSDS). The funding was being released, as 100% grants, via Salix Finance (NDPB), between October 2020 and January 2021. The PSDS fund aimed to halve carbon emissions from the Public Estate by 2032, through the deployment of energy efficiency and heating measures.

Members were informed that the PSDS offered a rare opportunity to bid for 100% funding for capital works to the Council's buildings that would produce a real step change in the way buildings were heated and underline the commitment to the Greater Manchester carbon reduction targets. It also provided an opportunity to improve buildings and in some cases would provide planned replacements that would have required funding via internal Council funding. Installed measures would also reduce the Council's overall utility costs.

The PSDS was split into three phases, which were detailed in the report. All bids submitted were relevant to Phase 1 (delivered by March 21) and Phase 2 (delivered by September 21). Further work in 2021 would be required should there be a wish to bid for projects in Phase 3.

A successful Skills fund application, for £983k, was submitted on Wednesday 14 October, to enable a robust Public Sector Decarbonisation Fund submission to be made on November 23. Approval to receive and expend this feasibility funding was given by GMCA Chief Executive and Treasurer, under delegated powers, in October 2020.

Members were further informed that, working under a combined GMCA scheme, baseline assessments of the portfolio had been undertaken. Once assessed a number of buildings were submitted for initial review and detailed technical survey focussed on the required compliance criteria for the fund. The detailed surveys focussed on the types of measures that could be potentially installed at each building and the feasibility of installing the measures.

The total GM bid amounted to over £80 million made up of bid submissions from 13 public sector organisations. There was no filtering or rationing of the levels that organisations could individually bid for. The Council's bid was for £2.4 million for 90 individual measures across 11 buildings.

It was reported that the result of the bid would be announced on the 11 December 2020. If the GMCA bid was successful then the Council would receive a formal notification of the grant conditions.

#### **RESOLVED**

- (i) That approval be given in principal to the acceptance of the grant funding from the Public Sector Decarbonisation Fund of circa £2.4 million to be included in Property Services capital budget and expenditure for associated capital works on identified buildings as detailed in the report, be approved; and**
- (ii) It be noted that approval be in principal pending receipt of the formal grant condition letter, which will be received circa 11 December 2020, with subsequent separate Executive Decision in regard to formal acceptance.**

#### **117. THE A57 LINK ROADS INITIATIVE**

A report was submitted by the Executive Member, Transport and Connectivity / Director of Growth, which provided an update on the proposed the A57 Link Roads initiative.

Members were advised that the existing A628 TransPennine route connecting the M67 at Mottram to the M1, north of Sheffield, consisted mainly of long sections of single carriageway road with steep gradients and sharp bends often clogged by slow moving HGV's using the link between Greater Manchester and the wider Sheffield region. Unfit for present day needs, Highways England (HE) and its predecessors had attempted to bring forward a number of improvements to the route over

many years. The last major initiative, to construct a full bypass around the villages of Mottram, Hollingworth and Tintwistle was halted by the then Highways Agency in 2009.

Following a wide ranging statutory public consultation initiative in early 2017, Highways England announced in late 2017 that the following elements were being taken forward to the next stage of development:

- Mottram Moor Link Road and A57 (T) to A57 Link Road as described in the report; and
- Safety and technology improvements.

It was explained that, in overall terms, the initiative would:

- Enable the existing A57, between the junction 4, M67 roundabout and a fixed point to be determined to a location east of the Roe Cross Road and Mottram Moor Road junction to be declassified and handed back to the local authority;
- Introduce a new local authority managed single carriageway link from the A57 at Mottram Moor to a junction on the A57 at Brookfield;
- Reduce congestion and improve the reliability of journeys - through Mottram in Longdendale and between Manchester and Sheffield;
- Reduce noise levels and pollution for neighbouring properties - by reducing the amount of traffic from the existing A57 through Mottram in Longdendale;
- Re-connect local communities and create better conditions for pedestrians, cyclists and equestrians - in Mottram in Longdendale; and
- Reduce delays and queues that impact the community - affecting residents, businesses and public transport in the area.

Progress on each of the Options, Development and Construction phases was given and a timetable of provisional key dates was provided.

In 2012 Planning Inspectorate became the government agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs). NSIPs were major infrastructure projects which required a type of approval known as "Development Consent" under procedures governed by the Planning Act 2008. Development Consent, where granted, was made in the form of a Development Consent Order (DCO). The DCO approval process consisted of six separate stages as set out in Appendix B to the report.

The requirement for a Local Impact Report (LIR) to be submitted by relevant Local Authorities to the Planning Inspectorate was outlined. This gave details of the likely impact of the proposed development on the authority's area. Along with National Policy Statements, LIRs were the only documents that must be specifically taken into account when a decision was made on an NSIP application.

For Tameside, once general submission dates were confirmed for the scheme, an LIR would be prepared by consultants appointed by the Council. Tameside costs associated with appointing the consultants and the delivery of the LIR had been provisionally allocated over financial years 2020/21 and 2021/22. The appointment process would be the subject of further governance as appropriate.

## **RESOLVED**

**That the drawing down of the allocated £100k funding as appropriate be authorised, to fund the cost of Tameside's input and submission to the Planning Inspectorate as part of the Development Consent Order approval process.**

## **118. WINTER COVID GRANT**

The Executive Leader / Assistant Director, Policy, Performance and Communications submitted a report setting out proposals for spending the 'Covid Winter Grant' before the 31 March 2021 to support families who were struggling to access food and warmth.

It was explained that Tameside had been allocated **£894,614.60**. Funding would be ring fenced and covered the period until end of March 2021, and would be paid as follows:

- 50% of funding would be made at the beginning of December;
- 25% of funding made following Management Information to DWP return due mid-February covering December and January's expenditure;
- 25% final funding payment made and adjusted after final Management Information to DWP return due April covering February and March's expenditure.

It was for each individual LA to determine eligibility in their area and target support within the scope of the following conditions:

- At least 80% of the total funding would be ring-fenced to support families with children, with up to 20% of the total funding to other types of households, including individuals;
- At least 80% of the total funding would be ring fenced to provide support with food, energy and water bills (including sewerage), with up to 20% on other items; and
- Where an eligible child lived on his or her own, they were a household that included a child covered in the 80% allocation for households with children.
- Vulnerable households, which included a person aged 19 to 25 with special educational needs and disability (SEND) and/or care leavers in accordance with the Children and Families Act 2014, may still be eligible for grant support however that support fell within the 20% allocation to households without children.

It was proposed to allocate funding to the provision of food vouchers for major supermarkets to pay for food for key cohorts including; all children attending schools in Tameside who were eligible for Free School Meals; all college students eligible for Free School Meals or bursaries; all 2, 3 and 4 year olds entitled to free child care; and all Care Leavers.

Going forward the identified families will receive support for the 3 scheduled school holiday weeks to March 2021:

- Two weeks at Christmas (£20)
- One week at February half term (£15)

For the purposes of distribution of funding, it was proposed to allocate on the basis of children attending Tameside schools. All other GM authorities agreed this in principle (potentially with the exception of Wigan).

## **RESOLVED**

- (i) That the Covid Winter grant be spent on supporting vulnerable families and individuals as set out in Appendix 1 to the report;**
- (ii) That a voucher scheme for children eligible for free school meals be established. This scheme will enable children eligible for Free School Meals to receive a £20 a week food voucher for the Christmas Break and £15 voucher for February half term;**
- (iii) That any families who are not eligible for Free School Meals but are in need of support to contact the Early Help Access Point for help, support and advice;**
- (iv) That the voucher scheme be extended out to Care Leavers for the Christmas period (to a value of £40);**
- (v) That the scheme is further extended to low income sixth form and college students (to a value of £20). Administration of grants to students via the colleges will be formalised by letter to the colleges reflecting any appropriate conditions in relation to the administration of the grants on behalf of the Council;**
- (vi) That an amount of money be invested in welfare rights to provide food vouchers to those who are in financial need (£120,000 to fund 1,200 vouchers to a value of £30 per household);**
- (vii) That remaining funds be directed to organisation's working directly with the community to provide food and support with utility bills. Where grants are made to third party organisations, this will be done by letter containing appropriate conditions, for grant funding up to £10k;**

- (viii) As an element of the scheme is discretionary there is a risk that demand in December may limit the pot in February, enough funding will be retained to pay vouchers to the Free School Meals, college and Care Leavers cohort in February, all other committed funding will require a separate decision in January; and
- (ix) That arrangements be agreed with the following supermarkets to distribute vouchers: Tesco, Sainsbury's, Morrison's and Asda, subject to written terms and conditions attached to the purchase order.

#### 119. EXEMPT ITEM

##### RESOLVED

That under Section 100 (A) of the Local Government Act 1972 (as amended) the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A and that, on balance, under paragraph 10 of Part 2 of Schedule 12A, it would not be in the public interest to disclose this information as disclosure would, or would likely to, prejudice the commercial interests of the Council and/or 3<sup>rd</sup> parties.

#### 120. ASHTON MOSS

Consideration was given to a report of the Executive Member of Finance and Economic Growth / Director of Growth, which summarised the next steps in the development of Ashton Moss. The next steps included:

- to progress Heads of Terms and subsequent legal agreements with key landowners at Ashton Moss East and Ashton Moss West;
- enter into Memorandum's of Understanding (MOU's) with key land owners;
- to appoint Project Manager's to advise on the appointment of Engineers; and
- to appoint Quantity Surveyors to design, specify, procure and manage various site investigations and related studies.

##### RESOLVED

- (i) That the progression of without prejudice negotiations on Heads of Terms with a potential Inward Investment company and land owner be supported, subject to a further report on the detailed terms in due course;
- (ii) That the negotiating and signing of Memorandum's of Understanding and licences to access land and undertake studies with key landowners at Ashton Moss East and Ashton Moss West, be supported;
- (iii) That the undertaking of various site investigation and services studies as set out in para. 2.4 of the report be supported, at an estimated budget cost of £0.350m, and
- (iv) That the appointment of Project Managers as set out in para 2.5 of the report be supported, at an estimated budget cost of £0.035m.

#### 121. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR

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## STANDARDS COMMITTEE

17 November 2020

**Commenced:** 14:00

**Terminated:** 15:20

**Present:** Mrs Bracken (Chair)  
Councillors McNally, L Boyle, Dickinson, Ricci and M Smith

**In Attendance:** Sandra Stewart Director of Governance and Pensions

**Apologies for Absence:** Councillors Kitchen, and S Homer  
Mrs Barnes

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Standards Committee.

### 2 STANDARDS: RECOMMENDATIONS FOR RIGOROUS CHANGE

Consideration was given to a report of the Director of Governance and Pensions, which provided an update to the Committee on the Council's progress in implementing the 15 areas of best practices detailed in **Appendix B** to the report.

Members of the Committee heard that in early 2018 the Committee on Standards in Public Life (CSPL) had announced its first examination of local government standards since the complete transfer of responsibility for standards to local authorities in 2011.

Members were reminded that since 2011, councils had been responsible for setting and managing their own codes of conduct. In practice not all Local Authorities had a full code of conduct, this was one of the issues looked at in the review.

The report, Local Government Ethical Standards, published in January 2019, focused on principle councils and parish councils, and excluded combined and mayoral authorities. The Committee's remit was for England, but it had explored more widely, and included learning from Northern Ireland, Scotland and Wales as well as from the councils contributing to the review. Aspects of the current system were not working, requiring changes in the law and best practice.

The Director of Governance and Pensions highlighted the key changes in law:

- Councillors to be presumed to be acting in an official capacity in their public conduct, including in statements on publicly-accessible social media
- Disclosable pecuniary interests to include a number of unpaid roles coupled with repeal of criminal sanctions
- A public interest test for participating in a discussion or voting if councillors have an interest in an issue
- Increased powers and protections for Independent Persons
- Local authorities to have the power to suspend councillors without allowances for up to six months
- Councillors to have the right to appeal to the Local Government Ombudsman in the event of suspension
- Disciplinary protections for statutory officers to be extended to all disciplinary action, not just dismissal.

The Director reminded the Committee that these were recommendations and were yet to be brought into legislation. Nevertheless, the recommendations that had arisen from the CSPL translated into the following key best practice proposals:

1. The adoption of an updated model code of conduct, prepared by the LGA;
2. Including prohibitions on bullying and harassment in codes of conduct;
3. Requiring councillors to comply with formal standards investigations;
4. Strengthening aspects of the investigation of breaches of codes of conduct;
5. Publicly available information on how to make a complaint; and
6. A reports on relationships with separate bodies as part of the annual governance statement.

Additionally, the Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they had received; what the complaints broadly related to; the outcome of those complaints, including if they were rejected as trivial or vexatious; and any sanctions applied. Councils should be recording allegations and complaints they had received, even if they did not result in an investigation, and should certainly publish decisions on formal investigations. Information about how to make a complaint should be available on the council's website. Further, Council's should consult locally on what should be included in the code of conduct.

It was further explained that with regards to independent persons on the Standards Committee it was recommended that an independent person should be appointed for a fixed term of 2 years with the possibility of a 1 term renewal.

Members discussed different activities and engagements online that would be considered acting in an official capacity in their public conduct.

## **RESOLVED**

**That the report be noted and for the current position regards the best practice be noted and approved.**

### **3 UPDATE RE: LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT**

Consideration was given to a report of the Director of Governance and Pensions, which looked at the draft Model Code of Conduct for Members in comparison to Tameside's current Code of Conduct for Members and highlighted the main differences between them.

It was explained that the purpose of this Code of Conduct was to assist councillors in modelling the behaviour that was expected of them, to provide personal checks and balances, and to set out the type of conduct against which appropriate action may be taken. It was also to protect councillors, the public, fellow councillors, council officers and the reputation of local government. It set out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim was to create and maintain public confidence in the role of member and local government.

The Director of Governance and Pensions outlined the model Member conduct as set out in **Appendix A** 'Local Government Association Model Member Code of Conduct':

- Act with integrity and honesty
- Act lawfully
- Treat all persons with civility; and
- Lead by example and act in a way that secures public confidence in the office of councillor

Further, Councillors would make a commitment to:

- Impartially exercise their role in the interest of the local community
- Not improperly seek to confer an advantage, or disadvantage, on any person
- Avoid conflicts of interest

- Exercise reasonable care and diligence; and
- Ensure that public resources were used prudently and in the public interest.

It was highlighted that the Committee on Standards in Public Life (CSPL) recommend that Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applied to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority. Further, CSPL recommended that councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media and Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.

#### **RESOLVED**

**That the Standards Committee note the changes and RECOMMEND TO COUNCIL to adopt the final version of the Local Government Association Model Code of Conduct for Members once published (and appended to these minutes) to take effect for the New Municipal Year and the Monitoring Officer undertake the necessary training to effectively implement the revised Code.**

#### **4 GENERAL DISPENSATION FOR MEMBERS**

Consideration was given to a report of the Director of Governance and Pensions, which invited the Committee to readopt the existing, range of standard dispensations available to Members in discharging Council functions in accordance with the Localism Act 2011 and the Members' Code of Conduct.

It was explained that Members were required to declare under the Localism Act 2011 ('the Act') and Members' Code of Conduct ('the Code') their disclosable pecuniary interests in relation to matters discussed at formal Council meetings.

This report sought the agreement of the Standards Committee to grant in principle a dispensation to all Members for the same categories of otherwise disclosable pecuniary interests for a further four-year period. Such dispensations did not relieve the Member of the obligation to declare and register such interests, although on those occasions where something impacts on a majority of Members, the Borough Solicitor would usually make that declaration on behalf of all those affected Members.

It was explained that in 2013, the Government issued guidance on whether a Member had a pecuniary interest in respect of setting the Council Tax or a precept. While therefore it was not necessary to apply for the dispensation in order for Members to discuss and vote upon Council Tax, as there was ambiguity in the legislation which necessitated the Government guidance, it was considered advisable to continue to include the setting of Council Tax or any precept as one of the dispensation categories for the avoidance of doubt.

The Director of Governance and Pensions stated that the only dispensations in the last 8 years that had been awarded were for setting Council tax using the form at **Appendix A** on an annual basis.

#### **RESOLVED**

**That the Standards Committee:**

- (i) Delegate authority to the Borough Solicitor to, upon application by Members, grant a dispensation for four years from the date of this Committee, for Members to participate and vote in the following matters, irrespective of them otherwise having a pecuniary interest:**
  - (a) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless the matter relates particularly to the school, which the child attends;**

- (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of, such pay;
  - (c) an allowance, payment or indemnity given to Members;
  - (d) any ceremonial honours given to Members; and
  - (e) setting council tax or a precept under the Local Government Finance Act 1992.
- (ii) Note that such dispensation does not relieve the Member of the obligation to declare the interest or have such interest registered in accordance with the Members' Code of Conduct and the expectation is it will be produced in the form at Appendix A and declared at the meeting.

## 5 CIVILITY IN PUBLIC LIFE

Consideration was given to a report of the Director of Governance and Pensions, which detailed the programme undertaken by the LGA working with the WLGA, COSLA and NILGA on 'Civility in public life'.

It was reported that the LGA recognised the growing need among councillors for support related to intimidation, and have jointly developed a resource following advice from both councils, councillors, other council representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation.

The Councillors' guide to handling intimidation (**Appendix A** to the report) covered topics such as how to handle abuse, both face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved and would be continuously updated with the latest advice and information available.

It was explained that the Lawyers in Local Government recognised that the growing use of social media placed additional pressure on Monitoring Officers to advise officers, councillors and their authority on a range of legal implications based on wide-ranging posts, tweets and commentary published in the public domain.

On 26 August 2020 Lawyers in Local Government published the Social Media Toolkit (**Appendix B** to the report) that would support Monitoring Officers in providing advice to their officers and members covering defamation, abuse, standards, employment law, data protection, indemnities and guidance for councillors, it provided a comprehensive useful guide to an increasingly complex area.

### RESOLVED

**That the LGA Councillors' guide to handling intimidation (Appendix A) and the Lawyers in Local Government published their social media toolkit (Appendix B) be shared with all elected councillors to support them in their roles.**

## 6 ETHICAL STANDARDS UPDATE

Consideration was given to a report of the Director of Governance and Pensions, which briefed Members on any developments and news on matters of local government ethics. The report looked at news items and any relevant case law, as well as any recent published decisions from other local authorities or any of the existing standards boards. It also provided an update on the work of the Committee on Standards in Public Life (CSPL) that followed on from their report "Ethical Standards in Local Government".

It was reported that in July 2020 Wakefield Council had to explain to residents that there were no powers to remove a councillor who had been convicted of sexual offences involving children, but was then yet to be sentenced. The Director of Governance and Pensions explained that under the current

laws a Councillor could not be disqualified as a Councillor until such time as they had been sentenced for a criminal offence and received a sentence for more than 3 months.

Members heard that in June 2020, Richard Harwood QC reported a case in which the High Court had considered the issues around lobbying. This followed the London Borough of Hackney advising planning committee members to not read correspondence sent to them concerning applications. The High Court found that such communications were an important part of the local democratic process.

It was stated in June 2020, the LLG website published a report about NALC calling for there to be a power of suspension and asking the government to take urgent action to introduce such a power.

Further, in June 2020, it was reported that a community councillor in Wales had failed to secure an injunction to prevent the Public Service Ombudsman for Wales investigating complaints about him.

## **RESOLVED**

**That the report be noted.**

## **7 REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY**

The Register of Interests and Register of Gifts and Hospitality were available online for inspection.

It was reported there had only been one gift declared in the last 6 months, which was flowers of the value of £25 given to a Councillor.

## **8 URGENT ITEMS (IF ANY)**

There were no urgent items.

## **9 DATE OF NEXT MEETING**

The date of the next meeting was scheduled for the 6 April 2021.

## **10 DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)**

The following items were raised during the discussion period:

### ***Application of the Model Member Code of Conduct***

In response to a question from a Member regarding how the Member code of Conduct would apply to social media pages, the Director of Governance and Pensions explained that it was not to prevent Councillors sharing their views. However, it was expected that when sharing views and opinions it would be done in a professional manner.

### ***Conduct of Election Candidates***

Members enquired on the conduct of election candidates. The Director of Governance and Pensions explained that there were codes of conducts relating to the conducts of political parties. Further, people could complain to the party offices of any political parties who had published complaints systems.

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## **Local Government Association**

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

#### **Joint statement**

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

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

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

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

## **Introduction**

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

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

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

## **Definitions**

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

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

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

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

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

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

## **General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

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

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

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

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

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

You are also expected to uphold high standards of conduct and show leadership at all times.

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

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. *Respect***

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

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

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

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

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

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

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

**As a councillor:**

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

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

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

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

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

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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

**As a councillor:**

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

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

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

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

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

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

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

**5. Disrepute**

**As a councillor:**

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

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

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

## **6. Use of position**

**As a councillor:**

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

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

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

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

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

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

Examples include:

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

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

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

**As a councillor:**

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

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

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

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

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

## **Protecting your reputation and the reputation of the local authority**

### **9. *Interests***

**As a councillor:**

**9.1 I register and declare my interests.**

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

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

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

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

# **Appendices**

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

The principles are:

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

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

### **Openness**

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

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

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

## Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. 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. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. 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.

### Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

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

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

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

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

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

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

**Table 2: Other Registerable Interests**

<b>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 council;</b>	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

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

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Councillors' guide to handling intimidation

Practical steps that you and your council can undertake to protect yourself as a person in a public position.

### About

The LGA and the [WLGA](#) recognise the growing need among councillors for support related to intimidation, and have jointly developed this resource following advice from both councils, councillors, other council representative organisations, as well as national organisations such as the Suzy Lamplugh Trust and National Counter Terrorism Security Organisation.

The guide covers topics such as how to handle abuse, both face-to-face, letters or online, and the legal and practical remedies, including the nature of the criminal offences involved and will be continuously updated with the latest advice and information available.

### Introduction

Becoming and serving as a councillor is a responsibility, a privilege and a hugely rewarding undertaking. But we are aware that an increasing number of councillors and candidates are being subjected to abuse, threats and public intimidation, undermining the principles of free speech, democratic engagement and debate. The growth of social media has provided an additional and largely anonymous route for individuals and groups to engage in such activity.

We are also aware that the growth in public intimidation is putting people off standing as local councillors. This is of concern to us as an organisation representing local government, as we want to encourage more people to stand as councillors as part of our [Be a Councillor](#) campaign. We need a numerous and diverse set of candidates

and councillors to represent our numerous and diverse local communities, ensuring that local decision making is robust and well-informed.

This guide is not designed to alarm, but to suggest some steps you and your council can undertake to protect yourself as a person in a public position, and how to respond should an incident occur.

**In this guide we define public intimidation as “words and/or behaviour intended or likely to block or deter participation in public debate, which could lead to an individual wanting to withdraw from public life”.**

While debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it. There is existing legislation designed to protect not only councillors but the general public as a whole, and this guide provides some advice on it.

We are aware that due to the scale and nature of public intimidation, many police forces feel under-resourced and unable to tackle it. However, if public intimidation is taking place and a crime has been committed it is important that it is recorded and reported so that the scale and nature of the issue can be better understood. In addition to producing this guide, the LGA is planning further guidance for councils on supporting councillors and will continue to work with national government and other agencies to address the issue of public intimidation and its impact on local democracy.

*Please note that this guide does not take the place of legal advice or personalised advice from the police on offences or personal security. If you are concerned about your personal safety or security as a result of abuse, harassment or intimidation, do contact your local police force*

## **General advice on handling intimidation**

The most important determining factor in deciding how to respond to intimidation is the impact it is having on you. Regardless of what others may think, if it is having an effect on you, then that is sufficient enough for you to take action.

Key points:

- Councillors are encouraged to keep a record of any intimidatory communication or behaviour
- Contact with unknown or anonymous individuals should be undertaken with care

## **General advice**

Below are a suggested set of actions that you could undertake if you consider you are being subjected to intimidation:

- Make sure that your immediate safety is not at risk. Make sure you are safe.
- If possible, record or diarise the encounter or communication. In the case of an email or letter you can copy or save it. A telephone call or face-to-face discussion and social media incident could be written in a diary as soon as possible after the event, recorded, screen-shot or saved. You can also take photos of damage or even a computer screen. Even if this is the first or only incident, others may also have been subjected to intimidation and a collective record is important if future action is going to be taken. It is also important that incidents relating to the same individual or individuals should be recorded as such evidence could be critical if the matter gives rise to a criminal prosecution.
- Raise the incident with a view to discussing it or obtaining support from a nominated council officer and/or political group nominated person. This will also help you establish if others have been subjected to the same or similar intimidation.
- If a serious potential crime has occurred, it is advisable to formally report it to the council and/or to the police, particularly in the context of a serious threat to life or anticipated violence.
- If you are concerned about your personal safety, raise this with the council and the police so that there is a record of the impact the incident is having and review your own security and personal safety. This could include your personal or work activities and those of your family.
- Under the Health and Safety at Work Act, councils have a duty to safeguard their staff against potentially violent persons and often have a register with names of such parties. Although councillors are not employees in the legal sense, treating them as such in this instance will enable the council and the councillor to ascertain if the individual or individuals who have intimidated them is on such register and, if not, ensure that that their name is added.
- Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.
- If the letters or emails continue further steps may need to be considered such as advising the individual that such abuse will result in a referral to the police and the stopping of further correspondence.

### **Intimidation on the telephone**

- Continue to be polite and try to stay calm – ensuring you are safe
- If you have a recording function on your phone, particularly if it is a mobile phone, switch this on. You can also use your mobile phone to record a landline call by switching on the voice recording function and holding it to the landline phone

- Try to ascertain the complaint if there is one and indicate to the person on the phone that you consider that they are trying to intimidate you and that calls may be recorded
- Try to ascertain the name, address and telephone number if you can
- Remember not to reveal any personal details
- Sometimes a suggestion that the caller refers the matter to the standards committee of the council may result in a solution for the caller
- If the call continues with threats, abuse and/or intimidation, you can terminate the call, indicating to the caller that you will do this
- Make a note of any details of the call you can remember, particularly the person's phone number
- If you are concerned make a report to responsible officer at the council.

### **Your mental health**

Being abused or intimidated, whether in person or remotely, can have an impact on your mental health. If you are feeling anxious or worried, or if it is affecting your daily routines such as sleeping or eating, or if you have any concerns, do speak to your local GP.

### **Personal safety and security**

This section sets out some advice for considering and maintaining your personal safety and security. Much of this is common sense, but we hope the reminders will prove useful.

Further information on issues raised here are available with acknowledgement to, the [LGiU](#), the [Suzy Lamplugh Trust](#) the [National Counter Terrorism Support Office](#), Northampton Borough Council and Kirklees Metropolitan Borough Council, which has comprehensive paperwork relating to personal safety training.

Key points:

- consider your personal safety and security and incorporate it into planning any public duties or interaction, in association with your council
- much personal safety is common sense, but it is useful to remind yourself of the advice

### **1. Introduction**

1.1 An important role of a councillor is to keep in touch with their residents and communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of council services. These contacts are usually rewarding and non-adversarial. However, councillors can find themselves in a position where they need to manage angry and frustrated residents who often contact their elected representative when they feel that they have no other avenue to pursue. Often councillors will deal with constituents on a face to face basis when alone.

1.2 Councillors are encouraged to:

- assess the risks to personal in carrying out their public duties
- recognise potential danger from personal contact or internet / postal communication and take appropriate action
- be proactive in considering personal safety through, for instance, the purchase of personal alarm, ensuring your partner, friend or relative has information on your activities, and ensuring your mobile telephone is charged
- if possible, vary daily routines, such as leaving and returning home at the same time or on the same route

1.3 The purpose of this section of the guidance is to set out what personal safety and security measures you could take to prevent and deal with those rare circumstances when you might find yourself in situations where you are concerned for your safety.

1.4 Most councillors will not experience any problems during their term(s) of office, but a little time given to the preparation and planning can reduce any risk.

## 2. **Ward surgeries**

2.1 The arrangements you can make will vary according to your local circumstances and it will be a fortunate councillor who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents.

2.2 The following suggestions are designed to help make a Ward Surgery safer and more effective:

- Not holding surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently holding surgeries alone, you could discuss how this can be overcome with fellow councillors or council officers.
- If you cannot avoid holding surgeries on your own, you can try to reduce any risk by considering the layout of the room, for example, sitting nearest to the door with the constituents seated on the other

side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational). You can make sure there are no heavy items in the room that could be used as weapons and generally declutter the room.

- If possible, a separate and comfortable waiting area for constituents allows for a preliminary assessment.
- Have a plan for any helpers or staff regarding what to do in an emergency that you review and test regularly. This could include having an emergency word or phrase you can use to ask for assistance.
- Have an incident log book to record any incidents. This should include all types of unacceptable behaviour and should be dated, timed and signed in case further action is required.
- You can also undertake personal safety if you want to have additional skills in dealing with a potentially volatile situation.
- If you are at the stage of looking for suitable premises in which to hold a surgery, the following can help when considering personal safety:
  - council premises (e.g. libraries) during opening hours or other premises where there are many other people about
  - close to members of staff or other people in case you need assistance
  - premises that where the names of any visitors for councillors are recorded
  - premises where there is a comfortable waiting area
  - easy access to a landline or an alarm linked to reception
  - a clear and agreed procedure for dealing with a call for assistance
  - is in view of a public area or a reception
  - a vision panel in the door
  - has a swift means of escape and any visitors are not able to lock the door from the inside.

2.3 It can be useful to make the following personal security checks:

- Are council staff/friends/family aware of where and when I am holding my surgery? And will they check on me if the meeting takes longer than expected? Do they know how to contact me?

- How do I call for help if I need to? Have I got my mobile phone with me, is the battery charged and can I get a signal? Do I have a personal safety alarm with me that is working?
- Is the visitor displaying signs of irrational, aggressive or confrontational behaviour?
- Am I sat at their level and using eye contact and open and gestures to display a helpful attitude?
- Do I think it is safe for me to conduct this surgery? Do I need to consider other options, such as a fellow councillor supporting me during the surgery? Do I need to call the police?
- Have I checked the room to make sure it is set up correctly with no items lying around that could be used as weapons?
- Is my chair nearest the door, so I can get out quickly if I need to?
- Am I aware of the quickest way out of the area or building and is there a safe location identified for me to go in case of any issues?

### 3. **Dealing with a variety of behaviours**

- 3.1 It is inevitable that some of the people you will meet will be angry or upset. Calmness in the face of whatever comes up will help you and your constituents.
- 3.2 If you are subjected to offensive, threatening, intimidating, racist, homophobic or derogatory remarks, you are within your rights to bring the meeting to an end and seek assistance. It is recommended that you take a detailed note of the incident and person(s) involved and let your council know about the incident. You can decide if you want to inform the police.
- 3.3 Some constituents seeking a councillor's help may have additional needs or a mental health condition, and it is important that they are still able to seek advice and representation from their councillor. They may just require suitable adjustments to be made and for an understanding of the nature of their condition. Advice on supporting such individuals is available from a number of organisations, including the [Autistic Society](#) and [mind](#).

### 4. **Home visits**

- 4.1 Councillors do sometimes visit residents in their homes, especially those who are elderly, disabled, have additional needs or where they simply want to see for themselves the conditions that are the subject of complaints.
- 4.2 It is for each councillor to decide whether a particular home visit should be made, especially if the person to be visited is unknown to the councillor. Most councillors trust their own instincts as to whether to meet someone alone. However, if you have any doubts about the safety of the premises you

are to visit and the purpose of the visit is not about the premises itself then arrange for the meeting to take place at a neutral venue.

4.3 If a home visit is undertaken, the following general personal safety issues can be considered and planned before the visit:

- arrange the visit during normal working and daylight hours, if possible
- if appropriate, refer to the council's 'cautionary contacts' database
- let somebody know who you are visiting, providing details of address, date and time of visit and expected duration
- keep a record of your whereabouts. This might include making a call on your mobile during the home visit, telling the resident that there is such a record or that you are expected elsewhere at a specific time. It would be advisable to let colleagues or family members know when you expect to finish.

4.4 During a home visit, you can consider the following specific personal safety advice:

- consider calling the person before the meeting to confirm arrangements and establish their mood/state of mind
- set up a code word or phrase for use on the telephone that you can use to raise the alarm. This needs to be something you have agreed with someone which will alert them that you think you might have a problem
- park your car so that it can be driven away easily and park in a well-lit area near other vehicles, if possible
- stay alert when approaching the property, and look around the garden for obvious dangers, for example dogs or prowlers
- after knocking, stand back and to the side of the door and do not stand on the edge of any steps
- be aware of potential weapons
- you can ask for any dogs or other pets to be secured
- assess the situation and mood of the resident. Also note any other people in the property and their mood
- if in any doubt or you feel threatened, do not enter, make an excuse and leave
- only sit down when the resident does

- where possible, sit in an upright chair as this is easier to stand up from barrier. If you have to sit in an armchair or settee, sit on the edge near the arm. This will enable you to stand up more easily
  - take a look for any alternative escape routes
  - if the situation changes and you feel threatened, make an excuse and leave. Back out rather than turning your back on the resident.
- 4.5 If a serious situation occurs, vacate the premises immediately and report the incident.
- 4.6 If you are unable to leave immediately when a serious situation occurs, you can:
- place defensive barriers between yourself and the resident
  - continue talking to the resident, reassuring them that you mean them no harm
  - set off your personal alarm, if you have one, or scream or shout to attract the attention of others. The use of reasonable force to protect yourself can be a last resort.
5. **Potentially violent persons register**
- 5.1 The council will have a corporate database. Councillors can contact designated officers to check about potentially violent persons prior to undertaking a home visit.
6. **Lone working**
- 6.1 If you are working alone you might consider the following:
- leaving details of where you are going and how long you will be with a partner, friend or colleague
  - checking that you mobile telephone is charged and switched on
  - carrying a personal alarm
  - making regular check-in calls to a partner, friend or colleague or asking them to call you at regular intervals
  - teaming up with another councillor in your own or a neighbouring ward
  - carrying out a risk assessment and discussing it with another councillor or officer, if there are a number of risks associated with a particular visit, for their view on whether a visit should be undertaken.
7. **Personal callers to councillors' private homes**

- 7.1 Most councillors seek to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity by the council as to how to contact councillors and details of ward surgeries reduces the chances of unwanted callers. Contact details for councillors can be found on the council's website, although councillors do not need to show their address on the published election nomination paper or on the council's website.
- 7.2 If a visit is to take place at your private home, it is recommended that this only takes place via a pre-arranged appointment, ideally with another person in support
- 7.3 It is inadvisable to see an unannounced caller in your home. You can suggest making an appointment, but if you have any doubts as to their intention or if they appear angry/aggressive, then contact the police
- 7.4 If you believe you are safe, you can try to ascertain their name and address
- 7.5 If you believe you are safe, try to ascertain the nature of the issue they want to discuss, conducting any discussion outside the house.
- 7.6 If you do feel under threat you can carry a personal alarm, perhaps keeping it at the door for easy access.
- 7.7 If you have another person with you inside the house they could take a photo of the person or film the encounter, but be aware that this is likely to inflame the situation if the person is aware of it and they may become more aggressive – this should really be a last resort if you want evidence for the police.
- 7.8 If more than one individual who are not known to you turns up unannounced and you are concerned that they pose a threat it is advisable to contact the police and decline to open the door.
- 7.9 Once the incident is over, record as much as you can, including descriptions, should you decide to take any action over the matter. If you are concerned, report the incident to the council and/or the police.

## 8. **Home security**

- 8.1 As a person with a public profile it is advisable to maintain a decent level and awareness of home security. The following is general advice on what to consider in making your home safe and secure:
  - Try to make it clear via boundaries the difference between public and private space. Front boundaries should be kept low so they don't provide hiding places and to enable good natural surveillance.

- Keep fences and walls in a good state of repair and consider your planting to reduce the availability of handholds and to put off prospective intruders
- Remember to lock your garages, outbuildings, sheds, etc. Ensure they are fitted with high-quality and secure locking devices, and you can add extra locks if you are concerned.
- Ensure tools and ladders, which could be used to access your home, are locked away, and remove anything that could potentially be used to cause damage, such as loose bricks or large stones.
- If possible, keep your dustbin and recycling bins secure until collection day to prevent them being used as climbing aids.
- Obscure the view into your home by fitting blinds, curtains or film including glazed exterior doors. Get into the habit of closing curtains or blinds when occupying a well-lit room.
- Do not label your keys – if you need to identify keys, use a colour-code theme, and keep control of your door keys. Make sure you know who has copies and if you cannot account for all the keys, change the locks. Do not give keys to people you do not know, e.g. trades people.
- If you are planning on installing a home alarm or CCTV, the police recommend that you select an installer who is affiliated to one of the recognised alarm and CCTV inspectorate bodies, such as the [National Security Inspectorate](#) (NSI) or the [Security Systems and Alarms Inspection Board](#) (SSAIB).
- In order to identify visitors at night, good external lighting is recommended, alongside low wattage lighting is recommended to illuminate all external doors, car parking and garage areas and footpaths leading to your home.
- Additional useful information is available at [SecuredbyDesign](#).

## 9. Attendance at meetings

- 9.1 Councillors have to attend evening meetings which often finish after dark. It is possible that depending on the nature and outcome of the meeting that members of the public may leave feeling angry or upset. In such instances, councillors may wish to ask to be accompanied to their car or nearest public transport by colleagues or officers who also attended the meeting.

## 10. Demonstrations

- 10.1 It is possible, due to the nature of the difficult decisions that councillors have to make, that you may experience a protest against such decisions. If this does occur:

- stay calm – such protests may feel intimidating but will not necessarily lead to a physical threat
- remain inside, close and lock doors and windows and draw the curtains/blinds
- inform the police
- it is not recommended to confront the protesters
- if you concerned that the protest is an aggressive one, and it is safe for you to do so, note descriptions of individuals and vehicles present so you can pass these onto the police.

## 11. Travelling safety

This section sets out generic personal safety advise when travelling.

### Car

11.1 When travelling the car, it is advisable to consider your personal safety by:

- having your keys in your hand or easily accessible
- investigating whether an area will be dark and isolated when you return to your car
- parking where possible, under street lighting and not in dark, deserted streets or isolated car parks
- parking on the ground floor in multi-storey car parks away from stairs and lifts and reversing into the parking space
- always locking the car doors when you get into the car and when leaving it
- taking boxes/bags to the car when other people are around
- always carrying a torch with you
- looking around your vehicle as you approach in case someone is crouching down
- looking inside before entering your vehicle to ensure no one is hiding there (even if the doors were locked)
- avoiding placing handbags, valuables or other such items on the passenger seat
- parking on the left hand side of the road facing the way you want to drive off
- trying to park in a space where you will not be blocked in
- avoiding having identifying stickers in your car

- locking the door at service stations when you go to pay
- ensuring your vehicle has sufficient fuel for the journey and refuel during daylight hours;
- not getting out if you are followed in your vehicle, and ensuring the car is locked, flashing your lights and sounding your horn to attract attention
- not winding down your window if someone taps on it, unless the individual is known to you.
- Be alert to any visual changes to your vehicle. If you notice a suspicious object on or near the vehicle, do not approach or enter it. Contact the police and give them the location and registration number of your vehicle.
- Don't leave laptops, documents, parking permits or papers in unattended vehicles, as they may identify you.

### **Public transport and taxis**

11.2 When travelling by public transport, it is advisable to consider your personal safety by:

- having the right change or your pass available so that you do not have to bring out your purse or wallet
- ensuring that you know travel times – particularly the details of the last bus / train of the day
- waiting for a bus or train in a well-lit place near other people, whenever possible, and paying attention to your environment
- carrying “emergency” money so that if a bus or train does not turn up, you are able to call a taxi
- sitting on the lower deck and near the driver if a bus is empty or it is after dark
- on trains, choosing carriages that are well-populated and not hesitating to move seats if you feel uncomfortable where you are
- on trains, if you sit next to the door make sure that you keep your mobile telephone close to you. A common crime is for a thief to grab a telephone and make a dash just as doors are closing
- avoiding compartments which have no access to corridors or other parts of the train
- sitting with other people and avoiding empty carriages

- if you do feel threatened, making as much noise as possible to attract the attention of the driver or guard
- if you can, arranging for someone to meet you at the bus stop or train station, particularly if travelling at night or in an unfamiliar area. If this is not possible, try to walking near other people with whom you feel safe, and walk purposefully to your destination
- always carrying the telephone number of a trusted, licensed company with you
- ensuring any pre-booked licensed minicab driver has ID and it that it matches the driver and the vehicle's photographic licence. If it does not, do not get in the cab
- when booking a taxi or minicab, asking for the driver's name, as well as the make and colour of the car. Confirm the driver's details when they arrive – is it the taxi or minicab you ordered?
- sharing a taxi or minicab with a friend and sitting in the back of the car are good safety strategies
- minicabs that pick up fares on the street, without being pre-booked, are illegal, uninsured and potentially very dangerous.

## **Cycling Safety**

11.3 When travelling by bike, it is advisable to consider your personal safety by:

- keeping your bike in good working order
- wearing a fluorescent belt or jacket and always using lights
- wearing a cycling helmet;
- securing your bicycle with a good quality chain and padlock.

## **Walking**

11.4 When walking, it is advisable to consider your personal safety by:

- checking that you know where you are going
- considering what your walk will be like at night if you are travelling at that time.
- being prepared to walk a longer way around to keep safe
- wearing comfortable shoes that you can move quickly in, if you need to
- considering carrying a personal alarm, and if you do, making sure that it is accessible
- tucking a scarf or long hair inside your coat

- carrying any bag or handbag across your shoulder

## 12. Reporting incidents

- 12.1 If you consider any incident to be severe, contact the police. Even if an incident is not considered serious enough to involve the police, it should always be reported to the council.
- 12.2 If you have been subject to, or witnessed a hate incident or crime you have a duty to report it. By taking appropriate action you may help to prevent a similar incident reoccurring.

## 13. Training

- 13.1 Personal safety of councillors is a responsibility of your council whilst you are on council business. Personal safety training for councillors may be a key component of the councillor induction programme.

## 14. Terrorist-level threats

- 14.1 Although the purpose of this guide is not to cover this in detail, it provides a good opportunity to highlight the current safety advice should such an incident occur.
- 14.2 The main 'Stay Safe' principles are to "Run – Hide – Tell". If you would like more information you can refer to the National Counter Terrorism Support Office's website at [www.gov.uk/government/publications/recognising-the-terrorist-threat](http://www.gov.uk/government/publications/recognising-the-terrorist-threat).
- 14.3 You can discuss your personal security with your [local counter-terrorism security adviser](#).

## Councillors and social media

This section sets out background information on the use of social media for councillors. With thanks to Ashfield District Council for permission to share their guidance on social media.

Key points:

- Social media can be very useful in getting feedback on proposals and communicating information about councillors' activities
- Social media is always on, so consider setting personal limits and establishing your own routine
- Councillors are subject to the council's code of conduct when using social media

### 1. Why you may find social media useful

Social media has become an every-day communications tool for councillors and the people they represent, and the potential for councillors using social media is huge.

Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

In addition, it is a useful source of intelligence:

- People will talk about local issues, their concerns and interests.
- You can find out about breaking news, the latest research or publication or the latest policy announcements from organisations such as the LGA.
- People often have little understanding of the councillor role and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are similar to them.
- Residents can be made aware of and provide feedback to your work and campaigns, including mobilising support and interest and gathering followers.
- You can have conversations with people who do not traditionally seek out their local representatives.
- Social media allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly (bearing in mind that you would then share equal responsibility in law for anything later seen to be untrue or defamatory)
- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release.

### **Online safety, personal security and digital citizenship**

Digital Citizenship, which has begun to be taught in schools, is about engaging in appropriate and responsible behaviour when using technology, and encouraging others to do so as well. It encompasses digital literacy, ethics, etiquette, online safety, norms, rights, culture and more.

In any personal online biography, it is advisable to make clear that the views are those of the councillor in question and may not represent the views of the council. If space allows, you may also want to set out a 'response' policy, such as "I welcome questions via email" and an 'engagement' policy, such as "abusive content will be removed".

It is easy to put personal information online, such as your birthday, routines, places you frequent, future visits, holiday destinations, relationships, and opinions, etc, which are then available for anyone in the public domain to access. For personal safety, as well as identity security, you may want to consider whether you share personal information, images of friends and/or family and details of any routines.

Social media posts now include location-based information, particularly from mobile phones, which tells people exactly where you are or where you have been. Again, with personal security in mind, you may want to turn off these notifications.

You can 'search for yourself' to check what information you can find out about yourself, your family or your business on-line. Checking this regularly means you can check what is in the public domain and edit it if necessary.

With respect to personal security, it is advisable not to include on social media details such as your personal phone numbers, home address, details of family members or vehicle details.

A picture paints a thousand words, and a photo can relay personal information you may not want shared on social media. As such, it is advisable to only publish photos of family, friends and colleagues with your consent and theirs, to ensure photos don't reveal your home or places frequented with family members such as schools or care homes, and to disable automatic photo and location tagging so that you have to approve another user identifying you in a photo or being at a specific location. You may also want to make your family and friends aware that you will be following these precautions.

Some people say things via social media that they probably would not say in person, and they can post false information, insults or messages that you would not want to be associated with you. These can multiply and be shared quite rapidly. Councillors, and in particular female councillors, are unfortunately increasingly the subject of online abuse, bullying and harassment on social media. See our section on handling abuse on social media on how to manage this.

Having a social media presence means that people can contact you at any time. This is great in terms of accessibility but means that they may expect you to reply immediately, which can create a sense of pressure. It is useful to set your own rules and limits for how you manage your social media presence.

You can be sent phishing requests and malicious software on social media the same as you can on email, so maintain the same level of vigilance.

Be aware that some individuals post socially unacceptable, defamatory, inciting or even intimidatory remarks to generate online activity on the back of advertising or promotion of ideologies, brands or events. Similarly, the term "internet troll" is used to refer to a person or group of people who deliberately start arguments or upset people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.

Be aware of safeguarding because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.

The usual protocols regarding confidential information, copyright, data protection, purdah, exempt reports, etc, apply to social media. Avoid publishing anything where there is doubt or seek permission in advance. Your council may also have a protocol

regarding the use of social media in the run up to, during and after both internal and public meetings.

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

To provide support councillors in their use of social media, it is recommended that councils have their own policies, protocols and training, as well as a point of contact within the council to give support and to report to if things go wrong. The LGA will be working with members to develop more detailed advice for councils in a future guide.

### **Responsibilities of councillors on social media**

Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if you pass on any similar untrue statements you receive.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.

You can make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. It is advisable to read the terms of service of any social media site accessed and make sure you understand their confidentiality / privacy settings.

Some councillors choose to have separate social media profiles for personal and council use. It is important to keep in mind, however, that even the strictest privacy settings is no guarantee for posts or actions to remain private. As a rule of thumb, never post anything online you would not be comfortable saying or sharing in a public meeting.

The code of conduct for members and relevant legislation continues to apply online and in social media. If you are referring online in any way to your role as a councillor, you are deemed to be acting in your “official capacity” and any conduct may fall within the code.

### **Managing and moderating your own group or page**

- 1.1 You may wish to set up your own councillor or community page on Facebook. These are valuable platforms to promote local information, news, events or council developments or seek people’s views on community or council proposals.
- 1.2 Members of the community and others can contribute and comment in an interactive manner and whilst most is constructive and uses acceptable

language, some individuals may use bad language or 'cross the line' into abuse or harassment.

1.3 If you are a Group or Page administrator, Facebook provides you with a range of tools to manage and moderate other people's content or contributions to your Group or Page for more serious breaches of standards.

1.4 You can:

- block certain words or apply a 'profanity filter' in the settings, this will stop such postings appearing in your page
- hide or delete comments, photos or tags
- ban or remove someone from your pages

Useful guidance and instructions are available on the 'Banning and Moderation' section of Facebook.

Administering a large Group can be a lot of work, particularly if group members are active. If that's the case, you might want to share the responsibility with other councillors, friends or trusted community members. [Guidance](#) on making other people or administrators is available on Facebook.

## **Handling abuse on social media**

This section provides advice on handling intimidation and abuse online. With thanks to the Welsh LGA for the reproduction of their [guide](#) in the production of this section.

Key points:

- Keep a record of any abuse
- Carefully consider how and whether to respond to inaccurate or defamatory social media comments
- Report any abuse to the social media companies for its deletion or to raise concerns about an account

## **Introduction**

Any intimidation or abuse on social media is subject to all the same potential criminal prosecutions as other forms of intimidation, with the additional criminal offences relating specifically to electronic communications.

You are best placed to determine whether a post or interaction is abusive or intimidating, and if you feel intimidated you can take action to report it. Good digital citizenship encourages the labelling of abusive and inappropriate online material so that both the perpetrator and others viewing it can also know it is not acceptable.

However, it does not necessarily follow that the police or courts will regard it as intimidatory behaviour in law as they have to apply their own 'average person' tests – also known as 'reasonableness tests' or the '[Clapham omnibus](#)' test.

Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.

### **Keep a record**

If you have received online abuse, even if you are not overly concerned or if you intend to ignore it, you should consider keeping a record should any incidents escalate in the future. You can simply 'screen shot', 'clip' or 'snip' tweets or posts on your phone, tablet or computer. You may also decide to warn the perpetrator that you are keeping a record of all messages and may refer them to the appropriate authorities, which may stop them posting further comments or might encourage them to delete them.

### **Tackling abuse on social media**

In any situation that arises on social media, you will need to decide whether you want to engage in a discussion or ignore it, and whether the communication is abusive, intimidatory or threatening.

When determining whether to engage or ignore, you'll need to balance the risks and likely success of either approach in stopping the situation. Engaging in online discussion could diffuse it through the use of humour or similar, or could inflame the situation further. There is no right or wrong here. However, it is likely that the person posting has less of a following or public profile than you and by engaging you can increase their audience

If the communication is abusive, intimidatory or threatening, then keep a record of it (such as a screen shot). You can post that you find the communication abusive, intimidatory or threatening if you want to highlight the poor online behaviour, and report it to the social media platform and to the police. You can also make your council aware that you have been subjected to online abuse, intimidation or threats in your role as a councillor so they can keep a record or take action as well. If you think there are threats to your personal safety or security, you can ask for advice from the police.

It may be useful to refer to our section on the legislation applicable to harassment and abuse to see if the communication falls into any of the categories so you can describe it to the police in these terms.

Perhaps most distressing is when multiple users all send abusive messages in quick succession or at the same time. This can be overwhelming and the structure of Twitter in particular means that the more posts and retweets, the more others see it, and they can be encouraged to add to the abuse. It can escalate very quickly. There are sadly some who will willingly add to the abuse for their own amusement, even if they are unaware of the details. This is a difficult situation to handle, particularly if the information is being held by another user. If this occurs, you are advised to make a record of the abuse, inform the social media platform, your council and the police if

any of the tweets make significant personal threats. You may wish to remove the original post if you can. Often these things burn themselves out very quickly and the perpetrators move onto the next trend or victim.

If someone has posted some inaccurate information about you or the council, and if the information is defamatory (a false statement that could harm your reputation), again, the first step is to gather evidence. You may then want to contact the individual initially to request that the tweet or post be deleted; some individuals may have made a mistake without malice and will remove their post immediately. Depending on the nature of the tweet or post and the number of followers who may have viewed the tweet, you may wish to seek a correction and/or an apology.

If this approach is unsuccessful or where a defamatory tweet or post causes serious concern or is part of a concerted campaign, in addition to informing your council, you may wish take legal advice and to issue a “notice and take-down” letter via your solicitor (assuming you are able to locate the perpetrator). Although you may not have the intention of proceeding further, the threat of legal action is often a powerful deterrent and can prompt a swift and successful resolution.

If the tweet or post is a complaint about a council service, you can ask for contact details and pass the information to officers to follow-up on and inform the individual that this is the course of action you are taking. This may help defuse any tensions.

### **Muting or blocking accounts on Twitter**

You may wish to unfollow, mute or even block a person or group who is persistently tweeting you or is being abusive or intimidatory. Guidance about to mute and block is available from Twitter, but in summary:

**Muting** allows you to remove an account’s tweets from your timeline but does not go as far as unfollowing or blocking the account. Muted accounts will not know that they have been muted and you can ‘unmute’ them at any time.

**Blocking** allows you to restrict specific accounts from contacting you, seeing your tweets or following you. Unlike muting, the perpetrators can find out that they have been ‘blocked’ and may accuse you of avoiding their scrutiny; this may be a small price to pay if their behaviour is checked and can be easily rebutted if necessary.

### **Reporting the abuse on Twitter**

Twitter itself promotes ‘[Rules](#)’ encouraging constructive debate but it explicitly prohibits behaviour “...that crosses the line into abuse, including behaviour that harasses, intimidates, or uses fear to silence another user’s voice”.

If tweets are so offensive that you believe they violate Twitter’s rules, you can [report](#) them to Twitter who may decide to take action. For further information about how to report ‘violations’ visit Twitter’s how to report [violations](#) page.

If someone sends threatening, abusive or offensive messages via any social networking site, they could be committing an offence. The most relevant offences are ‘harassment’ and ‘malicious communications’.

According to the police, harassment means a 'course of conduct' (i.e. two or more related occurrences) and the messages do not necessarily have to be violent in nature, but must be oppressive and need to have caused some alarm or distress.

An offence relating to malicious communications may be a single incident, but for an offence to have been committed, a message must be indecent, grossly offensive, obscene or threatening or menacing.

### **Tackling abuse on Facebook**

Facebook has slightly different '[Community Standards](#)' to Twitter and alternative methods of dealing with complaints.

You are also more likely on Facebook to encounter community or campaign groups or pages which facilitate scrutiny of you, fellow councillors or your local council, and some will have been set up specifically with that purpose in mind. If these groups are not moderated effectively, they can provide a conduit for abuse and harassment. Your council may have a policy on communicating and engaging with such groups, particularly if they have been set up to criticise the council, and you can take advice from the council's communications officers.

There is no right or wrong way with regards responding to a group or page which regularly criticises the council or councillors; some believe that it is beneficial to engage constructively, to explain, inform or signpost and hopefully improve awareness, understanding and support, whilst others are more reluctant as it will require emotional energy and time and the likelihood of successful engagement may be limited.

If you are concerned about comments or postings about you in a group or page, you can report the post to the group administrator. If you are concerned about a group that is abusive and you think it has broken Facebook's Community Standards, you can [report](#) the group to Facebook.

Although Facebook encourages respectful behaviour and takes action to protect 'private individuals' from bullying and harassment, it permits 'open and critical discussion of people who are featured in the news or have a large public audience based on their profession or chosen activities' but does take action around 'credible threats' and 'hate speech'.

There are a range of options for you to manage abuse or harassment on Facebook and full instructions are available on the Facebook [help page](#):

if you want a post removed from Facebook, you can ask the person who posted it to remove it

if you don't like a story that appears in your news feed, you can [hide it](#)

if you are not happy with a post you're tagged in, you can [remove the tag](#)

you can leave a [conversation](#) at any time, though the other people in the conversation will be notified and you will no longer receive messages from the conversation

you can unfriend or block another user; they will no longer be able to tag you or see things you post on your timeline

If the post goes against Facebook's Community Standards you can report it to Facebook.

### **Tackling abuse on blogs**

Blogs are a quick and easy way for members of the public or councillors to set up mini-websites to discuss and air views on matters of interest.

Occasionally, blogs may take an interest in local, community matters and some have been set up specifically to scrutinise the local council or councillors. At other times, councillors may face negative comments on their own blog.

While scrutiny is a key part of local democracy and accountability, on occasions, some blogs may make unfair comments or untrue allegations or may include abusive or threatening commentary. Unlike Facebook and Twitter, there are no 'community rules or standards' to moderate or challenge such content.

Depending on the nature of the comments, councillors therefore have several choices:

ignore them altogether and hope that few people read and become aware of the comments

engage with the blogger and seek to assure, inform or correct the comments as appropriate. Bear in mind that this course of action may fuel and prolong the debate and abusive comments further

if you are concerned that the blogger is harassing you, threatening you, spreading malicious communications or is defaming or libelling you, you may wish to record any evidence (such as screen shots) and seek further legal advice or refer the matter to the police.

### **The law**

This section sets out the legislation that applies to intimidation with the aim of helping councillors experiencing intimidation or abuse to classify it according to the legislation.

Key points:

- Threats to kill, rape, serious violence, stalking and property damage are all criminal offences
- Intimidating behaviour that is face-to-face or by letter, telephone call or online is a criminal offence

- Councillors are encouraged to make a record of these incidents and report them. Even if it does not result in a criminal investigation or conviction, it is important that the collective scale of the issue is reported

## 2. Legal background

Whilst the law on physical and verbal intimidation and abuse is better established and known, the law has been catching up with developments in the area of communication generally and the recent seriousness of intimidation arising from the conduct of our democracy. This includes the speed and available uses of the internet as well as the subsequent significant growth in the use of social media in both promoting political causes and discussions with residents and voters.

Although social media can create a new type of relationship with the electorate, it can provide a platform, through its remoteness and anonymity, to be used by those wishing to intimidate others.

Councillors are not employees of the council and do not have the benefit of safeguards in employment legislation if they suffer intimidation. However, they should be supported by their council to undertake their duties safely and without fear or intimidation. Their political party may also offer them support.

In undertaking their activities as a councillor, they are protected by the same legislation relating to intimidation or threats as to any member of the public. As councillors are servants of democracy they, arguably, deserve greater support as they undertake their public duties.

### Summary of offences and corresponding legislation

The summary table below sets out the range of offences classed as intimidatory offences. These range from face-to-face encounters to online activity. The guide includes a more detailed explanation of the offences.

Offence	Legislation	Comment
The Act defines anti-social behaviour as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”	Anti-social Behaviour, Crime and Policing Act 2014	
Improper use of public electronic communications network	Communications Act 2003 – Section 127	Sending message which is grossly offensive or of an

Offence	Legislation	Comment
		indecent, obscene or menacing character.
Racially or religiously aggravated offences	Crime and Disorder Act 1998 – Sections 28 – 32	Hate crimes relating to racial or religious issues. Crimes relating to disability, transgender status or sexual orientation, treated as factors in sentencing. Subject to Law Commission review.
Restraining orders on conviction or on acquittal	Protection from Harassment Act 1997 – Sections 5 and 5A	Section 5A inserted in Domestic Violence Crime and Victims Act 2004 and both sections give court wide discretion to restrain defendant from contact with victim.
Stalking, involving fear of violence or serious alarm or distress	Protection from Harassment Act 1997 – Section 4A	Inserted by Protection of Freedom Act 2012, also requiring conduct “on at least two occasions”.
Harassment which puts people in fear of violence	Protection from Harassment Act 1997 – Section 4	Requirement that the conduct has taken place “on at least two occasions”.
Offence of stalking	Protection from Harassment Act 1997 – Section 2A	Inserted by Protection of Freedom Act 2012 and examples are detailed in 1997 Act
Prohibition of harassment	Protection from Harassment Act 1997 – Section 1	Applies when one or more people are subjected to harassment
Intimidation arising from investigation into	Criminal Justice and Public order Act 1994 – Section 51	Applies if intimidation is reported to police and

Offence	Legislation	Comment
or given evidence about an offence		prosecution takes place
Unauthorised access to computer material	Computer Misuse Act 1990 – Section 1	Hacking into computer
Common assault and battery	Criminal Justice Act – Section 39	Common law offence which includes fear of, rather than actual, violence
Sending letters or other communications with intent to cause distress or anxiety	Malicious Communications Act 1988 – Section 1	Electronic communications and networks included in Criminal Justice and Police Act 2001 and Communications Act 2003
Using threatening, abusive words or behaviour which may cause unlawful violence or harassment and alarm	Public Order Act 1986 – Section 4 and Section 4A	Applies for displaying any written material such as banners or posters
Threats to destroy or damage property	Criminal Damage Act 1971 – Section 2	“Without lawful excuse” or which could endanger life
Destroying or damaging property	Criminal Damage Act 1971 – Section 1	“Without lawful excuse” or being reckless as to action. Arson could, also, amount to threat to kill
Threats to kill	Offences Against the Person Act 1861 – Section 16	Threat “without lawful excuse”
<b>Possible future legislation</b>		
Intimidating parliamentary candidates or party campaigns	Government consultation following Committee on Standards in Public Life 2017 report	The LGA is lobbying that this should apply to local elections and candidates

Offence	Legislation	Comment
Action to regulate removal of illegal and unacceptable online content	Government consulting on its Online Harms White Paper	Likely to be subject to resistance from the tech companies

### **Balancing freedom of speech and its limitations**

The right to freedom of expression is a fundamental human right of the greatest importance and a lynchpin of any democracy. However, it is not an absolute right as indicated in the three articles numbered 9, 10 and 14 of the European Convention on Human Rights. The key elements appear in article 10, which sets out that the freedom includes to right to hold opinions and to receive and impart information and ideas without interference from a public council.

The elements that have a bearing on councils are:

Interests of public safety

Prevention or disorder or crime

Protection of health or morals

Protection of the reputation or rights of others

Preventing the disclosure of information received in confidence

All the above have been incorporated within our legislation and thus restrict the extent to which freedom of speech is permitted.

### **Severity of intimidation**

If you are feeling intimidated, then that experience is legitimate and should be your own test as to whether you want to report the situation. In determining whether an act is classed as intimidation in law, the police and the courts will apply their own tests based on the existing legislation and 'reasonableness'. However, legislation, guidance and case law evolves and this should not put you off reporting a situation and seeking a resolution should you feel you have been intimidated. In summary:

Threats to kill, rape, serious violence or actual common assault, damage to property (such arson) should be reported to the police. Councillors may wish to review their own personal safety precautions and possibly those of their family.

Harassment and stalking would also require police involvement, particularly if there were a number of occurrences.

Action following intimidation arising from both face-to-face and online contact will depend upon the circumstances such as the number of communications or contacts, extent of obscene or violent language and whether the activity continued for a period of time including whether the abuser resorted to more than one method of abuse.

Councillors are encouraged to record all instances that cause concern and in reporting to the police consider the requirement for detailed evidence to prove the case “beyond all reasonable doubt”.

There have been a number of cases arising from the provisions of the 1997 Protection from Harassment Act where judges have provided guidance as to when the intimidation complained about should require the involvement of the civil or criminal law. The judge in the case of *Dowson and Others v Chief Constable of Northumbria* [2010] EWHC 26 set out six steps under the 1997 Act:

1. there must be conduct which occurs on at least two occasions
2. which is targeted at the individual
3. which is calculated in an objective sense to cause alarm or distress, and
4. which is objectively judged to be oppressive and unacceptable
5. what is oppressive and unacceptable may depend on the social or working context in which the conduct occurs
6. a line is to be drawn between conduct which is unattractive and unreasonable, and conduct which has been described in various ways such as “torment” of the victim, “or an order which would sustain criminal liability”.

Although the courts look at the conduct from an objective point of view, the victim’s reaction to the intimidation will be subjective and it will be for that individual to decide upon the action which is taken. The courts will also take a view on whether the perpetrator knows or ought to know that his conduct amounts to harassment.

### **Advice for supporting councillors**

This section puts forward some suggested ways that council officers can support their members. The LGA will be expanding this guidance.

Key points:

- It is helpful for councils to have an officer to support councillors experiencing public intimidation, and to provide a liaison point with the police
- Political groups on the council could consider nominating someone to provide a support role on these issues
- Councils can develop their own policies, procedures and regular briefings to assist councillors experiencing intimidation

### **How councils can support their councillors**

Councils can support their councillors by:

- Appointing an officer to undertake a role as a sounding board for any councillor or officer who wishes to make contact in confidence if he or she has received intimidatory contact or communication from an external or internal source. This

officer can provide support and advice rather than a solution to such abuse, and could also provide practical advice on personal safety. Any serious allegation of criminal activity may have to be taken further.

- Encouraging each political group within the council to likewise appoint either the leader of the group and/or one of their number to perform a similar role for their elected members.
- Establishing a council policy setting out procedures and protocols, should a councillor feel they are being publicly harassed, intimidated or abused. Regular briefings for all councillors, including those who have been newly elected, to share experiences and concerns can both help identify persistent offenders and look at council-led solutions.
- Working with the local police, establishing a named officer responsible for handling the serious threats to councillors and to advise on personal safety and security.
- Ensuring that council insurance arrangements cover injuries or loss suffered by elected members arising from their role as councillors in respect of any intimidation.
- Considering what steps should be taken by the council to mitigate the risk to councillors in the event of severe intimidation and threats. In some of the cases that have been researched in the production of this guidance, councillors who have been subjected to death threats have been supplied with personal alarms by the police and, occasionally, by their council. All councils could consider what steps they can take to address any risks or threats.

### **Working with the police**

The research undertaken in the development of this guide found that the police response to councillor intimidation varied across the country.

We are aware that some police forces are reviewing their responses to such threats, and that the issue is being looked at by Government. The LGA highlighted this issue in its [response](#) to the consultation on '[protecting the debate: consultation on intimidation, influence and information](#)'.

It is recommended that councils are proactive with their local police force and police crime commissioner in establishing protocols for how councillors should report intimidation and threats that are made to them in their role as a councillor. The police can also provide upfront and more detailed advice on how to respond and the factors that will determine their response to any threats, abuse or intimidation.

### **Wellbeing of councillors**

Experiencing abuse, threats and/or intimidation can have an impact on wellbeing. Your council may have a [Mental Health Champion](#) who can offer support to fellow councillors, or you may have an at work support scheme that councillors could also

benefit from. If a councillor reports any incidents, it is recommended that they are asked if they also require support with their wellbeing.

## **COUNCILLOR GUIDANCE – WEBSITE LINKS**

Personal safety guide for councillors, Northampton Borough Council

<https://www.northampton.gov.uk/downloads/file/9457/safety-guide-for-councillors>

Personal safety for members, Essex County Council

<https://members.essex.gov.uk/media/1364/social-media-january-2019.pdf>

<https://members.essex.gov.uk/guidance-resources-and-key-documents/social-media-protocol-for-members/>

Personal safety and lone working guidance for councillors, Plymouth Council

[https://www.plymouth.gov.uk/sites/default/files/personal\\_safety\\_and\\_lone\\_working\\_guidelines\\_for\\_councillors.pdf](https://www.plymouth.gov.uk/sites/default/files/personal_safety_and_lone_working_guidelines_for_councillors.pdf)

Personal safety for elected members, the LGiU

<https://www.lgiu.org.uk/essentialguide/personal-safety-for-councillors/>

Social Media: a guide for councillors, WLGA

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344>

Social Media Policy for Councillors, Ashfield District Council

<https://www.ashfield.gov.uk/media/4412/social-media-policy-for-councillors-agm-may-2018.pdf>

Councillors guide to handling online abuse, March 2018, WLGA

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>

Ward Work- guidance for councillors, Medway Council

[https://www.medway.gov.uk/downloads/file/660/ward\\_work\\_-\\_guidance\\_for\\_councillors](https://www.medway.gov.uk/downloads/file/660/ward_work_-_guidance_for_councillors)

Advice for elected and prospective councillors, Data Protection Act, ICO

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

The Suzy Lamplugh Trust has a website with useful and practical guidance on issues such as transport safety, dealing with aggression, internet safety, personal alarms, running safety and safety at home. Find them on:

<https://www.suzylamplugh.org/>

## **LINKS TO KEY SOCIAL MEDIA:**

**Facebook policies and guidelines**

<https://en-gb.facebook.com/communitystandards/> - what is or isn't against Facebook's rules

<https://newsroom.fb.com/news/2018/08/enforcing-our-community-standards/> - what action Facebook takes to respond to abuse

<https://en-gb.facebook.com/safety/tools> - the methods of protection on Facebook

<https://en-gb.facebook.com/help/122006714548814> – a guide to how users ought to respond to safety issues

### **Instagram policies and guidelines**

<https://help.instagram.com/477434105621119/> - overview of the user standards, and also articles about how individuals should respond to abuse

[https://help.instagram.com/196883487377501/?helpref=hc\\_fnav&bc\[0\]=368390626577968&bc\[1\]=1757120787856285](https://help.instagram.com/196883487377501/?helpref=hc_fnav&bc[0]=368390626577968&bc[1]=1757120787856285) – overview of privacy settings

### **Twitter policies and guidelines**

<https://help.twitter.com/en/rules-and-policies#twitter-rules> & <https://help.twitter.com/en/safety-and-security#hacked-account> – Twitter's policies on abuse

<https://help.twitter.com/en/managing-your-account/suspended-twitter-accounts> - account suspension on twitter as a punishment

### **Digital citizenship**

<https://www.virtuallibrary.info/digital-citizenship.html#>

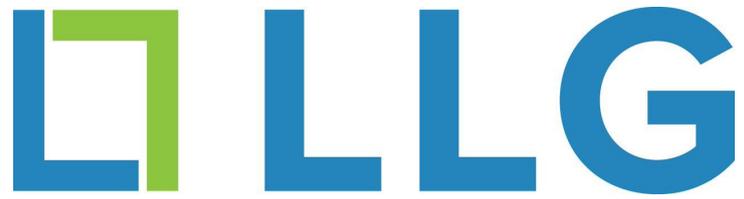
[www.securedbydesign.com](http://www.securedbydesign.com)

NaTSCO

[www.getsafeonline.org](http://www.getsafeonline.org)

helping young people stay safe online - [www.thinkuknow.co.uk](http://www.thinkuknow.co.uk)





## LLG Social Media-Toolkit



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**The LLG Social Media Toolkit has been prepared by Lawyers in Local Government (LLG) for the benefit of its membership, in order to introduce the subject of social media use and resulting legal considerations which may apply.**

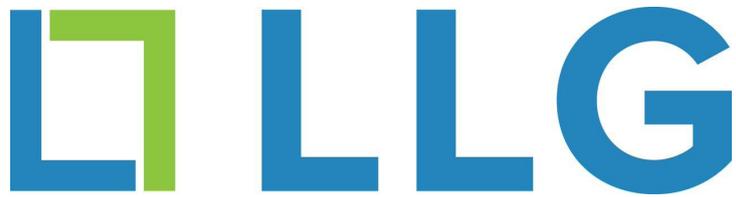


## Foreword

Unfortunately, most Councils can now lay claim to having at least one “pressure group” or “blogger” who see it as their life’s calling and personal duty to make persistent and unfounded allegations of corruption, maladministration, and misconduct (and any other allegations involving unlawful or illegal activities) against their local (or sometimes not local) Council, its elected members and officers. They have always been there in one form or another, however the internet and in particular social media have given them a significantly more elevated and wider platform from which to emerge from the shadows (albeit virtually), and from which to launch their attacks, whereas in the days of yore their reach was limited to writing letters and posting newsletters among other more traditional forms of communicating their views and theories.

Some of the more unsavoury instances have seen elected members or prospective candidates threatened with social media exposés should they continue to hold office or stand for election, whether or not there is any credibility or truth to what is proposed to be published. This has resulted in some of those subject to such threats retiring or withdrawing from public life, some before they have even had chance to launch their political careers. Such behaviour also discourages individuals from putting themselves forward for public office in the first place.

It is of course correct that those who do put themselves forward for public office, and who currently hold public office, should be subject to increased scrutiny and challenge, and that they should expect to be faced with sometimes very strong criticism. Enhanced protection therefore applies to what is said in a political arena, not only to politicians, but also to those who comment upon politics and politicians, notably the press. This is because the right protects, more broadly, the public interest in a



democracy of open discussion of matters of public concern, but this does not denote 'open season' and there is a bar (albeit one set relatively high) beyond which such challenge and criticism are unacceptable, particularly where the basis of that challenge is devoid of factual substance.

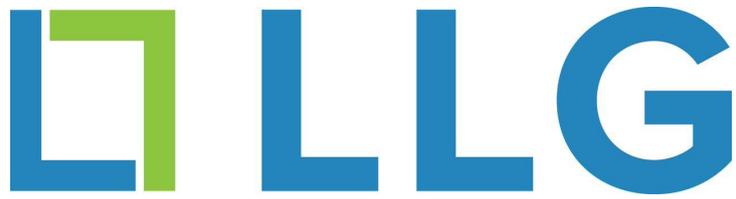
The consequence of these very public threats is to distort the democratic process. Arguably they act as an independent and unofficial pre-selection filter on candidates and a screen upon the longevity of political careers, leaving those standing for or holding office either affiliated with or supported by those making the threats, or of a particularly strong character. This cannot be right, and presently unless a public figure is in league with those making threats, a particularly thick skin is seemingly an essential part of the make-up of the modern Councillor. This is not to mention the effect that social media can have upon the wellbeing of officers and the retention of key members of staff.

The LLG Social Media Toolkit is designed to help you navigate your way around the complex and sometimes all too emotive issue of social media in advising your officers and members on the best way to protect and conduct themselves as well as ensuring your authority complies with its legal obligations.

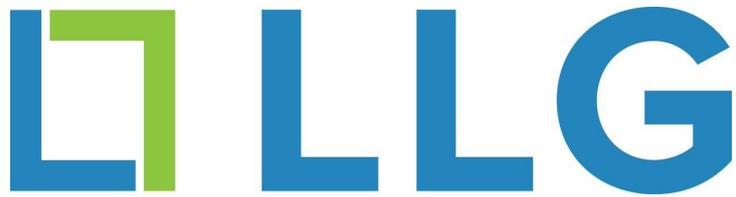
Best wishes

**David Kitson**

**Bevan Brittan**



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## Introduction

LLG recognise that the growing use of social media places additional pressure on our members to advise officers, councillors, and their authority on a range of legal implications based on wide-ranging posts, tweets and commentary published in the public domain.

Whilst the world under lockdown becomes increasingly virtual, social media has become centre stage in both personal and private lives leading to often complex and wide-ranging legal advice. How do we best manage social media from a governance and operational perspective? How do we work out what presents risk and how can that risk be mitigated?

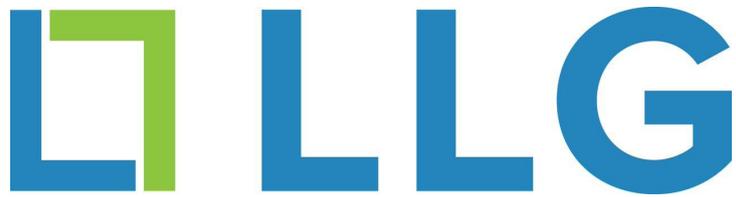
There are all too many examples of social media causing embarrassment or loss of reputation. However, there is also a darker side to social media which has increased over recent years. Malicious abuse, threats of violence and harassment are unfortunately, all too prevalent across virtual platforms. The Committee on Standards in Public Life's review on 'Intimidation in Public Life" (2017) stated "The vitality of our political culture depends upon free and vigorous expression of opinion, and it is crucial that this freedom is preserved. The increasing prevalence of intimidation of Parliamentary candidates, and others in public life, should concern everyone who cares about our democracy. This is not about defending elites from justified criticism or preventing the public from scrutinising those who represent them: it is about defending the fundamental structures of political freedom". This is a position that LLG takes seriously, and one that we should all agree with.

LLG hopes this toolkit will assist you in providing advice to your officers and members in this complex field.

Best Wishes

*Quentin Baker*

**LLG President 2020-2021**



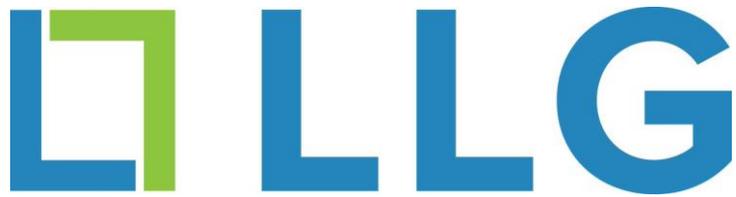
## 1. Defamation

### What is defamation?

- 1.1 Defamation is a complex legal area necessitating specialist legal advice. It is often a lengthy and costly pursuit of action and should be considered carefully.
- 1.2 The Defamation Act 2013 came into force on 1<sup>st</sup> January 2014. It codified and consolidated large parts of case law and previous statute. It introduced a single publication rule, addressed the 'serious harm' threshold and reversed mode of trial to a judge (as opposed to jury).
- 1.3 Simply put, if someone has posted a false statement which could cause serious harm to an individual's or organisation's reputation and character this could give rise to a claim for defamation. Defamation law both protects from damage to reputation and character and compensates for the loss and damage arising.
- 1.4 There are a number of defences to defamation, including truth, honest opinion, fair comment, publication on matter of public interest, absolute privilege, and innocent dissemination. The defences each set out specific criteria in order to meet the test for reliance upon any one of them.

### Can a local authority bring an action?

- 1.5 It is important to note that local authorities cannot themselves sue in defamation, which was a principle laid down by *Derbyshire County Council v Times Newspapers Limited* ([1993] 1 All ER 101). In that case the court held that local authorities are distinguished from corporations as democratically elected government bodies and as such, it was highly important that they



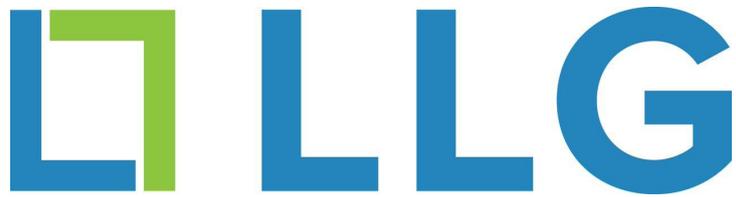
were open to criticism. The threat of defamation would therefore inhibit freedom of speech and be contrary to the public interest.

### **General Power of Competence**

- 1.6 Whilst there has been some suggestion that local authorities can use section 1 of the Localism Act 2011 (the general power of competence) to bring a defamation claim this is untested. It is worthwhile noting that this point was specifically discussed in parliamentary debates on what was then the Defamation Bill. It was highlighted within the debate that the Bill was not intended to undermine the Derbyshire principle. Given this fact it would be very risky to rely upon the Localism Act to bring a defamation claim. In the alternative, it is open to individual officers and members to bring an action in their own name. However, due to cost and complexity it is often not an option open to many. It might be possible for local authorities to provide an indemnity in exceptional circumstances, (see *Thompson v James* [2013] EWHC 515 (QB), but extreme caution must be exercised (see section on Indemnities).

### **Can officers and members bring an action?**

- 1.7 Officers (or members) of a local authority can sue for defamation in connection with statements made about them which relate to the exercise or discharge of their duties or as an employee of the authority and where it personally relates to them (*McLaughlin v Lambeth LBC* [2010] EWHC 2726 (QB)).
- 1.8 In *Thompson v James* [2013] EWHC 515, the judge acknowledged that there would be “a serious gap in the law if members and officers of a local authority (and others who work in or for other public authorities) could not sue for libel”



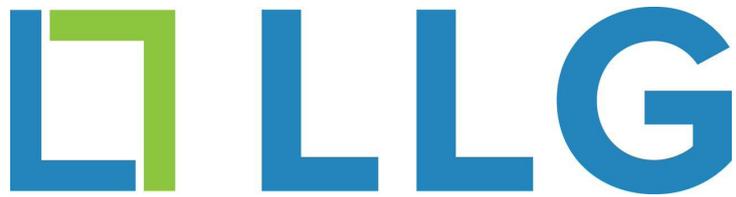
and “if those who work in or for public authorities could not defend themselves against the dissemination of falsehoods, the public would be the losers”.

- 1.9 However, the judge noted that civil servants acting in their official capacity must show a greater degree of tolerance to public scrutiny and criticism. This is not a surprise, and it reconfirms the conclusion reached by the House of Lords in the *Derbyshire* case some 20 years ago. But the judge also recognised that where a person maliciously spreads false and defamatory allegations about individuals holding public offices, a libel action may be the best means of establishing the truth and preventing repetition.
- 1.10 Where an officer or member raises defamation, it is important that they record all the relevant posts and consider whether the person in question will publicly apologise and retract the comment in the first instance. Defamation proceedings are costly and lengthy. In some cases, ignoring the communication may stop any further communication. However, if a member or officer feels the nature of the post is such that it cannot be ignored, lawyers may, after providing initial advice, seek specialist external legal advice about the options available and merits of any claim.

## **2. Indemnities**

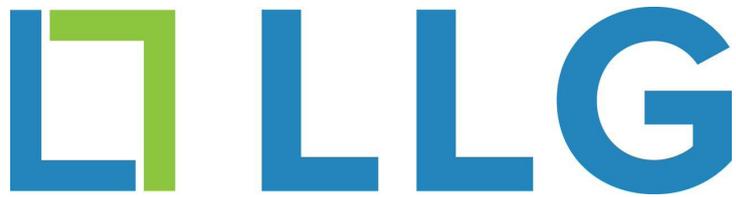
### **General**

- 2.1 An authority can provide an indemnity for a claim brought by an individual officer or member, or to assist in defending a claim under The Local



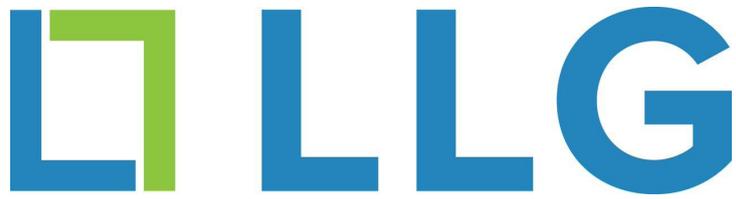
Authorities (Indemnities for Members and Officers) Order 2004 (“the 2004 Order”) where the public expenditure is justified. Under the 2004 Order, an indemnity can be granted to cover “any act or omission by a councillor or officer which is authorised by the council, or forms part of, or arises from any powers conferred or duties placed, as a consequence of a function being exercised by the member or officer at the request of, or with the approval of, or for the purposes of the council”.

- 2.2 An authority cannot provide an indemnity for a defamation claim brought by a councillor but can fund a defence.
- 2.3 For both councillors and officers, the 2004 Order restricts the provision of indemnities so that they cannot cover any finding of criminal liability or liability arising from fraud, deliberate wrongdoing, recklessness, or the cost of pursuing a defamation claim. In such cases, if an indemnity had been provided, any costs incurred under an indemnity would have to be repaid to the Council or insurer.
- 2.4 Section 111(1) of the Local Government Act 1972 provides ancillary powers to local authorities that may permit them to indemnify members and officers in relation to particular decisions or acts, if to do so would facilitate or is incidental, or conducive, to the discharge of a function of the authority.
- 2.5 Authorities should be careful when providing indemnities that no officer/councillor is involved in the decision-making process to do so, whilst having a disqualifying personal and pecuniary interest in the matter.



## **Defamation and indemnities**

- 2.6 Indemnities for defamation claims other than in relation to the defence of a member or officer of any allegation of defamation made against them are expressly excluded under Article 6 of the Local Authorities (Indemnities for Members and Officers) Order 2004. However, prior to the 2004 Order it had been established under the 2003 case of *Comminos, R (on the application of) and Bedford Borough Council* that local authorities could provide indemnities to Officers in order to bring defamation proceedings under s111 or s112 of the Local Government Act 1972. It is not settled law however whether the 2004 Order was meant to be a comprehensive code, but it might be possible to use the powers in exceptional circumstances (but not without substantial risk).
- 2.7 In *Thompson v James* [2013] EWHC 515 (QB), Mrs Thompson (who was a prolific blogger) brought a defamation claim against the Chief Executive Officer (CEO) of Carmarthenshire County Council who counter-claimed for defamation in return. The council agreed to indemnify the CEO following two senior QC's opinions and on the basis that there were exceptional circumstances under section 111 Local Government Act 1972. During the hearing, the court did not consider this particular point, but the Welsh Audit office took the view that the expenditure had been unlawful and issued a report in the public interest. They did not however subsequently follow up with legal challenge.



2.8 It is important to remember that any decision to indemnify must be Wednesbury reasonable, legitimate, proportionate, and a proper use of public resources.

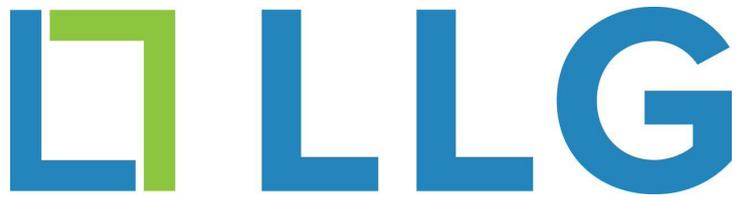
### **3. Standards**

3.1 An increase in complaints about members' use of social media has been acknowledged by the Committee on Standards in Public Life to be a catalyst behind declining standards in conduct. One of the key issues is the capacity in which posts are being made by councillors. There is no clear definition and much depends on the facts in each case. Even where members do not disclose that they are councillors, it can still be perceived that they are posting in that capacity. It is important therefore that councillors state in what capacity they are posting or tweeting/retweeting. It does not prevent issues arising, but it should help to provide clarity.

3.2 The case of R (on the application of Mullaney) v Adjudication Panel for England [2009] EWHC 72 (Admin) acknowledged the sensitive nature of the exercise of whether or not a member was acting in their capacity as a member; "...These are ordinary descriptive English words. Their application is inevitably fact sensitive and so whether or not a person is so acting inevitably calls for informed judgment by reference to the facts of a given case. This also means that there is the potential for two decision makers, both taking the correct approach, to reach different decisions..."

#### **Local Initiatives and Pre-determination**

3.3 There has been a significant increase in the use of social media by Members during lockdown due to COVID-19. Many members are supporting



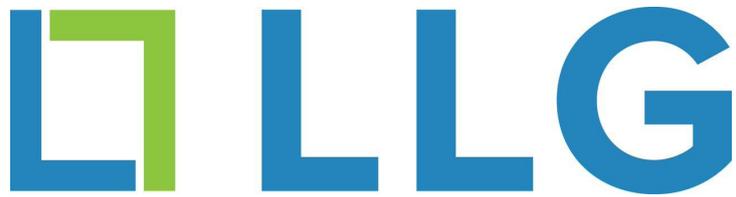
and re-posting local initiatives such as the production of protective equipment and financial assistance to those in need. But it is important that as much clarity is given as possible as to the capacity in which the member is posting these types of content. Reference to initiatives whilst using title 'Cllr' may infer to the reader that those initiatives are council initiatives or are officially supported. If there are then consequential issues arising with those initiatives (for example breaches concerning the processing of personal data), there might be an assumption that the council is liable or responsible.

- 3.4 Once a post is made it is a permanent record, and social media posts on views and voting intentions can be perceived as predetermination and result in allegations of bias increasing the risk of legal challenge and judicial review claims.

## **4. Abusive Posts & Declining Ethical Standards**

### **Ethical Standards**

- 4.1 It is becoming increasingly common for standards complaints to be made on the basis of comments Councillors have made on social media. As section 27(1) of the Localism Act 2011 places a positive duty on Councils to promote and maintain high standards of conduct amongst members, Councils must seek to do so where their members use social media. If a Council can reduce the incidence of complaints being made regarding the use of social media by Councillors, this not only saves resources but also goes towards the section 27(1) duty.
- 4.2 The issue of social media and the declining standards of behaviour both towards public figures and by elected members has been commented upon by

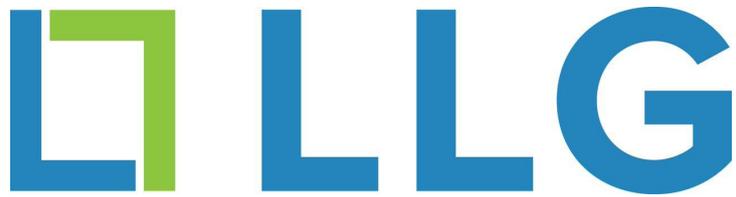


the Committee on Standards in Public Life (CSPL). The CSPL report 'Intimidation in Public Life – A Review by the Committee on Standards in Public Life' which was published in December 2017 is well worth a read. In the covering letter to the Prime Minister Lord Bew stated the following:

“...The increasing prevalence of intimidation of Parliamentary candidates, and others in public life, should concern everyone who cares about our democracy. This is not about defending elites from justified criticism or preventing the public from scrutinising those who represent them: it is about defending the fundamental structures of political freedom. A significant proportion of candidates at the 2017 general election experienced harassment, abuse, and intimidation. There has been persistent, vile, and shocking abuse, threatened violence including sexual violence, and damage to property. It is clear that much of this behaviour is targeted at certain groups. The widespread use of social media platforms is the most significant factor driving the behaviour we are seeing...”

4.3 In the foreword to the Government’s response to the report, the Prime Minister stated:

“...the ideal of a truly plural and open public sphere where everyone can take part is in danger. A tone of bitterness and aggression has entered into our public debate. Participants in local and national public life – from candidates and elected representatives to campaigners, journalists, and commentators – have to contend with regular and sustained abuse. Often this takes the form of overt intimidation...”



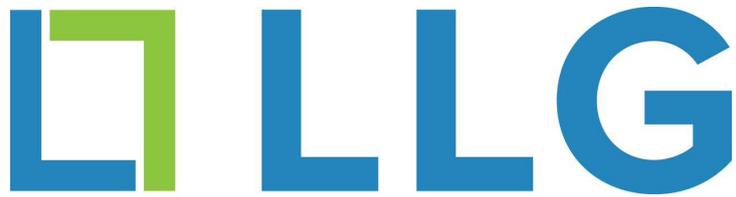
4.4 In January 2019, the CSPL published their report 'Local Government Ethical Standards – A Review by the Committee on Standards in Public Life'. The report acknowledges that ethical standards are in decline and that changes are required to the standards regime to address this. The report also highlights the frequency of attacks against and the harassment of Councillors, quoting a highly topical paragraph from the written evidence submitted by the Local Government Association at page 35 as follows:

“Instances of councillors being attacked and harassed, notably on social media, is an increasing trend and a very serious issue. There is anecdotal evidence from across the country that female leaders and councillors are subject to more abuse than their male counterparts.”

### **Harassment**

4.5 The Protection from Harassment Act 1997 covers both civil actions and criminal offences. There is a requirement to prove that there was a course of conduct (i.e. at least two instances) which was directed at a single person, or in the case of conduct against two or more persons, on at least one occasion in relation to each of those persons. The course of conduct must involve harassment. Harassment includes alarming the person or causing the person distress.

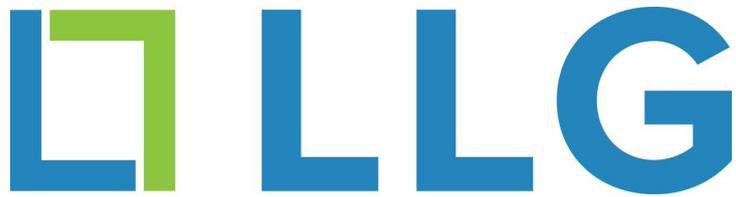
4.6 Unlike with defamation claims by officers or members, a council can indemnify officers and members to bring an action under the Act. The council can also start an action in its own name (section 1(1A) and 3A of the Protection from Harassment Act 1997) where there is harassment of two or more of its members or officers which the perpetrator knows or ought to know involves harassment of those persons; or by which they intend to persuade any person to do something which they are not obliged to do or not to do something which they are entitled or required to do.



- 4.7 Bringing a civil claim from harassment is often less expensive than a claim in defamation, not least because of the possibility at interim stage of an interim injunction.
- 4.8 The ongoing publication of defamatory allegations online can constitute a course of conduct (see *Cheshire West and Chester Council & Others v Robert Pickthall* [2015] EWHC 2141 (QB) and *Coulson v Wilby* [2014] EWHC 3404).
- 4.9 The conduct complained of must be considered to “cross the boundary from the regrettable to the unacceptable,..... and be sufficiently serious to be regarded as criminal” (see *Conn v Sunderland City Council* [2007] EWCA Civ 1492). Given the Court of Appeal judgement, there is now an expectation that the conduct must be such as to attract the sanction of the criminal law. The higher threshold makes a claim quite difficult. It is important to remember that where action is sought by or in relation to members in particular, it will be difficult, and only in exceptional circumstances successful.

### **Other forms of Action**

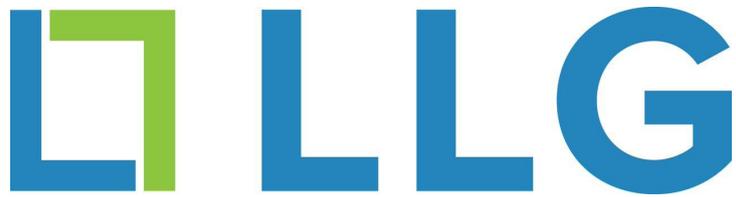
- 4.10 Other forms of action might be applicable and include the common law claim for malicious falsehood, criminal offences under the Communications Act 2003 and the Malicious Communications Act 1988, and anti-social behaviour injunctions under the Anti-Social Behaviour Crime and Policing Act 2014.
- 4.11 Crown Prosecution Service guidance in relation to both the Communications Act 2003 and the Malicious Communications Act 1988 makes it clear that a prosecution should only proceed where it involves offensive, shocking, and disturbing communications.



- 4.12 Injunctions under the Anti-Social Behaviour Crime and Policing Act would be quite novel in the context of social media postings about members and/or officer, but technically speaking it might be possible. It also has the benefit of being dealt with on the civil balance of probabilities and there is presently no case law to suggest that the conduct must be such as to attract the sanction of the criminal law as there is with injunctions under the Protection from Harassment Act 1997 (see above). Use of this legislation in this context is untested and so how a court might deal with such a case is unknown at present.
- 4.13 If officers or members receive an abusive, intimidatory or threatening communication they should keep a record of it and report it to the social media platform concerned. They should also make the council aware so that the council can keep a record and provide any appropriate advice.
- 4.14 Any posts which threaten the personal safety or security of a member or officer should be discussed with the police.
- 4.15 Engaging with an abusive communication can often encourage further, unwanted communications and may provide a platform and audience which further incites the behaviour.

## **5. Breach of Confidentiality**

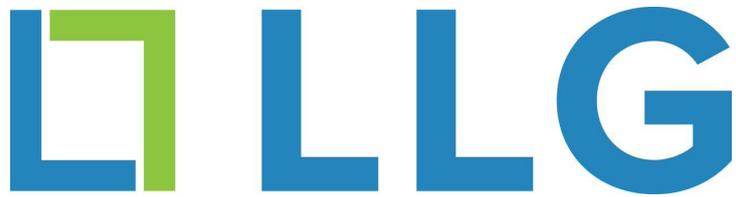
- 5.1 Breaches of duties of confidentiality (whether implied or express) can happen in all contexts, by members and officers or by third parties. An exempt report, confidential contracts with sensitive commercial information, confidential details about regulatory functions or investigations, or information about



complaints or individuals who have made complaints might be disclosed. This can result in claims being brought against the council or against individuals to recover any loss or damage suffered.

### **Loss of general indemnity**

- 5.2 A general indemnity applies to officers and members under section 265 Public Health Act 1875, which is applied to all council functions by section 39 Local Government (Miscellaneous Provisions) Act 1976. The indemnity only applies when members or officers are acting bona fide in the council's interests. A breach of confidentiality is unlikely to be considered to be in the interests of the council, meaning that the member or officer involved might end up being individually liable for what could be quite large sums of money. Breaches of confidentiality are also likely to significantly undermine a council's ability to obtain best value in future due to reputational damage. In the context of contracts, third parties might not engage, hold back on sharing information with the council, or use the situation to their advantage to seek more stringent contractual terms to the detriment of the council. Breaches might also impact upon and/or effect regulatory functions in that those who are subject to regulation, or have information about breaches, might be reluctant to engage for fear of that information being disclosed.
- 5.3 There is a public interest defence to a breach of confidentiality, however it is for the person who has caused the breach to make this out.



## **6. Data Protection and the Information Commissioners Office (ICO)**

6.1 Disclosure of personal data on social media is a “processing” activity and requires a lawful basis if no exemptions to that processing apply.

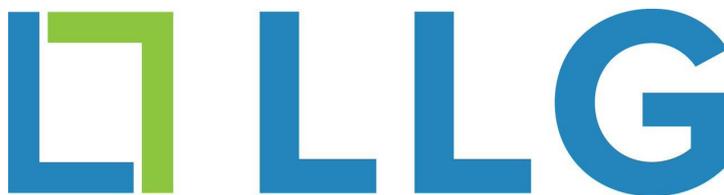
6.2 Where neither a lawful basis or an exemption apply to that processing it may be unlawful and constitute a breach of GDPR.

### **Who is the controller?**

6.3 Most social media postings by individuals are considered by the ICO to be made in a personal capacity and therefore exempt from the GDPR. However, when members post personal data on social media they could be doing so in one of four different capacities. The first of these is where the member is posting purely in their personal capacity. The ICO have however expressed a view that when processing personal data not in their own personal capacity, members could be acting in one of three further capacities: -

- a. Processing in relation to council business (where the council is the controller).
- b. Processing in relation to constituency work (where the councillor is the controller); and
- c. Processing in relation to party political matters (where the political party is the controller).

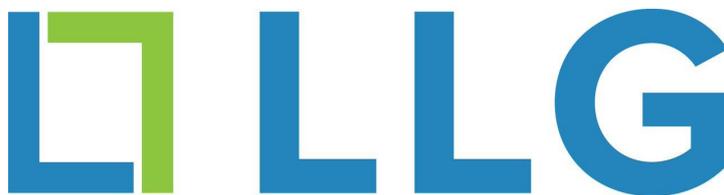
6.4 Although elected representatives are exempt from paying a data protection fee under the Data Protection (Charges and Information) Regulations 2018, they must still ensure that they adhere to the principles of the GDPR and understand best practice for managing information. Where members seek to



process the personal data for matters other than exercising members' functions then the fee exemption will not apply to that processing.

### **Personal or Household Activities Exemption**

- 6.5 The ICO considers most social media postings made by individuals are exempt under the personal or household activities exemption.. It should be noted however that in [Sergejs Buivids \(Case C-345/17\)](#) the Court of Justice European Union (CJEU) recently gave an interesting view on the application of this exemption regarding the posting of a video on YouTube by an individual, having been asked to do so by a Latvian Court (ECLI:EU:C:2019:122). This was a case concerning the pre GDPR data protection directive however the exemption under the GDPR is very much the same.
- 6.6 In that case, an individual had been taken to a police station to give a statement, and whilst there he filmed police officers going about their normal day to day business. He subsequently posted the footage on YouTube stating that he had done so to draw attention to the police acting unlawfully. When the individual was told to take the clip down by the Latvian National Data Protection Agency, he challenged them, claiming that the personal or household activity exemption or the journalism exemption applied (being one of the “special purposes” exemptions). The CJEU said that the personal or household purposes exemption did not apply as the material was published on *“a video website on which users could send and share videos without restricting access to that video, thereby permitting access to an indefinite number of people”*. The processing of personal data here, did not come within the personal or household activities. The CJEU also stated that the journalism exemption could apply but did not give a definitive view on this.



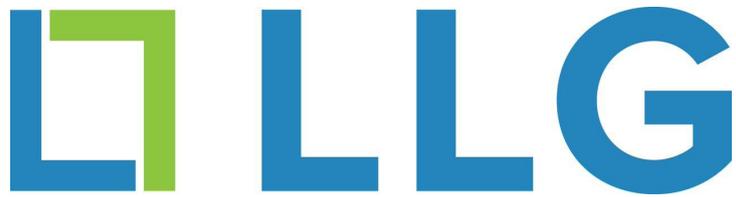
- 6.7 Although this raises interesting points, the case was very nuanced, and it remains to be seen whether this view will be more widely adopted.

### **Journalism Exemption**

- 6.8 As referred to above, the GDPR and the Data Protection Act 2018 contain an exemption applicable to processing for the “special purposes”. One of those special purposes is processing for the purpose of journalism, which could apply to the processing of personal data by ‘citizen journalists’ on their social media pages, blogs and websites. The exemption (when applicable) acts to

exempt the controller from the vast majority of obligations under the GDPR (but not the security and accountability principles). The exemption only applies where the controller considers that compliance with the GDPR provisions would be incompatible with the special purposes (this must be more than inconvenience); that the processing is being carried out with a view to publication of journalistic material; and that the publication is in the public interest, taking into account the special importance of the general public interest in freedom of expression, any specific public interest in the subject matter, and the potential to harm individuals. When deciding whether publication would be in the public interest, the controller must have regard to BBC Editorial Guidance lines, the OFCOM Broadcasting Guide, and the Editors’ Code of Practice..

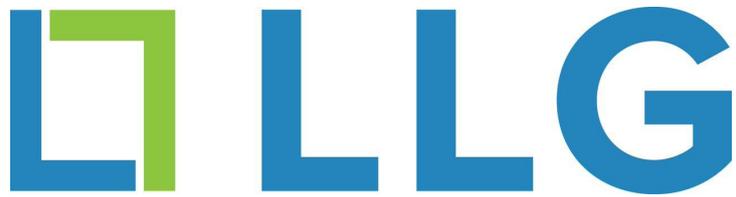
- 6.9 If those making derogatory posts on social media cannot rely on the personal or household activities exemption or the journalism exemption, they will be considered to be controllers under the GDPR meaning that there may be means of redress under the GDPR (such as the right to object). Complaints could also be made to the ICO, as well as potential proceedings being



brought under the GDPR and Article 8 for material and non-material damage against the controller for any breach.

## **7. Employment Considerations**

- 7.1 Employee misconduct involving use of social media is becoming an increasing problem and one that can be difficult for employers to deal with properly. Firstly, characterisation of misconduct may be problematic e.g. does the misconduct consist of damaging the employer's reputation or does it breach a duty of confidentiality?
- 7.2 Reported cases tend to fall within the following three categories – inappropriate employee actions (for example an employee posted pictures of themselves DJing in Ibiza whilst “off sick”); using social media to make derogatory comments about colleagues, the employer, customers/clients/patients; or excessive use of social media during work hours. Different considerations will also apply to dealing with conduct which is in work or on the other hand outside work.
- 7.3 There is an implied term in all employment contracts that the working environment will be reasonable, tolerable, and congenial. The case of *Moore v Bude-Stratton Town Council* UKEAT/313/99; [2000] IRLR 676 also makes it clear that councils can also be held responsible for conduct of members towards officer. This case involved a councillor's persistent hostility and abuse against an officer. The council tried to claim that as the councillor was not employed by the authority, it was not responsible. However, the tribunal found that those circumstances did not absolve the authority from its obligations and employees could in fact resign and claim unfair dismissal. The council was therefore vicariously liable for the breach and damages flowed from that.



7.4 It is important to remember that where someone is subjected to a course of conduct that causes them distress or alarm this may give rise to cause of

action for harassment.. Online activities such as cyber bullying are also caught.

7.5 If any harassment is on the grounds of a protected characteristic (e.g. sex, race, disability, age etc.) then this might form the basis of a discrimination claim against the employer in the Employment Tribunal. A concern here is that discriminatory damages are not capped and can also include injury to

feelings. The amount of damages could therefore be very high depending on the conduct.

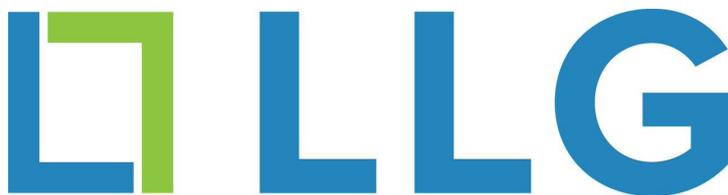
### **Health and Safety**

7.6 The Health and Safety etc. Act 1974 places a general legal duty on employers to ensure (so far as is reasonably practicable) the health, safety and welfare at work of all their employees. This includes protection from bullying and harassment, and other things that can affect psychological wellbeing.

Councils should have safeguards and effective monitoring in place in order to protect against risks and effectively deal with abuse as the duty may be breached by exposure to the risk without the need for actual injury or ill health.

### **Reputational Risk**

7.7 Employee conduct may damage the council's reputation even if it takes place outside of work, particularly so in the case of social media (which is where it



often happens). Cases determined in the Employment Tribunal (ET) suggest that the following factors are relevant when considering employees' use of social media: -

- a. Is it sufficiently work related? Depending on the facts there has to be some link between work and activity.
- b. Employers should not take a disproportionate view merely because the material is not putting them in the best light when it comes into the public arena.
- c. Information given to employees about the council's image and reputation as well as guidance on the use of social media are particularly relevant.

### **General Indemnity**

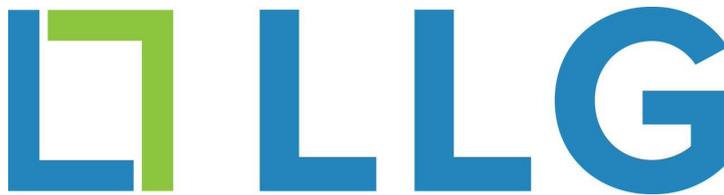
7.8 As set out in paragraph 5.2 above, a general indemnity applies to officers under section 265 Public Health Act 1875, which is applied to all council functions by section 39 Local Government (Miscellaneous Provisions) Act 1976. The indemnity only applies when officers are acting bona fide in the council's interests. A failure to act bona fide in the Council's interests can result in the indemnity being lost, meaning that Officers may therefore be personally liable for claims and damages, including claims by the Council against the Officer.

### **Human Rights**

7.9 The Human Rights Act 1998 is potentially applicable to employment cases resulting from the alleged misuse of social media. Human rights will not be affected by Brexit.

The three relevant rights in this context are: -

- a. Right to respect for private and family life (Article 8)



- b. Freedom of thought conscious and religion (Article 9)
- c. Freedom of expression (Article 10)

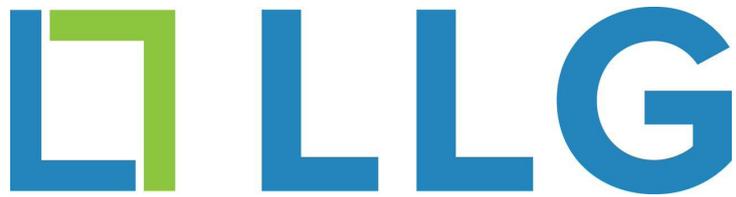
7.10 It is important to note that these are qualified rather than absolute rights and should therefore be approached in two stages. First, has the human rights article been engaged? Second, if there is an infringement, is that justified? When considering justification, proportionality must be considered which requires balancing an employees' rights against the employers' legitimate interests in protecting its reputation and other employees.

### **Case Law Examples**

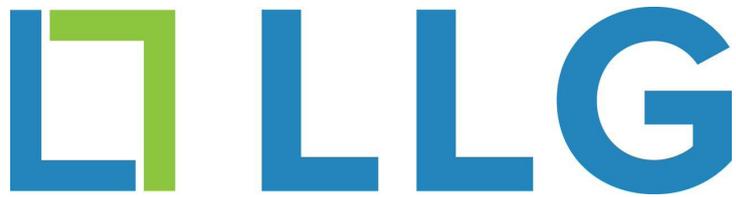
7.11 The case of *Crisp v Apple Retail (UK) Ltd* [2011] ET/1500258/11 concerned an employee of Apple posting expletives and derogatory comments on Facebook about Apple software and working at Apple in general. The Tribunal found that Mr Crisp had no reasonable expectation of privacy even though Facebook was restricted to friends, as it was noted that Mr Crisp's comments could be forwarded without control and indeed it was a friend who had forwarded it to Apple.

7.12 The Tribunal found that the right to freedom of expression had been engaged, but the infringement of that right had been justified. Apple had the right to protect its reputation and had taken definite steps to do so in its training, with clear policies that stated the protection of its image was of core value and that social media comments on Apple products was likely to be seen as gross misconduct.

7.13 The case demonstrates that the way in which you address social media use in policies is important in being able to handle misconduct through social media by staff.

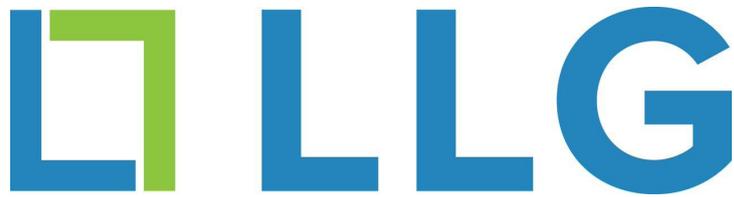


- 7.14 The case of Teggart v TeleTech UK Limited 00704/11 concerned a customer service representative in a call centre who posted obscene comments about the alleged promiscuity of a female colleague within which he also mentioned his employer, TeleTech. On becoming aware of the posts the female colleague asked Mr Teggart's girlfriend to ask him to remove the posts, however instead he chose to post more derogatory and abusive comments and was subsequently dismissed for gross misconduct for bringing TeleTech into disrepute and for harassing a fellow employee.
- 7.15 Mr Teggart claimed unfair dismissal and breach of Articles 8, 9, and 10. The Tribunal found that his privacy was not engaged as he had abandoned this by putting his comments on Facebook. Further that freedom of thought and belief did not extend to a belief about colleague's promiscuity, and that freedom of expression, although a right, must be exercised responsibly so as not to damage a colleague and her reputation. The Tribunal found that the dismissal was fair but was critical of the finding by the employer of serious disrepute as there was no evidence of that. They had made the assumption but could not prove it actually had in reality.
- 7.16 The case of Game Retail Ltd v Laws UKEAT/0188/14/DA concerned a risk and loss prevention investigator who had a personal twitter account and was followed by 65 stores in the business. Game Retail identified 25 expletive tweets by Mr Laws who had taken offence to dentists, golfers, police, his dad, and disabled people and summarily dismissed Mr Laws. The EAT found that the dismissal was fair. The tweets were not private, and he knew that he was being followed by the 65 stores. The tweets could be seen by staff and potential customers. There was more than just a theoretical risk of



reputational damage due to the number of tweets, the level of offensiveness of the comments, and due to being followed by the 65 stores.

- 7.17 In the case of *Walters v Asda Stores Ltd* an ASDA manager posted a comment on her Facebook page which stated "*even though I'm supposed to love our customers hitting them in the back of the head with a pick axe [sic] would make me feel far more happier heheh*". She denied posting the comments and argued that her account had been hacked. The Tribunal found that the subsequent dismissal was unfair because the misconduct did not amount to gross misconduct and the employer's internet policy did not specifically state that this type of conduct by managers would be viewed more seriously. Further, the employee had an exemplary disciplinary record over 10 years' service with no previous warnings.
- 7.18 This can be contrasted with the case of *Dixon v GB Eye Ltd, ET (Case. 2803642/10)*, in which Ms Dixon who had raised a grievance about changes to her role following her return from maternity leave, was subsequently suspended pending investigation for accessing her manager's email account., During suspension she posted offensive comments about her employer and colleagues on Facebook. She was dismissed and the Tribunal found that the dismissal was fair on the basis that she had breached a clear employer IT policy and the severity of the comments alone would have been sufficiently serious to dismiss.
- 7.19 Of key importance is having clear policies in place on the use of social media in all aspects of Council business and operations, as well as regular training for both Councillors and officers to consolidate understanding. It is better to be proactive in dealing with potential issues, as doing so on a reactive basis will



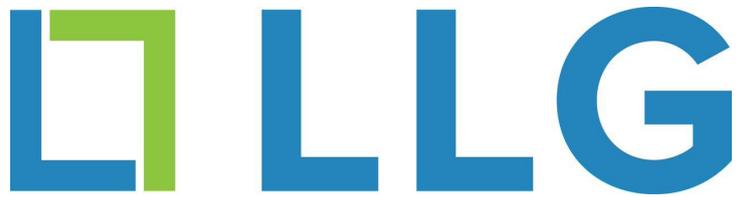
often be too late to avoid serious breaches of legislation and duties of confidence with potential for significant damage to reputation.

## 8. Social Media Management

- 8.1 When analysing the majority of case law in this area, the strength or otherwise of an employer's policies are exceptionally important and do correlate to the outcome in any given employment tribunal case.
- 8.2 Policies need to set limits or set appropriately defined acceptable usage of council resources, intellectual property use and third-party data together with setting out expectations in respect of confidentiality, prohibitions on bullying, harassment and discrimination, and on negative comments about the council, its employees, elected members, service users, business contacts or partner organisations.

### Social media management - controls

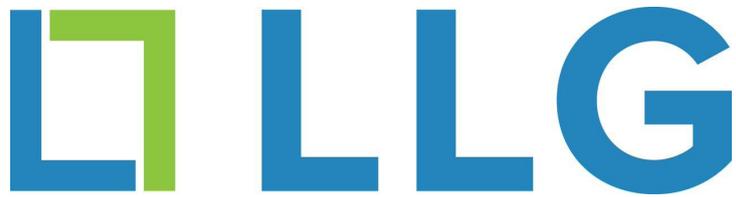




- 8.3 Whilst a disciplinary policy should state clearly the sanctions for misconduct and set expectations around maintaining the reputation of the council and not bringing it into disrepute; there will inevitably be the need to assess misconduct on a case by case basis and an acceptance that harm to the council's reputation might not always be sufficiently evidenced to rely upon.
- 8.4 Communications should be utilised to remind employees at every opportunity about the correct use of social media including at induction, within policies, through continuous training and even log on messages.
- 8.5 Where it can be demonstrated that an employee has been told that use of council resources are restricted to work matters and that social media content which is malicious, discriminatory, bullying or otherwise goes against the ethos of the council and/or harms its reputation this will help protect the council in disciplinary matters from a defence that the employee 'did not know' or 'was not told'. Failure to evidence these matters will provide the employee with a stronger defence in any external proceedings.

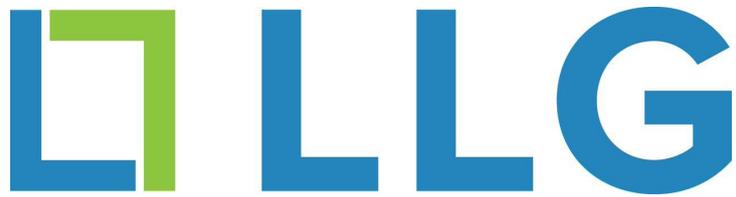
### **Monitoring of employees**

- 8.6 Monitoring of employees can take the form of routine IT monitoring or even targeted monitoring during the course of an investigation. Emails, even if deleted, are retained on a hard drive and may be retrievable using specialist software. Indeed, many cloud-based systems back up such data.
- 8.7 Monitoring online activity can be useful because it could relate to performance issues but can also mitigate against reputational damage and legal liabilities.



## Regulation

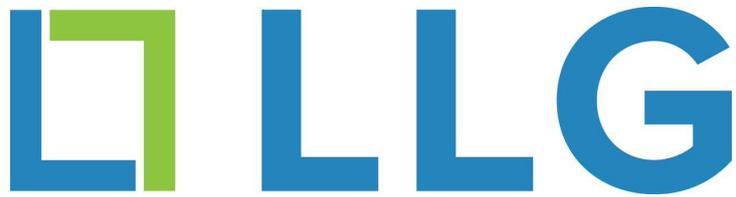
- 8.8 Monitoring is tightly regulated through a wide range of legislation. In terms of monitoring involving the processing of personal data, this is of course regulated under the GDPR and the Data Protection Act 2018. The Information Commissioners Office (ICO) has produced the [Employment Practices Code](#) which was issued under the Data Protection Act 1998 and intended to assist employers to “comply with the Data Protection Act and to encourage them to adopt good practice. The code aims to strike a balance between the legitimate expectations of workers that personal information about them will be handled properly and the legitimate interests of employers in deciding how best, within the law, to run their own businesses”. Whilst the Code is yet to be reviewed in light of the GDPR and the Data Protection Act 2018, it is understood to remain indicative of the ICO’s approach to be taken and in particular Part 3 of the Code contains guidance on monitoring at work and covers systematic monitoring which is understood to mean where an employer monitors all workers or particular groups of workers as a matter of routine; and occasional monitoring which is understood to mean where an employer introduces monitoring as a short term measure in response to a particular problem or need.
- 8.9 The Code recommends that employers set out the circumstances in which monitoring can be used, the nature of it, how the information obtained will be used, and the safeguards in place for those employees subject to monitoring. Employees should be left with a clear understanding of when information about them is likely to be obtained, why the information is being obtained, how it will be used, and who if anyone will the information be disclosed to. The Council’s IT policy needs to ensure it is GDPR compliant as this is a useful tool in controlling abuse.



- 8.10 There are specific pieces of legislation that deal with monitoring including the Investigatory Powers Act 2016, which makes it unlawful in certain circumstances to intercept a communication in the course of transmission. It is also important to consider the Human Rights Act 1998 (in particular Article 8 in that private life might be infringed) and employee protection rights including the duty of mutual trust and confidence.
- 8.11 Monitoring must be proportionate with less intrusive methods considered at first instance. Employees should be provided with details about the purpose of monitoring including when and how it will be carried out, and employers may need to undertake an impact assessment, balancing the rights and privacy needs of the employee against the legitimate aim and needs of the employer.
- 8.12 It is good practice to reserve the right to monitor and review communications within existing policy which should reference both Council communication systems and social media. This should explain what the Council considers to be a legitimate business purpose whilst also incorporating the standards expected.

### **Policy Content**

- 8.13 A social media policy should look to include the following: -
- Coverage (the types of media and categories of people)
  - Who is responsible for implementing the policy
  - Interrelationship with other policies (e.g. IT, Disciplinary, Data Protection etc.)



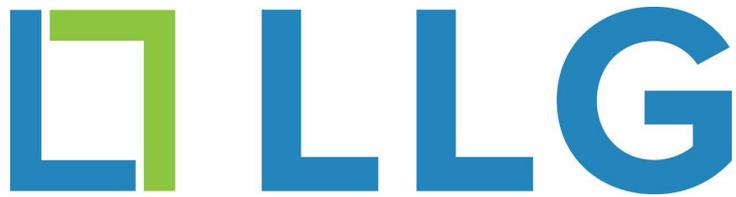
- Prohibited use
- Business use parameters
- Guidelines for responsible use
- Monitoring
- Consequence of breach and sanctions

8.14 Proactively defining what is and what is not acceptable within a social media policy minimises the risk of challenge. This can include not just discrimination and bullying but other more specific examples such as impersonating colleagues.

8.15 The policy should be clear about applying outside of office hours and regardless of whether council equipment or own devices are utilised. Disciplinary action relating to misconduct outside of office hours can be justified if the misconduct presents a real risk of damage to the reputation of the Council and or concerns a breach of confidentiality or amounts to defamation, harassment, discrimination or bullying.

8.16 Be clear about whether the Council accepts the personal use of social media within work time. Tolerable limits should be explicit to avoid confusion or any suggestion that an employee was not clear as to the restrictions.

8.17 Ensure the policy covers not just employees but consultants, contractors and councillors.

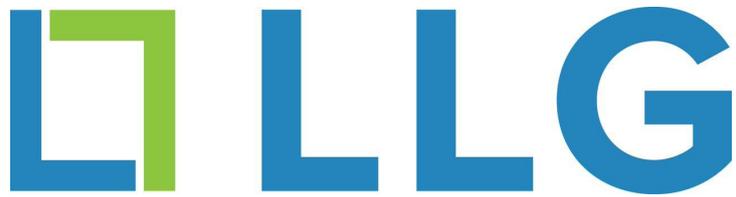


## **Guidelines**

- 8.18 Ensure staff are clear on their personal social media profile that they are speaking on their own behalf, write in the first person and use a personal email address, not a work address.
- 8.19 Where there is a possibility of identifying the individual as a council employee a disclaimer can be used to ensure the reader understands that the views expressed do not represent those of the council, (unless of course the employee has explicit authority to speak on its behalf). Employees should also be given the contact details of a named person at the Council they can report any misconduct to, should they see it on social media.

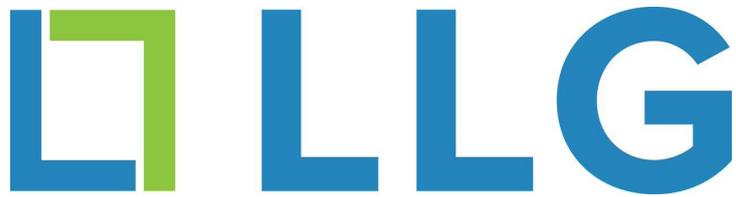
## **Key Messages to Employees**

- 8.20 Posts can go viral quickly resulting in a loss of control. Employees should be reminded that posts on social media are often permanent in nature.
- 8.21 Off the cuff or unguarded remarks should be avoided. Even the most well-intentioned posts without due consideration can have unintended consequences.
- 8.22 Employees should be reminded to maintain personal/professional boundaries and should try to imagine that they are speaking face to face to an audience, as well as understanding that there is no automatic expectation of privacy.

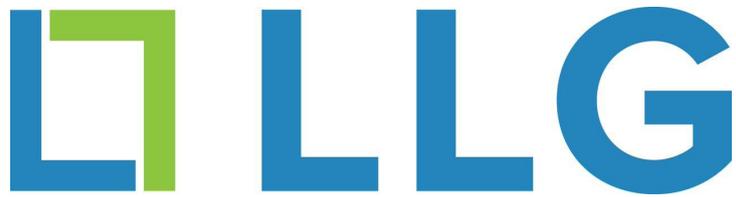


## **9. Problem Individuals and Practical Action**

- 9.1 There is no easy remedy to the issue of problem individuals and their use of social media to attack and criticise councils, members and officers, and to make allegations of corruption. As discussed, there is a much higher threshold of tolerance expected of those in public life. Successful action is not commonplace. It is costly and risks increasing or compounding the issue (particularly if such action is not successful), and in some cases these individuals will see such action as vindication that their allegations are correct, or even hold themselves out as a martyr. This is not to say that legal action should not be taken in cases where such action is demonstratively necessary, reasonable and proportionate. Legal options available in those cases are discussed in Chapter 4 above.
- 9.2 Sometimes, the individuals behind such posts do not realise the impact their behaviour has had on the employees and/or members concerned. Reporting the matter to the police who may visit the perpetrator can have an immediate and lasting effect on their behaviour.
- 9.3 There are however practical measures which can be taken to reduce the impact. These include measures such as blocking users, removing content (if able to do so but remembering to take a screen shot for evidence), and reporting content to the social media platform itself. It is important to complain to the particular social media platform and keep a record in order to build evidence that steps have been taken should legal action become necessary.



- 9.4 Whilst unpleasant content if acknowledged or addressed might reach a further audience and perpetuate the content, where the issue is already known about, a press statement on the council's own platform can help to redress misinformation. This can include a statement that any malicious allegations are without merit and could impact on council functions and the public purse. What course of action may be appropriate very much depends upon the nature of the behaviour and the context within which it sits.
- 9.5 The council's unreasonable complaints policy should include behaviour on social media and set out the measures that might be taken to address inappropriate behaviour. This might include restricting access to members and/or officers, blocking emails, banning access to council land, or initiating a single point of contact. It is important to be overt about what action may be taken and in what circumstances, as well as making sure that any measure applied is demonstratively proportionate and necessary to mitigate against potential challenges brought. Any measures applied should be reviewed intermittently and lifted when appropriate.
- 9.6 It is worth noting that section 14 of the Freedom of Information Act 2000 provides that public authorities do not have to comply with vexatious or repeated requests. The ICO have produced guidance on [Dealing with Vexatious Requests](#) which is comprehensive and expects authorities to consider whether the request has a genuine purpose in light of the objective public interest test. Regulation 12(4)(b) of the EIR contains a similar exception allowing public authorities to refuse to comply with a request for environmental information where the request is manifestly unreasonable.

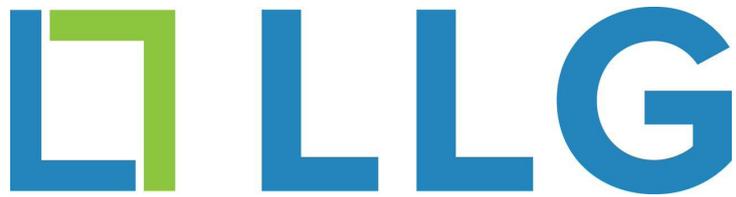


## 10. Guidance for Members

- 10.1 Social Media can be an effective tool to promote political views and activities/projects with which members are engaged. It can also however present a minefield of delicate situations which can, if not managed correctly, place members at risk of abuse or at risk of breaching the code of conduct.
- 10.2 The best way to ensure that members protect both themselves and the council's interests is to encourage them to treat posting on social media in exactly the same way as they would a public speech or an article for publication either professionally or in their personal capacity. The relatively permanent nature of a social media post means that it can follow an individual around their entire lifetime and even when deleted, another person may have captured a screen shot which could be reposted.
- 10.3 Remembering to adhere to the code of conduct when using social media and ensuring the accuracy of content will go a long way to reaping the benefits of on-line engagement without facing potential repercussions.

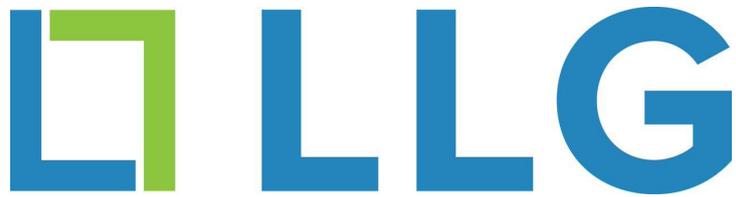
### Setting the Scene

- 10.4 The following are examples of social media use by members which have given rise to complaints and/or reputational damage.
- 10.5 In January 2020, a councillor retweeted an article which said that Countdown star Rachel Riley was a "fascist" and an "Israeli state terrorist sympathiser". An investigation commissioned by the council found that the councillor's



Twitter account biography listed them as a councillor but that they were acting in a personal capacity at the time and therefore had not breached the council's code of conduct. The findings were accepted by the council's standards committee, but it said councillors should be given more training on social media use.

- 10.6 In April 2020, a councillor who was taking part in a day of fasting during Ramadan, shared a photograph of bacon and boiled eggs and tagged the Muslim Council of Britain with the caption: 'Up early to start my fast for #LibDemIftar! Really not sure I'll get through to the evening, but we'll see!' Following complaints, the councillor said that "This is a learning experience, and I'd prefer to be honest about it than not. Sorry if it caused offence". He also explained "it was 4am and I was half asleep."
- 10.7 In April 2020, a councillor shared a picture of Greta Thunberg on Facebook in response to her statement that "my generation will start a revolution" and added the caption: "Your generation can't work 40 hours in a week, can't decide whether you're a boy, or a girl or 'other' or can't eat meat without crying". A number of complaints were made about his post, in particular that it was transphobic. The councillor later apologised however the Scottish Conservatives received calls for the councillor to resign from the party or be suspended, with constituents threatening to file complaints with the Commissioner for Ethical Standards in Public Life (who investigate complaints about councillors in Scotland).
- 10.8 In May 2020, a councillor faced calls to resign after sharing a tweet headed "Things I trust more than Boris" which set out a list including: an injection from Dr Harold Shipman; a taxi ride from John Worboys, and the Covid-19 virus.

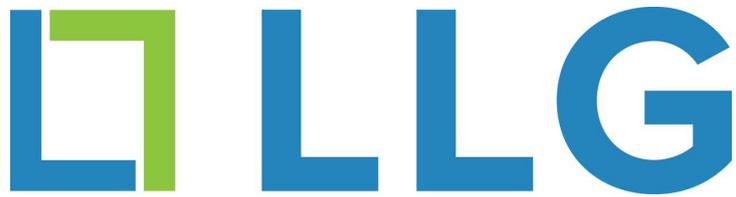


The councillor retweeted that they ‘trusted criminals and the covid virus more than the prime minister’ on their personal twitter account. The councillor did delete the retweet following criticism from the local MP who said it was repulsive and shocking. In response, the councillor said that they had learnt their lesson and would be more careful in the future adding that their poor eyesight had caused them to retweet without looking at it.

### **Legal Areas**

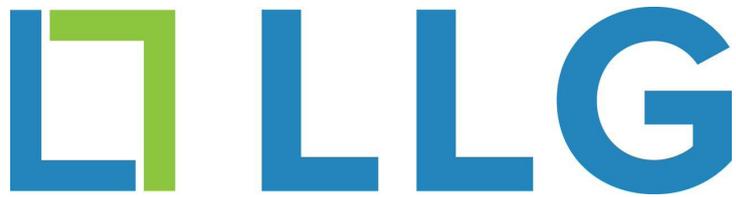
10.9 The following is a list of legal areas which should be taken into account when using social media: -

- a. Defamation: if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages.
- b. Copyright: publishing information that is not yours, without permission, may also result in an award of damages against you.
- c. Harassment: it is an offence to pursue a course of conduct against a person that is likely to cause alarm, harassment, or distress.
- d. Data protection: do not publish personal data of other people, including photographs, without their express permission to do so.
- e. Incitement: it is an offence to incite any criminal act.
- f. Discrimination and ‘protected characteristics’: it can be unlawful to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010).
- g. Malicious and obscene communications: it is an offence to send malicious or obscene communications.
- h. Judicial review of decisions on the basis of bias and/or predetermination.



### **Professional or Personal Capacity?**

- 10.10 Section 27(2) of the Localism Act states that the Code of Conduct applies when members are acting in their official capacity. This can present significant grey areas in the context of social media, where the line between acting in an official or in a private capacity can be a difficult one to draw. Often Councillors will state that they were posting in a private capacity, whereas complainants will state the opposite.
- 10.11 Councillors should be mindful that the public may view them as acting as a councillor whatever their intention at the time. Utilising a council mobile phone or technology for the purposes of electioneering and political campaigns is not allowed. Indeed, Councillors should only access their personal social media accounts through personally held technology and not that provided by the council, with appropriate restrictions enabled to ensure that posts are not publicly accessible to all. Any reference to an individual holding office as a councillor on a social media site runs the risk that any content added by that individual is attributable to them as an elected member.
- 10.12 When using social media councillors are able to share strong views on matters of political interest. In *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504 (Admin) Mr Justice Hickinbottom stated at paragraph 38 that “Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated...”.



### **Bias and pre-determination**

10.13 Members sitting in particular on regulatory committees such as planning or licensing should be aware that they are allowed to have a view, but not go so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct could be engaged.

### **Property and Data Protection**

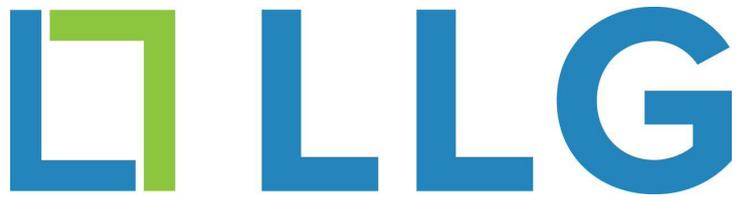
10.14 It is important at all times to respect confidentiality, financial, legal and personal information. Policy that has yet to be announced should not be disclosed.

10.15 Personal information about other councillors should not be disclosed. An informal tone of voice is often desirable within agreed boundaries, but remember that when using official accounts, members are the voice of the council.

### **The Employment Context**

10.16 It should be remembered that officers within the council are employees of the council. Members have responsibilities toward them in relation to ensuring and maintaining the mutual relationship of trust and confidence owed to them.

10.17 In the Heesom Case (which was an appeal by a Welsh Councillor against findings that he had been in breach of the Code of Conduct in his behaviour

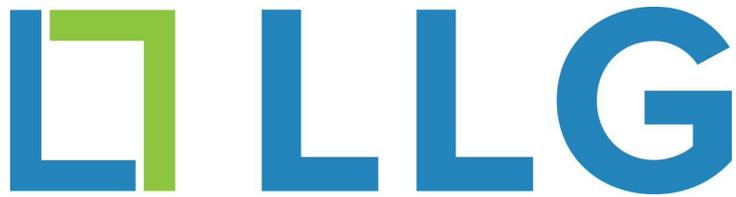


towards officers), Mr Justice Hickinbottom (referring to the case of Janowski v Poland (1999) 29 EHRR 705) stated the following at paragraph 42 of the judgment:

“...Civil servants are, of course, open to criticism, including public criticism; but they are involved in assisting with and implementing policies, not (like politicians) making them. As well as in their own private interests in terms of honour, dignity and reputation, it is in the public interest that they are not subject to unwarranted comments that disenable them from performing their public duties and undermine public confidence in the administration. Therefore, in the public interest, it is a legitimate aim of the State to protect public servants from unwarranted comments that have, or may have, that adverse effect on good administration...”

10.18 Where Councillors themselves make allegations against officers via social media (or otherwise), it can impact upon the mutual duty of trust and confidence between the officer and the Council. Indeed, at paragraph 82 of the Heesom case Mr Justice Hickinbottom stated:

“In *Moores v Bude-Stratton Town Council* [2001] ICR 271, a council employee resigned because of abuse and allegations of dishonesty at the hands of a backbench member of the council for whom he worked. The councillor was censured by the council at its next meeting, and the employee asked to reconsider; but he refused and pursued a claim for unfair dismissal. It was argued on his behalf that there was a duty on every local councillor arising out of his or her position as councillor not to do anything calculated and likely to destroy or damage the relationship of confidence and trust between the council and the council's employees (page 277D-E) ...the majority accepted that argument, and held that



councillors were under a duty of trust and confidence for breach of which the council would be liable...”

10.19 Councillors also need to be alive to inappropriate comments and content posted by third parties in response to their own posts. Whether by failing to respond at all or by actively engaging with third parties without addressing the offending content, this could be seen to undermine trust and confidence and at worst, be taken to condone such activity.

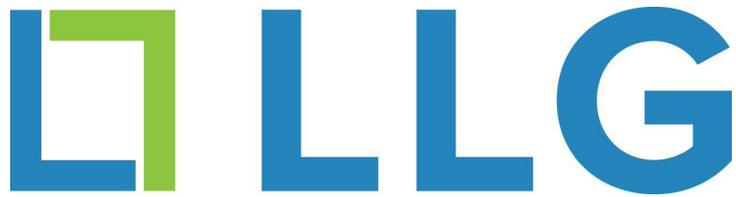
10.20 Finally, section 2(1) of the Health and Safety at Work etc Act 1974 states that: “It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”

10.21 Councillors should therefore be very careful when referring to officers on social media, raising concerns or complaints through the appropriate council policies and procedures only.

#### **Note**

**It should be noted that at the time of writing this, the LGA are currently consulting on a new model member code of conduct which includes a presumption that councillors are acting in an official capacity. This does require legislative change which the LGA acknowledges and which may or may not happen within the foreseeable future.**

**The CSPL recommended that “Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches”.**



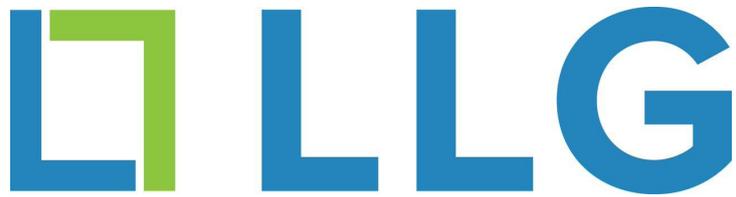
The LGA draft code states “The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting] in [public or in] your capacity as a member or representative of your council,...” and “These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media”

The draft code also states “Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes”

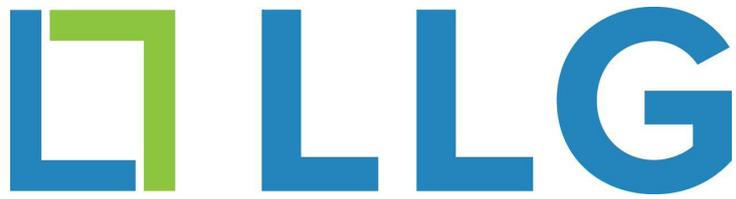
## 11. Do’s and Don’ts

**DO: -**

- 11.1 Have in place policies for both officer use and use by elected members in their capacity as a Member of the Council – back this up with a policy on unreasonable complaint behaviour.
- 11.2 Provide regular training to elected members and to officers, particularly those who are given access to social media accounts on behalf of the Council.
- 11.3 Restrict the number of officers authorised to use the Council’s social media accounts (normally comms officers or dept heads).
- 11.4 Require officers and elected members to sign up to the Council’s policies on social media use.



- 11.5 Consider hosting elected members blogs through modern.gov therefore allowing a degree of control but be careful in relation to the code of publicity and particularly purdah (Council resources must not be used for party political purposes).
- 11.6 Remember that FOIA/EIR and DPA Subject Access requests might be made via social media.
- 11.7 Actively respond to people who engage with you – this shows that the Council is listening and responsive. It also allows Councils to be involved in and address issues at an early stage.
- 11.8 Deal with inappropriate content quickly where possible.
- 11.9 Be mindful of the Council's duties towards employees and others.
- 11.10 Use social media during crisis situations – this provides an immediate interface with persons affected and allows quick dissemination of advice and critical information. Include its use in emergency plans.
- 11.11 Use it to live broadcast meetings therefore increasing transparency, engagement and understanding.
- 11.12 Use it for consultation purposes.



11.13 Ensure staff report back regularly on usage and activity in order to assess strategy and any issues.

### **DON'T**

11.14 Ban or shy away from the use of social media.

11.15 Assume that social media will look after itself.

11.16 Forget that anything you post is permanent and available to the world at large.

11.17 Forget that it is a two-way tool.

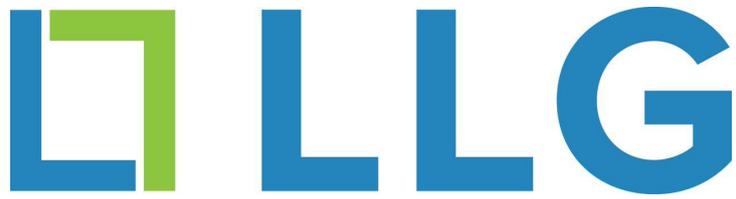
11.18 Get drawn into arguments and debates on social media – where individuals are expressing dissatisfaction direct them to the right place to make their complaints.

## **12. Social Media Suggested Guidelines for Inclusion**

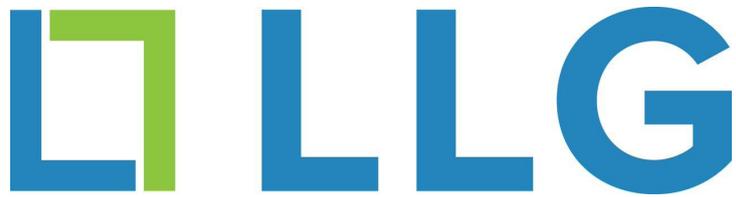
12.1 Be clear as to the objective of your engagement: e.g. consultation, influencing, communication.

### **Potential Guidelines**

- I. Principles of integrity, professionalism, privacy, and impartiality should be observed when posting.



- II. Posting items to social media is publication for the purposes of the laws of defamation and intellectual property.
- III. Proper copyright and reference laws should be observed when posting on-line.
- IV. When posting on your own social media accounts and referencing your authority be clear about the capacity in which you are posting, for example clearly stipulating that your views are personal and purely your own, and complying with the code of conduct and council's policies on social media together with the law.
- V. Discriminatory content is prohibited and may be unlawful and criminal.
- VI. You must be mindful of the political sensitivities within which individuals operate in their day jobs.
- VII. You must not disclose any information which is sensitive or confidential in nature including financial, operational, and legal information as well as personal information pertaining to employees, clients, service users or third parties.
- VIII. You should be mindful of giving rise to a perception of bias or predetermination where you are the decision maker or are advising the decision maker.
- IX. You should show respect for other's opinions.
- X. You should uphold the code of conduct and any values policy.



- XI. You should contact the Communications Team (and/or your line manager if relevant) immediately if you make a mistake or spot something you are concerned about.

### 13. Useful Links: -

LGA ['Handling Abuse on Social Media'](#)

LGA ['Councillors and Social Media'](#)

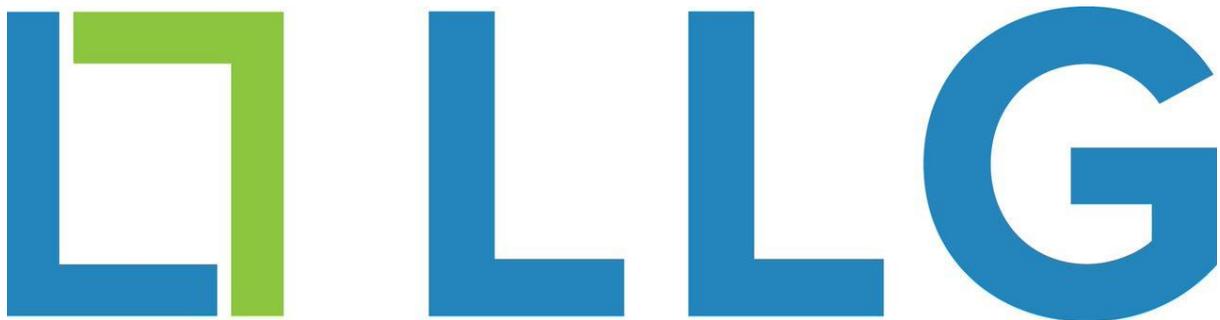
LGA ['Councillors Guide to Handling Intimidation'](#)

The Welsh Local Government Association ['Social Media and Online Abuse'](#)

CSPL ['Local Government Ethical Standards Review'](#)

CSPL ['Intimidation in Public Life Review'](#)

LGA ['A Basic Guide to Social Media'](#)



### Acknowledgements: -

**LLG would like to thank David Kitson, Sarah Lamont and Wesley O'Brien from Bevan Brittan, and Durham County Council.**

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## OVERVIEW PANEL

23 November 2020

**Commenced:** 14:00

**Terminated:** 14:20

**Present:** Councillors Ricci (Chair), Cartey, Cooper, Fairfoull, J Fitzpatrick, Glover, Kitchen, Ryan and Warrington

**In Attendance:**

Steven Pleasant	Chief Executive
Sandra Stewart	Director of Governance and Pensions
Kathy Roe	Director of Finance
Julie Speakman	Head of Executive Support
Simon Brunet	Head of Policy and Intelligence

**Apologies for Absence:** Councillors J Homer, T Smith and R Welsh

### 30. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 31. MINUTES

The minutes of the meeting of the Overview Panel on the 7 September 2020 were approved as a correct record.

### 32. SCRUTINY UPDATE

Consideration was given to a report of the Head of Policy and Intelligence, which provided a summary of the work undertaken by the Council's two Scrutiny Panels for September to November 2020.

It was reported that the Place and External Relations had on 15 September 2020 met the Executive Member for Strategic Development and Transport and the Head of Engineering Services to receive information on consultation and project developments for the walking and cycling schemes in Tameside. Further, the Panel received the Local Government and Social Care Ombudsman Annual Report as tabled at the meeting of Overview Panel on 7 September 2020.

It was stated that on 10 November 2020 the Place and External Relations Panel had met with the Executive Member (Neighbourhoods, Community Safety and Environment) and Head of Community Safety and Homelessness to receive an update on service developments and strategy consultation. The Panel also received a letter of the Scrutiny Chairs to the Executive Member for Finance and Economic Growth in response to the mid-year budget update meetings held on 22 September 2020.

The Integrated Care and Wellbeing Panel met with the Executive Member (Adult Social Care and Health) and Director of Commissioning to receive a service response to findings from Tameside and Glossop GP Patient Survey 2020. The Panel also met with the Executive Member (Adult Social Care and Health) and the Director of Population Health to receive an overview of the local public health response the transition from crisis management to recover and the implementation, management and effectiveness of Test and Trace in Tameside.

It was reported that on the 5 November 2020 the Integrated Care and Wellbeing Panel had met with the Deputy Executive Leader and Director of Children's Services to receive an update on services specific to Children's Social Care improvements. The Panel also received a letter of the Scrutiny

Chairs to the Executive Member for Finance and Economic Growth, in response to the mid-year budget update meetings held on 22 September 2020.

With regards to the Children's Working Group a meeting had taken place on 12 November 2020 where Members had met with the Assistant Director of Children's Services to receive a progress update on past activity and recommendations specific to the Recruitment and Retention of Fosters Carers in Tameside.

All members of the Council's Scrutiny Panels had received an invitation to attend one of two sessions held on 22 September 2020, on the mid-year budget update. A response letter of the Scrutiny Chairs had been sent to the Executive Member (Finance and Economic Growth), with a summary of discussion points. A future budget session with scrutiny members would take place on 18 January 2021, forming part of the formal budget procedures for 2021/22.

#### **RESOLVED**

**That the report be noted.**

### **33. SCRUTINY MID-YEAR BUDGET UPDATE**

Consideration was given to a report of the Director of Governance and Pensions / Assistant Director of Policy, Performance and Communications, which provided a summary of the feedback based on recent scrutiny engagement on 2020/21 budget and impacts of Covid-19.

All Scrutiny Panel members had been provided with an opportunity to attend one of two mid-year budget update sessions held on 22 September 2020. The update had enabled members to seek assurances on the Strategic Commission's approach to managing and mitigating both the direct and indirect impacts that Covid-19 would continue to have on residents, communities and the local economy.

The Head of Policy, Performance and Intelligence summarised the response letter from the Scrutiny Chairs to the Executive Member for Finance and Economic Growth attached at Appendix 1 to the report. Panel Members noted the impact of Covid-19, the collection of Council Tax and Business rates, which were below expected levels and on demand pressures for services. It was recognised that partnerships between public bodies within Tameside and Glossop were essential to help manage the effect of the virus. Members had concerns over the long-term impact of Covid-19 specifically the viability of local businesses and future employment levels in the borough. Imminent changes to the furlough scheme were likely to present a number of risks and uncertainties. Further, the budget monitoring information continued to inform future work priorities for the Scrutiny Panels. Members raised concern about the sustainability of the increased allocation of financial resource to Children's Services.

#### **RESOVLED**

**That the report be noted.**

### **34. LGSCO COMPLAINTS ANALYSIS**

Consideration was given to a report of the Director of Governance and Pensions, which provided a summary and comparison of complaints made to the Local Government and Social Care Ombudsman (LGSCO) Complaints Analysis.

The Head of Executive Support explained that the reportable period for the annual report and the comparative data contained in this report was 1 April 2019 – 31 March 2020. For the reportable period, the LGSCO received a total of 70 complaints for Tameside across the service themes. This was compared to Manchester at the higher end with 157 and Rochdale at the lower end with 51 complaints.

The highest service theme of complaints for Tameside was in the Education and Children's Services with 20 complaints and 19 for Adult Social Care.

It was reported the number of detailed investigations carried out by the LGSCO in Tameside was 15 with 7 being upheld. Manchester received the highest number of investigations with 29 of which 17 were upheld, compared to Bolton with 7 investigations and 3 upheld. All local authorities achieved 100% compliance with the LGSCO recommendations.

It was further explained that where the LGSCO found fault they carefully looked at the root cause and proposed recommendations to the local authority for improvements to systems and processes so that the issues would not reoccur. For the 7 received by Tameside, these covered areas relating to Adult Social Care 4, Education 2 and 1 Children's Social Care. For other local authorities, the areas of service improvements were not too dissimilar and including other areas such as Planning, Benefits and Highway matters.

#### **RESOVLED**

**That the report be noted.**

#### **36. URGENT ITEMS**

There were no urgent items.

**CHAIR**

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## DEMOCRATIC PROCESSES WORKING GROUP

16 December 2020

Commenced: 4.00pm

Terminated: 4.35pm

**Present:** Councillors Cooney (In the Chair), Billington, Fairfoull, J. Fitzpatrick, Kitchen, Reid, S Smith, Ryan, Ward and Warrington.

**Apologies:** Councillor Feeley.

### 20. MINUTES OF PREVIOUS MEETING

#### RESOLVED:

That the minutes of the meeting of the Working Group held on 5 October 2020 be approved as a correct record.

### 21. LOCAL GOVERNMENT BOUNDARY REVIEW

Consideration was given to a report of the Director of Governance and Pensions which reminded Members that the Local Government Boundary Commission for England (LGBCE) had informed Tameside Council they are to undertake an electoral review. The last such review was in 2003 and agreed the size of the council to be 57 councillors across 19 wards (three councillors per ward). The first stage of the review is to consider the size of the Council, i.e. how many Councillors should there be. This will be followed by a review of the warding arrangements.

The attached report is the Tameside Council size proposal (Stage 1) to the LGBCE. In addition, Tameside Council has provided the supporting information requested by the LGBCE. The size proposal has to be submitted to the LGBCE by 16 December 2021 and will be considered by the Commission in January 2021.

The report is structured as below:

1. Executive summary
2. Tameside the place and its communities
3. Electoral forecasts
4. Governance and decision making
5. Local and sub-regional arrangements
6. Scrutiny and regulatory functions
7. Representational role of councillors in the local community
8. Other

Tameside Council proposes a **council size of 57 councillors** across 19 wards (three councillors per ward). No change from the current council size. In coming to the decision to propose a council size of 57 councillors a range of evidence and a number of factors were considered and balanced. They included:

- population and elector growth;
- increasing diversity of local communities;
- governance and decision making;
- scrutiny and regulatory functions;
- changing nature of case work in terms of volume, scope and complexity;
- representation of individuals and communities beyond the formal governance arrangements;
- major changes such as Greater Manchester devolution and health and social care integration.

**RESOLVED:**

**That Members RECOMMEND TO COUNCIL to endorse the attached submission to the Local Government Boundary Commission.**

**22. UPDATE ON MAY 2021 ELECTIONS**

Consideration was given to a report of the Director of Governance and Pensions which reminded Member that 6 May 2021 the Combined Borough Council and GM Mayoral Election postponed from May 2020 would be held. The Notice of Election for both Elections will be published on 29 March 2020. Meaning that the nomination period will commence on 30 March 2020. Ballot papers and paperwork for the Borough Elections will be white and for the GM Mayoral Election they will be yellow. The method of voting at the Mayoral Election is Supplementary Vote which means electors can vote for their 1<sup>st</sup> and 2<sup>nd</sup> preference.

It remained probable that there would be some form of Covid restrictions in place when the elections were held and these would need to be factored into planning considerations.

Nominations for the GM Mayoral Election would be dealt with by the Combined Authority. Delivery of nomination papers for the Local Elections would be from the day after the publication of the Notice of Election on 29 March 2020 until 4:00 pm on Thursday 8 April 2020. It will be necessary to put in place procedures to ensure that, despite the impact of the pandemic and any local restrictions that might be in place, any person expressing an interest in standing for election was able to access a nomination pack. It was suggested that wherever possible and practical access to nomination packs should be electronic, either through the Council's website or by email. Where this was not possible steps would be taken to ensure the safety of candidates, agents and election staff in line with public health guidance. Where possible informal checks of nomination papers would be done electronically. Where this was not possible measures will be put in place to ensure safety of candidates, agents and elections staff, these will include delivery by appointment only and recognised safety measures such as social distancing, face masks and hand sanitiser. With regard to the delivery of nomination papers steps would need to be taken to maintain safety. Again this would require delivery by appointment only with a specified delivery point.

Given the likelihood of Covid restrictions still being in place in May 2021 and the possibility of receiving a large number of late postal vote applications by electors wishing to avoid having to go to a polling station it was intended to undertake a publicity campaign early in the new year reminding residents of the alternative options for voting at the May elections rather than going to a polling station. This would be done in line with Electoral Commission guidance

Members were informed that the deadline for withdrawal of nominations was 4:00 pm Thursday 8 April 2020, in theory postal votes could be issued any time after this. The Combined Authority Returning Officer has indicated that they wish to see all GM Mayoral Postal Votes dispatched on Wednesday 22 April 2020. It is possible to send out the Borough Council election postal votes separately to the GM Mayoral Electoral however, this would incur costs to Council. Given that it will not be possible to dispatch any postal votes (combined or separate) until shortly before 22 April it was suggested that a combined postal vote pack should be sent out on 22 April at the same time as the rest of GM. This approach would also allow for more thorough checking of postal vote packs prior to dispatch.

Arrangements would need to be put in place to ensure that postal vote verification and opening was conducted in a covid safe way whilst ensure candidates and agents were able to carry out their roles. At present it was anticipated that verification and opening of postal votes would be undertaken at Dukinfield Town Hall though precise arrangements would be determined following health and safety and public health guidance. Further details on arrangements for postal vote verification and opening would be provided at the scheduled February meeting of the Working Group.

With regard to polling stations, it would be necessary to consider the arrangements at each polling station to ensure a safe environment for electors, candidates/agent and staff working in polling stations. An update on arrangements for polling stations will be provided at the February meeting of the Working Group.

Members considered possible arrangements for conducting the verification and count and agreed that further consideration would need to be given to this matter at the February meeting of the Working Group.

**RESOLVED:**

- (i) That it be noted that nominations can be submitted from 9am on Tuesday 30 March 2020 until 4pm on Thursday 8 April 2020;**
- (ii) That it be noted that it is likely that arrangements will need to be put in place to ensure safety of all those involved in the nomination process.**
- (iii) That it be agreed to dispatch combined postal votes on Wednesday 22 April and that further details on verification and opening of postal votes will be provided at the February meeting of the Working Group.**
- (iv) That further consideration be given to the arrangements for verification and counting of votes at the February meeting of the Working Group**
- (v) That we follow the Electoral Commission advice and communications strategy about the alternative ways of voting.**

**23. ELECTORAL COMMISSION BULLETINS**

Consideration was given to a report of the Director of Governance and Pensions that provided Members with recent copies of the Electoral Commission news bulletin, which set out current issues affecting the democratic framework for local government.

**RESOLVED:**

**That the report be noted.**

**CHAIR**

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<b>Report to:</b>	<b>COUNCIL</b>
<b>Date:</b>	12 January 2021
<b>Report of:</b>	Steven Pleasant – Chief Executive and Returning Officer
<b>Subject Matter:</b>	<b>TAMESIDE ELECTORAL REVIEW - COUNCIL SIZE PROPOSAL</b>
<b>Summary:</b>	<p>The Local Government Boundary Commission for England (LGBCE) have informed Tameside Council they are to undertake an electoral review. The last such review was in 2003 and agreed the size of the council to be 57 councillors across 19 wards (three councillors per ward).</p> <p>This report is the Tameside Council size proposal (Stage 1) to the LGBCE. In addition, Tameside Council has provided the supporting information requested by the LGBCE.</p>
<b>Recommendations</b>	That Members endorse the attached submission to the Local Government Boundary Commission.
<b>Financial Implications: (Authorised by Section 151 Officer)</b>	There are no financial implications as a direct result of this report.
<b>Legal Implications: (Authorised by Borough Solicitor)</b>	The Local Democracy, Economic Development and Construction Act 2009 sets out the duty placed on the Local Government Boundary Commission for England to undertake an electoral review of every principal local authority in England 'from time to time' and we are required to conduct a review when the commission determines it is time for a review.
<b>Risk Management:</b>	A separate risk assessment is undertaken as part of the preparations for each election. An assessment of the most recent election informs future planning and assessment of risk.
<b>Links to Community Strategy:</b>	Indirectly the running of elections helps support most elements of the Community Plan.
<b>Access to Information</b>	<p>The background papers relating to this report can be inspected by contacting the report author Simon Brunet, Head of Policy, Performance and Intelligence by:</p> <p> Telephone:0161 342 3542</p> <p> e-mail: <a href="mailto:simon.brunet@tameside.gov.uk">simon.brunet@tameside.gov.uk</a></p>

## 1. INTRODUCTION

- 1.1 The Local Government Boundary Commission for England (LGBCE) have informed Tameside Council they are to undertake an electoral review. The last such review was in 2003 and agreed the size of the council to be 57 councillors across 19 wards (three councillors per ward). The first stage of the review is to consider the size of the Council, i.e. how many Councillors should there be. This will be followed by a review of the warding arrangements.
- 1.2 The attached report is the Tameside Council size proposal (Stage 1) to the LGBCE. In addition, Tameside Council has provided the supporting information requested by the LGBCE. The draft size proposal approved by the Democratic Processes Working Group for submission to Council was submitted to the LGBCE by 16 December 2021 and will be considered by the Commission in January 2021 subject to approval by the Council.
- 1.3 The report is structured as below:
1. Executive summary
  2. Tameside the place and its communities
  3. Electoral forecasts
  4. Governance and decision making
  5. Local and sub-regional arrangements
  6. Scrutiny and regulatory functions
  7. Representational role of councillors in the local community
  8. Other
- 1.4 Tameside Council proposes a **council size of 57 councillors** across 19 wards (three councillors per ward). No change from the current council size. In coming to the decision to propose a council size of 57 councillors a range of evidence and a number of factors were considered and balanced. They included:
- population and elector growth;
  - increasing diversity of local communities;
  - governance and decision making;
  - scrutiny and regulatory functions;
  - changing nature of case work in terms of volume, scope and complexity;
  - representation of individuals and communities beyond the formal governance arrangements;
  - major changes such as Greater Manchester devolution and health and social care integration.
- 1.5 Electoral reviews do not work solely on the basis of more or less compared to the current position. They start from the question how many councillors are needed to ensure effective governance, scrutiny and representation of individuals and the community. However the current figure of 57 councillors agreed in 2003 acts as a sensible reference point on which to reflect given the evidence gathered on current activity is within the context of that number.
- 1.6 The starting point for coming to the number of councillors is the base number needed to discharge the statutory democratic and governance functions of the council. That is:
- (a) 10 cabinet members – statute;
  - (b) 10 planning members (including chair), exclusive of (a);
  - (c) Licensing chair, exclusive of (a) and (b);
  - (d) 2 scrutiny chairs, exclusive of (a), (b) and (c); and
  - (e) Audit / Overview chair, exclusive of (a), (b), (c) and (d).

- 1.7 In addition to the above is the need for sufficient councillors with a range of experience to sit on the various panels (e.g. Scrutiny, Planning, and Licensing) and to represent the diverse local communities of Tameside. Consideration was given to whether that could be effectively achieved with less councillors than at present or more. A range of factors were used to reflect and decide with the key points summarised below and in more detail in the size proposal report attached at the **Appendix**.
- 1.8 It should also be borne in mind that the role of a councillor is not a paid full time job although many undertake the role and undertake hours as if it were. Over half of councillors are in full or part time paid work, and a third have caring responsibilities for children and/or adults with a disability or frailty need. The number of councillors has to reflect the balance between the role of elected member and other responsibilities out with.

### **Technology**

- 1.9 Technology is enabling members to save time by increasingly attending virtual meetings, and more so during the coronavirus pandemic. Likewise, technology provides new opportunities for councillors to communicate and engagement with their communities through e-mail, social media and mobile telephone. Councillors report the channels they use most frequently in descending order are telephone, e-mail, face-to-face and social media. Technology has helped reduce time burdens and will do more so in the future as new platforms become available. However, it also means that it is easier for residents to engage and raise issues in a way and volume not seen before.

### **Value for money**

- 1.10 While the issue of value for money does not speak directly to what capacity is needed to deliver the functions of local councillors it is appropriate to consider it. In a time of austerity and cuts the public would assume any proposal balances value for money with an appropriate level of governance and representation.

### **Population and elector growth.**

- 1.11 The population and electorate of Tameside has grown considerably since the last electoral review in 2003. 12,800 more population, an increase of 6% (which is above the national average), and 10,600 more electors, an increase of 6.6%. Forecasts suggest a further growth of 5,200 electors from now to 2026. Alongside this, the demographic make-up of Tameside is changing with greater numbers of people from diverse backgrounds, many with English as a second language or no English at all. Both growth and diversity increase the need for sufficient representational capacity amongst councillors.

### **Additional regional and local responsibilities**

- 1.12 Recent years have seen significant changes to the local government landscape in Tameside. Greater Manchester devolution means significant powers devolved from Whitehall to Greater Manchester require scrutiny and challenge from local councillors within Tameside and the other nine boroughs. Alongside that, the integration of health and care in Tameside including the merging of Tameside Council and Tameside & Glossop Clinical Commissioning Group means councillors are more involved than ever in the decision making and scrutiny of health services, with corresponding casework from their constituents in these areas.
- 1.13 Additionally the Council has statutory the responsibility for the biggest Local Government Pension fund in the UK, which has grown to £26 billion under management with over 600,000 members as well as being the lead authority for Northern LGPS a partnership between the Greater Manchester (GMPF), Merseyside (MPF) and West Yorkshire (WYPF) Local Government Pension Scheme (LGPS) funds. It is one of Britain's largest public investment funds, with combined assets under management of £46bn. Northern LGPS represents about a fifth of total LGPS assets, has approximately 880,000 members and over 1,100 contributing employers. This is a significant responsibility and a far increase from the £2billion and 250,000 membership at the last boundary review of 2003 requiring significant leadership and elected member governance oversight and sufficient elected members to address the statutory and

fiduciary requirements including the committee structure, which is separate and comparable to running another Council. By comparison the Council and CCG's combined budget is a £1billion.

### **More and more complex casework**

- 1.14 Councillors are seeing increasing and more complex casework. They report that on average they are dealing with between 21 to 25 cases each month. Almost a third deal with more than 30 a month. Over three-quarters of councillors report that the amount of casework they deal with has increased over recent years. Six out of ten say they spend more time on council business than they expected they would when they first became a councillor. While eight out of ten state the amount of time they spend on council business has increased over recent years. In the year to October 2020, over 800 queries were made to the council via the website and customer services for councillors in addition to the casework work they receive independently and directly from constituents. A rising trend over the last few years.
- 1.15 Evidence gathered in the review shows councillors are seeing increasing volumes of work whether it be part of formal governance (executive, scrutiny and regulatory) in both Tameside and at the Greater Manchester level – plus increased need for representation of individuals and community due to population growth and the changing role of councillors and how their residents look to them as community leaders. To reduce the number of councillors could potentially place an undue burden on those remaining, and dilute effective decision-making, scrutiny and representation. In some ways, technology has helped reduce time burdens and will do more so in the future. However, its benefits are not such that it nets off the impact of work growth. Of course, while any proposal should consider value for money that should not be at the expense of representative democracy. Increased workloads handled by the current number of councillors speaks to the need for value for money. With all these factors in mind, a proposal of 57 councillors is considered to balance the need for sufficient capacity while being mindful of value for money.

## **2. TIMETABLE**

2.1 The timetable for the remainder of the review is as follows:

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
<b>Develop council size proposal</b>	<b>Council</b> <b>Political Groups</b>	Officers will be available to answer any technical queries on making a submission.	<b>February – December 2020</b>
<b>Submission of council size proposals</b>	<b>Council</b> <b>Political Groups</b>	Officers will acknowledge receipt of submissions.	<b>16 December 2020</b>
Commission Meeting: Council Size	Not required	Commission	19 January 2021

## Warding Patterns

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
<b>Consultation on warding patterns</b>	<b>Council</b> <b>Political Groups</b> <b>General Public</b>	Run consultation, collate & analyse responses.	<b>26 January 2021 – 5 April 2020</b>
Commission Meeting: Draft Recommendations	Not required	Commission	<b>18 May 2021</b>
<b>Consultation on Draft Recommendations</b>	<b>Council</b> <b>Political Groups</b> <b>General Public</b>	Publish draft recommendations. Run consultation, collate & analyse responses.	<b>1 June 2021 – 9 August 2021</b>
Commission Meeting: Final Recommendations	Not required	Commission	<b>19 October 2021</b>

## Order

<b>Activity</b>	<b>Involvement</b>		<b>Key Dates</b>
	<b>Council</b>	<b>LGBCE</b>	
Order laid	Not required	Commission	Winter 2021/22
Order made	Not required	Commission	<b>Spring 2022</b>
<b>Implementation</b>	<b>Council</b>	Not required	<b>May 2023</b>

### 3.1 RECOMMENDATION

3.1 As set out at the front of the report.

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## **TAMESIDE ELECTORAL REVIEW**

### **COUNCIL SIZE PROPOSAL – DECEMBER 2020**

The Local Government Boundary Commission for England (LGBCE) have informed Tameside Council they are to undertake an electoral review. The last such review was in 2003 and agreed the size of the council to be 57 councillors across 19 wards (three councillors per ward).

This report is the Tameside Council size proposal (Stage 1) to the LGBCE. In addition, Tameside Council has provided the supporting information requested by the LGBCE.

The report is structured as below:

1. Executive summary
2. Tameside the place and its communities
3. Electoral forecasts
4. Governance and decision making
5. Local and sub-regional arrangements
6. Scrutiny and regulatory functions
7. Representational role of councillors in the local community
8. Other

#### **1. EXECUTIVE SUMMARY**

- 1.1 Tameside Council proposes a **council size of 57 councillors** across 19 wards (three councillors per ward). No change from the current council size.
- 1.2 In coming to the decision to propose a council size of 57 councillors a range of evidence and a number of factors were considered and balanced. They included:
  - population and elector growth;
  - increasing diversity of local communities;
  - governance and decision making;
  - scrutiny and regulatory functions;
  - changing nature of case work in terms of volume, scope and complexity;
  - representation of individuals and communities beyond the formal governance arrangements;
  - major changes such as Greater Manchester devolution and health and social care integration.
- 1.3 The population and electorate of Tameside has grown considerably since the last electoral review in 2003. 12,800 more population, an increase of 6% (which is above the national average), and 10,600 more electors, an increase of 6.6%. Forecasts suggest a further growth of 5,200 electors from now to 2026. With substantial housing development planned for future years such as Godley Green Garden Village as part of the Greater Manchester Plan for Homes and Jobs that growth is only expected to

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continue and accelerate. Alongside this, the demographic make-up of Tameside is changing with greater numbers of people from diverse backgrounds, many with English as a second language or no English at all. Both growth and diversity increase the need for sufficient representational capacity amongst councillors.

- 1.4 Tameside Council operates the Leader and Cabinet model with the associated range of boards and panels to discharge executive, scrutiny and regulatory functions. It is necessary to have sufficient elected members to fill both executive positions and the scrutiny and regulatory functions. Tameside Council has two scrutiny panels with broad remits, which require working groups to deep dive into key topics. Over recent years the scrutiny function has developed a close but still independent relationship with the executive based on prioritising pre-decision over post-decision scrutiny (albeit with that option still in the toolbox). Key to this has been sufficient panel membership with a breadth of experience and networks within the community.
- 1.5 Outside the formal governance, scrutiny and regulatory settings councillors sit on the committees and boards of an increasingly wide range of local community groups and organisations. These can be formal appointments such as Active Tameside, Stalybridge Town Centre Challenge Strategic Panel and Advisory Group, Werneth Low Management Committee and Hattersley Land Board; or active involvement as community leaders in roles such as school governors or board members of social housing providers. Similarly, councillors are active participants in groups that represent and advocate for particularly communities, or those that support the preservation and development of community assets, and those that provide essential services for some of the most vulnerable in the community. Examples include local town teams; a wide variety of 'Friends Of' groups; local resident's associations; Covid-19 Community Champions; young people's groups (e.g. Scouts and Rainbows); Homewatch; British Legion; credit unions; and others.
- 1.6 Recent years have seen significant changes to the local government landscape in Tameside. Greater Manchester devolution means significant powers devolved from Whitehall to Greater Manchester require scrutiny and challenge from local councillors within Tameside and the other nine boroughs. Major programmes such as the Greater Manchester Clean Air Plan and the Greater Manchester Plan for Homes and Jobs are fundamental to the future of local residents. The Greater Manchester Combined Authority (GMCA) has corresponding executive and scrutiny functions that are discharged by councillors from each of the ten local authorities. In essence, Tameside Council is operating in a quasi-two-tier arrangement but without two tiers of elected members. Alongside that, the integration of health and care in Tameside including the merging of Tameside Council and Tameside & Glossop Clinical Commissioning Group means councillors are more involved than ever in the decision making and scrutiny of health services, with corresponding casework from their constituents in these areas. In addition, Tameside Council is the administering authority for the Greater Manchester Pension Fund (GMPF) and as such provides the greater part of the elected members on the various boards and panels.
- 1.7 In an area of high deprivation with wider socio-economic and health and wellbeing challenges casework is complex. The impact of funding cuts over the past decade and associated changes to services have only added to the complexity of those needs and the volume of them. This has been further compounded by the coronavirus pandemic. The pandemic has re-iterated the role of councillors as community leaders providing

stability and reassurance in a crisis. Residents look to councillors to help navigate service access and problem solve when multiple challenges face an individual or family.

- 1.8 Councillors are seeing increasing and more complex casework. They report that on average they are dealing with between 21 to 25 cases each month. Almost a third deal with more than 30 a month. Over three-quarters of councillors report that the amount of casework they deal with has increased over recent years. Six out of ten say they spend more time on council business than they expected they would when they first became a councillor. While eight out of ten state the amount of time they spend on council business has increased over recent years. In the year to October 2020, over 800 queries were made to the council via the website and customer services for councillors in addition to the casework work they receive independently and directly from constituents. A rising trend over the last few years.
- 1.9 An electoral review size proposal should not work solely based on more or less compared to the current position. It should start from the question how many councillors are needed to ensure effective governance, scrutiny and representation of individuals and the community. However, the current figure of 57 councillors agreed in 2003 acts as a sensible reference point on which to reflect the above key points. Most of the factors above show councillors are seeing increasing volumes of work whether it be part of formal governance (executive, scrutiny and regulatory) in both Tameside and at the Greater Manchester level – plus increased need for representation of individuals and community due to population growth and the changing role of councillors and how their residents look to them as community leaders. To reduce the number of councillors could potentially place an undue burden on those remaining, and dilute effective decision-making, scrutiny and representation. In some ways, technology has helped reduce time burdens and will do more so in the future. However, it in no way nets off the impact of work growth. Of course, while any proposal should consider value for money that should not be at the expense of representative democracy. Increased workloads handled by the current number of councillors speaks to the need for value for money. With all these factors in mind, a proposal of 57 councillors is considered to balance the need for sufficient capacity while being mindful of value for money.
- 1.10 The proposal of 57 councillors across 19 wards (three councillors per ward) creates electoral imbalances based on the current ward boundaries – for both current (2020) and forecast (2026) electors. In particular in Hyde Newton and Longdendale which are more than 10% above and below the average respectively. These imbalances will be addressed at Stage 2 of the electoral review when new ward boundaries are drawn.

## **2. TAMESIDE THE PLACE AND ITS COMMUNITIES**

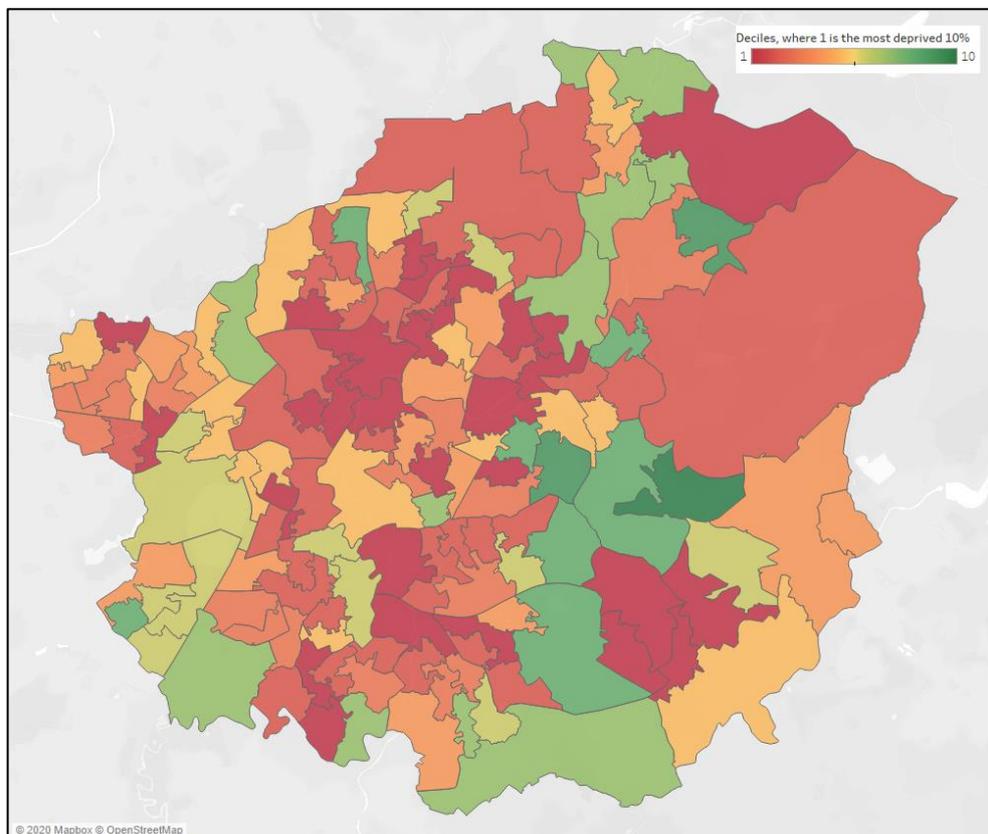
### **Profile of the Borough**

- 2.1 The borough of Tameside is located in the easternmost area of the Greater Manchester city region, with strong strategic connections into Manchester as well as to other nearby cities like Leeds through major rail links, the strategic road network (with the M60 and M67 motorways passing through the borough directly) and

connections to the Greater Manchester Metrolink system for travel within the city region.

- 2.2 Tameside as a whole is made up of nine distinct and unique towns, whose individual identities are fiercely defended by residents of each of these communities.
- 2.3 Tameside is a deprived borough, with the 2019 Index of Multiple Deprivations placing the authority area as the 28th most deprived of the 317 boroughs in England, with 11 of our 141 lower super output areas, LSOAs, falling into the most deprived 5% of all areas nationally. In total, around 17% of Tameside residents live in income-deprived households. Deprivation in the borough is not distributed evenly, with areas of greater deprivation generally focused on our town centres.

**Map 1: Deprivation levels across Tameside**



Source: MHCLG – Index of Multiple Deprivation 2019

- 2.4 Health and wellbeing in Tameside is generally worse than England with heart disease, stroke, cancer and liver disease being significant issues.
- 2.5 Public Health England statistics state that healthy life expectancy at birth is currently 58.3 years for females and 60.4 years for males in Tameside. This is significantly lower than the England average of 63.9 years for females and 63.4 years for males. Life expectancy locally is 7 years lower for females and 6 years lower for males in the most deprived areas of Tameside compared to the least deprived areas. Life expectancy at birth is currently 80.8 years for females and 77.5 years for males in

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Tameside. This is lower than the England average of 83.1 years for females and 79.5 for males.

- 2.6 Reducing the gap in life expectancy that exists between different parts of the Borough by ensuring that all residents have the same opportunities to live and work well is a key priority for the authority. The Care Together programme seeks to address these issues through integration. Tameside Council and NHS Tameside & Glossop Clinical Commissioning Group (CCG) have come together as a strategic commission that works closely with the single care organisation – Tameside & Glossop Integrated Care Foundation Trust (formerly Tameside Hospital) – to shape a place based approach to improving healthy life expectancy. The Strategic Commissioning Board (SCB) brings the Executive Cabinet and clinical leader from the CCG together to make decisions regarding a single health and care budget. Scrutiny and non-executive members provide the same challenge to the SCB as they do the Executive Cabinet.

**Economic Investment**

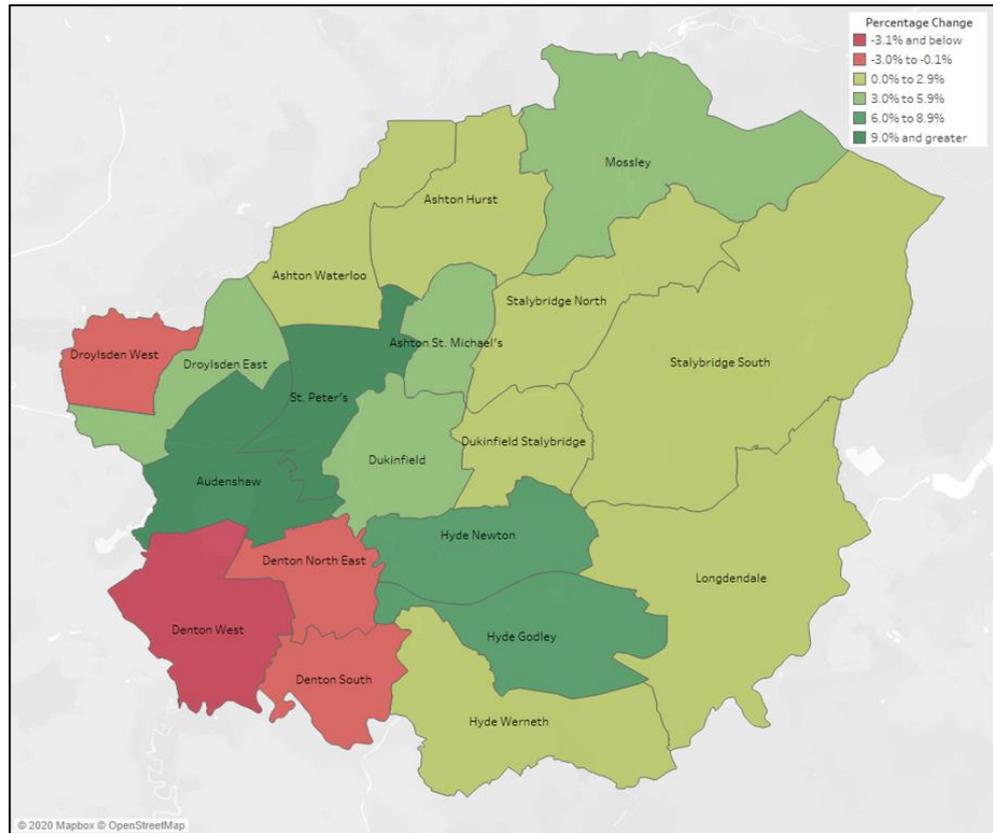
- 2.7 Over recent years a significant amount of investment has been put into towns across the borough, notably including the Vision Tameside project in Ashton-under-Lyne (Tameside’s largest town), including the transformation of our higher education facilities, with new facilities built for two of the borough’s colleges in the town centre, the replacement of the ageing bus station with a new integrated transport interchange, and the regeneration of public realm space within the town including the market square. Other major developments in the area include the recently completed Tameside Wellness Centre in Denton, a £15 million development integrating a gym, eight lane swimming pool and spa, ten lane bowling alley, and social space.
- 2.8 Other ongoing projects include the expansion of the Ashton Old Baths business hub, to include a dedicated data centre and dark fibre provision, and the ongoing work to regenerate the town centre of Stalybridge through the Stalybridge Town Centre Challenge with High Street Heritage Action Zone funding. A Strategic Board and Advisory Group that both include cross-party elected member representation guides the Stalybridge Town Centre Challenge programme.
- 2.9 All developments and plans in the borough are carried out in line with the council’s corporate plan, entitled Our People, Our Place, Our Plan. The plan is a comprehensive set of goals for helping residents as they start well, live well, and age well in a borough with a vibrant economy. As a part of this, the authority is currently developing an inclusive growth strategy to ensure that future economic development in the borough happens in a way that benefits all of our communities, and meaningfully improves the lives of our residents. Councillors whether in their executive, scrutiny or ward member capacity are closely involved in the development of the inclusive growth strategy.
- 2.10 Tameside, as a member of the Greater Manchester city region, is also taking part in the Greater Manchester Spatial Framework (GMSF), also known as the Greater Manchester Plan for Homes and Jobs, which details large planning developments for the city region for the medium and long term. This plan includes three major developments in Tameside; a commercial and industrial development in the town of Ashton-under-Lyne, and two large residential developments surrounding the town of Hyde. The largest of these, Godley Green Garden Village, will be a purpose-developed new community within the borough to include 2,350 new homes of a range of types

and sizes along with a number of commercial units, schools, and healthcare assets. None of these developments will be completed in the next decade, so there will be no impact on the borough as a result of the GMSF until after 2026, when it will be significant, particularly in the area of Hyde where there are already electoral imbalances.

### **Population Growth**

- 2.11 Tameside’s electoral boundaries were last defined in 2004, when the borough had a population of 213,700 people. In the fifteen year period since then to the ONS mid-year 2019 population estimates, the population of Tameside has increased by 12,800 to an estimated 226,500, an increase of around 6%, greater than the national average population growth of 5.1%. Over the same period, the number of registered electors for local government elections increased by 6.6% to 172,053 electors in the sixteen years to June 2020.
- 2.12 Population growth has not been even across the borough, with four wards losing residents since ward-level population estimates became available in 2011. The largest percentage increase in population was 10.85%, an increase of 1,339 people. The wards showing the largest increase in the number of residents are in the towns of Ashton, Hyde, and Audenshaw while wards with fewer residents now than in 2011 are in the towns of Denton and Droylsden.
- 2.13 Population changes throughout the borough can be seen below in the map.

### **Map 2: Population change between 2004 and 2019**



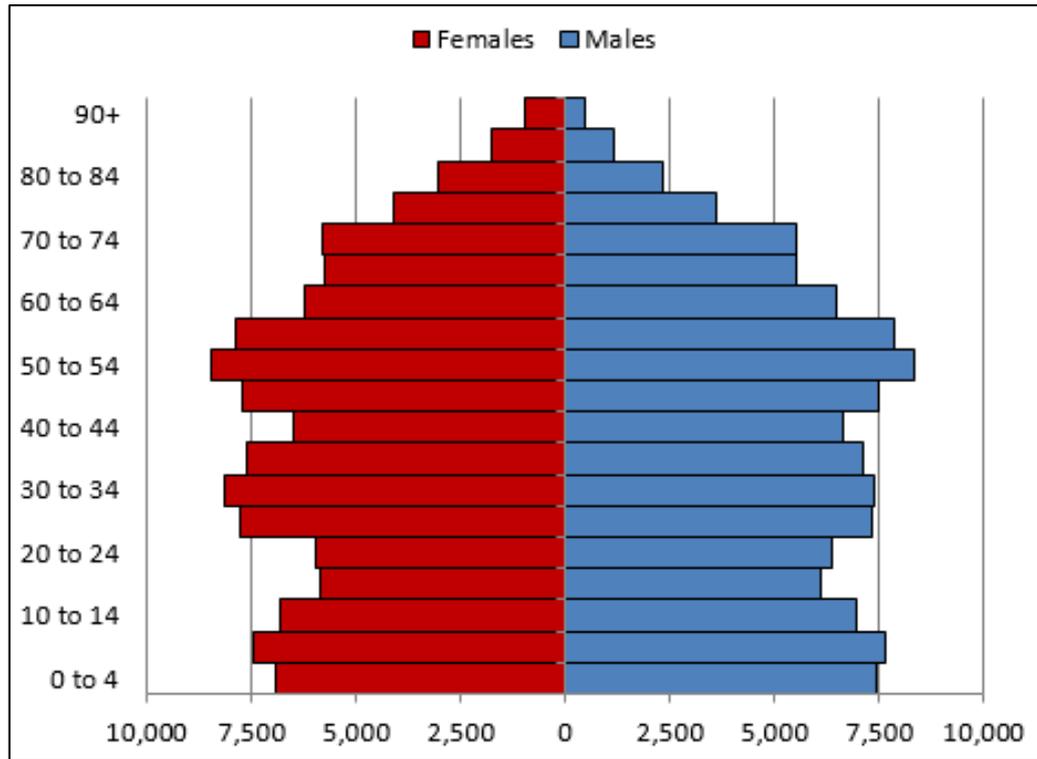
Source: ONS – mid-year population estimates

**Demographic Information**

- 2.14 Data from the 2011 census tells us that overall, 9.1% of Tameside’s residents are from minority ethnic backgrounds, compared to 9.8% across the North West. The borough’s two largest minority ethnic groups are Bangladeshi and Pakistani. Tameside’s Bangladeshi community is concentrated in the three wards of the town of Hyde, with 70% of the borough’s Bangladeshi population residing there. Three quarters of the Pakistani community in Tameside live in the four wards of Ashton-under-Lyne. The ‘white other’ group has increased by 82% between the 2001 and 2011 censuses, largely due to the growth in Tameside’s Polish community. Insight from our local communities tell us this is likely to have continued when the Census 2021 data becomes available.
- 2.15 The age structure of Tameside’s population is that of an early ageing population, with residents aged 60 and over making up 23.29% of the borough’s population. The borough’s age structure can be seen below in Figure 1. The population of Tameside is relatively balanced between males and females, with the population pyramid being largely symmetrical, but with the lower life expectancy for males becoming visible at the top of the chart.

**Figure 1: Population profile of Tameside by age and gender**

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Source: ONS – mid-year population estimates 2019

2.16 The relative sizes of age groups varies significantly across the wards in Tameside, with wards such as St. Peter’s (Ashton-under-Lyne town centre), Ashton St. Michael’s, and two of the wards in the town of Hyde being home to significantly larger proportions of residents in younger age groups, as can be seen below in Table 1, where larger groups are highlighted in blue and smaller groups in red.

**Table 1: Population profile by age and ward**

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Ward Name	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90+
Ashton Hurst	13.46%	12.44%	10.88%	11.91%	11.28%	13.98%	10.74%	10.88%	4.02%	0.41%
Ashton St. Michael's	14.53%	11.18%	13.77%	15.71%	12.90%	12.72%	8.91%	6.33%	3.26%	0.70%
Ashton Waterloo	13.08%	11.39%	11.85%	13.24%	11.71%	14.23%	11.73%	8.47%	3.64%	0.66%
Audenshaw	12.53%	10.65%	11.91%	13.76%	12.83%	15.01%	10.52%	8.11%	3.98%	0.70%
Denton North East	11.66%	10.74%	12.60%	12.82%	12.74%	14.59%	10.72%	9.43%	3.98%	0.71%
Denton South	11.95%	11.18%	11.42%	12.52%	10.97%	15.32%	10.91%	10.12%	5.11%	0.51%
Denton West	10.45%	10.77%	11.02%	11.54%	11.88%	15.56%	11.77%	10.19%	5.90%	0.93%
Droylsden East	12.97%	10.45%	12.33%	13.63%	12.15%	15.09%	10.85%	8.20%	3.91%	0.43%
Droylsden West	12.71%	11.42%	11.93%	13.20%	12.11%	14.98%	10.65%	8.51%	3.90%	0.61%
Dukinfield	13.24%	11.53%	12.80%	14.33%	12.58%	14.09%	10.50%	7.41%	3.10%	0.42%
Dukinfield Stalybridge	10.60%	9.67%	12.16%	11.77%	12.92%	14.88%	11.63%	10.51%	4.65%	1.20%
Hyde Godley	14.77%	11.57%	12.87%	13.92%	12.31%	14.52%	9.61%	7.01%	2.89%	0.54%
Hyde Newton	14.46%	12.04%	12.45%	14.44%	13.08%	13.18%	10.11%	7.36%	2.46%	0.42%
Hyde Werneth	12.21%	12.29%	11.62%	12.36%	13.63%	13.64%	9.94%	8.76%	4.65%	0.92%
Longdendale	12.81%	10.56%	11.00%	11.99%	11.31%	15.47%	12.28%	9.79%	4.14%	0.64%
Mossley	13.28%	10.68%	10.69%	14.37%	14.13%	14.89%	10.76%	8.20%	2.60%	0.41%
St. Peter's	15.17%	12.71%	14.68%	15.81%	13.04%	12.18%	8.63%	5.20%	2.08%	0.51%
Stalybridge North	13.30%	12.40%	11.84%	12.78%	13.05%	14.23%	10.67%	8.07%	3.07%	0.59%
Stalybridge South	12.59%	11.27%	11.49%	12.69%	12.60%	14.91%	11.25%	9.01%	3.34%	0.84%
Tameside	13.01%	11.35%	12.12%	13.38%	12.52%	14.33%	10.59%	8.41%	3.67%	0.63%

Source: ONS – mid-year population estimates 2019

- 2.17 Nearly two-thirds (63.4%) of homes in the borough are owner-occupied- slightly below the national average of 64%. The borough’s council tax base is mostly made up of band A and B properties (69.3% compared to 43.7% nationally). In 2011, Tameside had more socially rented properties (21.5%) than both the North West (18.3%) and England averages (17.7%).
- 2.18 As of October 2020, 7.9% of Tameside’s residents were claiming out-of-work benefits- this is more than the North West average (6.9%) and the average for England as a whole (6.3%). The proportion of residents claiming out-of-work benefits has increased dramatically over the past twelve months; in October 2019, 4.0% of Tameside residents were claiming out-of-work benefits.
- 2.19 In 2019, 62.9% of Tameside pupils achieved grades 4 or above in their English and Mathematics GCSEs, below the national average of 64.6% but above the North West average of 62.6%. The quality of our schools has been consistently improving over recent years, with 89.5% of primary schools and 92% of secondary schools now rated by Ofsted as good or outstanding.
- 2.20 The authority has had success in recent years in driving down crime rates across Tameside. In the year ending June 2019, the rate of victim-based crime in Tameside was 58.7 per 1,000 population, significantly below the England and Wales average of 77 per 1,000 population.

**3. ELECTORAL FORECASTS**

- 3.1 As part of the electoral review of Tameside, there is a requirement to determine how the electorate of the borough is forecast to change over the next six years (2020-2026).

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Tameside Council decided to use the forecasting tool provided by the LGBCE. However, in making this decision, forecasts have been created independently by the council in order to provide a broad sense check of those produced by the LGBCE's forecasting tool.

3.2 The sources of data used to create these forecasts are detailed below:

- Electorate statistics for June 2017 – 2020
- ONS mid-year population estimates 2013-2019
- ONS sub national population projections 2020-2026
- Net housing yield from housing development over the last 5 years
- Potential housing growth over the next 6 years

3.3 All population projections produced were based on the aged 17+ population to take account of current attainers. To determine future growth rates in the population and electorate, average growth rates were calculated based on previous trends; these growth rates were then projected forward to 2026 and an overall growth rate calculated. This growth rate of 2.65% was then applied to the current electorate to provide a base forecast of **176,600**, an increase of **4,500** in the electorate.

3.4 The number of net dwellings built in Tameside between 2013 and 2019 is **2,674**. The latest housing land supply details for Tameside have been published as part of the Greater Manchester Spatial Framework and indicate a further **2,224** dwellings being built between 2020 and 2026. There is wide variation between the numbers of new dwellings by ward ranging from 2 dwellings in Denton South to 425 dwellings in Droylsden East.

3.5 It was necessary to determine how many dwellings to factor in to the overall forecast, as some of the growth produced by new dwellings will already be taken account of in the growth element of the forecast. It was therefore decided to find the average number of dwellings being built over the 19 wards, this equated to **117**. Dwellings were only taken into account for the forecasts where the yield was greater than **117**. The average elector per dwelling value of 1.83 then multiplied the residual number of dwellings. This is similar to the Electoral Commission's value of 1.7. The forecasted growth in the electorate including above average housing is **178,300**, an increase of **6,200** in the electorate. This provided us with a forecast range of between **176,600** and **178,300**; a difference of **1,700**.

3.6 The LGBCE's forecasting tool estimates the electorate will increase to **177,300** by 2026.

3.6 Electoral boundary reviews are triggered by electoral imbalance at ward level. LGBCE data from 2018 shows there are two wards in Tameside with a variance of greater than +/- 10% in comparison with the average. They are Longdendale (-13%) and Hyde Newton (+16%). The baseline electorate data from June 2020 used for this review shows Longdendale at -14.08% and Hyde Newton at +21.11%. The forecasts for 2026 show the same two wards still have a variance of greater than +/- 10% in comparison with the average. Longdendale at -13.42% and Hyde Newton at +18.21%. Table 2 shows the degree of variance across the wards in Tameside as at June 2020 and the forecasted variance if ward boundaries remain the same in 2026.

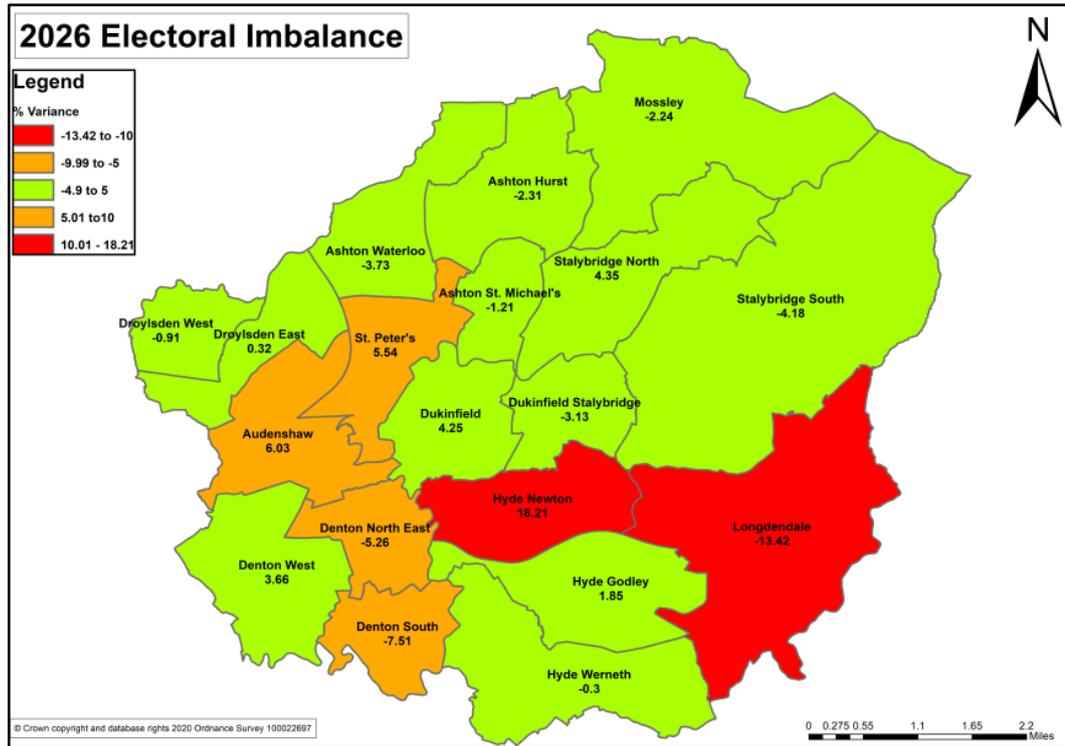
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**Table 2: Ward level forecast comparisons**

<b>Ward</b>	<b>Number of Electors June 2020</b>	<b>Electoral Imbalance June 2020</b>	<b>LGBCE Forecast of Electors 2026</b>	<b>Electoral Imbalance 2026</b>
Ashton Hurst	8785	-2.99%	9115	-2.31%
Ashton St. Michael's	8984	-0.79%	9217	-1.21%
Ashton Waterloo	8670	-4.26%	8982	-3.73%
Audenshaw	9630	6.35%	9893	6.03%
Denton North East	8604	-4.98%	8840	-5.26%
Denton South	8337	-7.93%	8630	-7.51%
Denton West	9260	2.26%	9672	3.66%
Droylsden East	9155	1.10%	9360	0.32%
Droylsden West	8889	-1.84%	9245	-0.91%
Dukinfield	9368	3.45%	9727	4.25%
Dukinfield Stalybridge	8687	-4.07%	9038	-3.13%
Hyde Godley	9331	3.04%	9503	1.85%
Hyde Newton	10967	21.11%	11029	18.21%
Hyde Werneth	9040	-0.17%	9302	-0.30%
Longdendale	7780	-14.08%	8078	-13.42%
Mossley	8806	-2.75%	9121	-2.24%
St. Peter's	9680	6.90%	9847	5.54%
Stalybridge North	9427	4.10%	9736	4.35%
Stalybridge South	8652	-4.45%	8940	-4.18%
<b>Totals</b>	<b>172052</b>	<b>-</b>	<b>177275</b>	<b>-</b>
<b>Average electors per ward</b>	<b>9055.4</b>		<b>9330.3</b>	
<b>Average electors per councillor</b>	<b>3018.5</b>		<b>3110.1</b>	

3.7 Map 3 shows the degree of variance across the wards in Tameside based on the 2026 forecast that will be used to draw ward boundaries at Stage 2.

**Map 3: 2026 forecast variance in the electorate by ward**



Source: LGBCE forecasting tool

3.8 Over the next six years, there will be less housing development than seen in the previous six years. The major housing developments proposed in the Greater Manchester Spatial Framework will not have an impact on population until post 2026. The wards that are likely to see the most growth due to housing development in the next six years are: Droylsden East (425 units), Longdendale (284), Hyde Newton (243) and St. Peter's (224). Taking the housing into account; forecasting electoral imbalance will remain in Longdendale and Hyde Newton but would not impact on the remaining 17 wards.

3.9 The difference between our upper growth forecast including housing and the LGBCE's forecast is +0.6%. The lower growth forecast is -0.4% below the LGBCE forecast. It was therefore decided that the forecasts produced by the LGBCE were within expected ranges based on local understanding so have been used for this size proposal.

**4. GOVERNANCE AND DECISION MAKING**

4.1 Tameside Metropolitan Borough Council has 57 councillors across 19 wards, with a ratio of three councillors per ward. The Council elects its councillors by thirds, with elections held over a four-year cycle, with the fourth year being a fallow year with no local election held.

4.2 At 26 May 2020 (Annual Council) the political makeup of Tameside Council is as follows:

**Table 3: Tameside Political Structure (May 2020)**

<b>Political Party</b>	<b>Number of Councillors</b>
Labour	50
Conservative	5
Green	1
Vacant seat	1
<b>Total</b>	<b>57</b>

4.3 The Tameside Council constitution states that all Councillors will:

- Collectively be the ultimate policy-makers, and carry out a number of strategic and corporate management functions.
- Represent their communities and bring their views into the Council's decision-making process, i.e. be the advocate of, and for, their communities.
- Deal with individual casework, and act as an advocate for constituents in resolving particular concerns or grievances.
- Balance different interests identified within the ward and represent the ward as a whole.
- Be involved in decision making
- Be available to represent the Council on other bodies.
- Maintain the highest standards of conduct and ethics.
- Take part in member development and training.

**The Council**

4.4 There are five meetings of Full Council scheduled for the municipal year. The first meeting is the Annual Business Meeting of Council held in May, shortly after the local elections. Full Council appoints members to the Cabinet, committees and various outside bodies. The role of the Council is to agree a budget, Council Tax and Business Rate base, establish a policy framework in which the authority can operate and to determine responsibility for the execution of its statutory and discretionary functions.

**Leadership – Executive Arrangements**

4.5 The Leader will be a Councillor elected to the position by the Council. In 2018, Councillor Brenda Warrington became the Executive Leader of Tameside Council. The Executive Leader will hold office until him or her:

- resigns from the office;
- is suspended from being a Councillor under the Local Government Act (although may resume office at the end of the period of suspension);
- is no longer a Councillor; or
- is removed from office by resolution of the Council.

4.6 The Leader shall determine all delegations of executive functions, appoint a cabinet and determine portfolio holder arrangements and responsibilities. The Council's Executive carries out a wide range of decision making functions, whether by law or under the Council's constitution.

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4.7 In addition, the Executive Leader of Tameside Council holds additional responsibilities in the Greater Manchester Combined Authority (GMCA) and associated committees; the Association of Greater Manchester Executive Board and Greater Manchester Pension Fund (hosted by Tameside Council). GMCA works with its constituent authorities and local services, businesses, communities and other partners to improve the services and opportunities for residents at a regional level. The Executive Leader is also a member and non-clinical vice-chair of the Strategic Commissioning Board, the joint decision making committee of Tameside Council and Tameside & Glossop Clinical Commissioning Group.

**Cabinet**

4.8 The Cabinet consists of the Council Leader and seven councillors appointed from the majority party. The Cabinet makes decisions in line with the Council’s overall policy framework and budget. The Leader allocates a portfolio of responsibilities to each Cabinet member. A councillor allocated such a portfolio shall be referred to as an Executive Member. The Chair of Council Business also sits on Executive Cabinet as a Lead Member rather than a formal Executive Member.

**Cabinet Members**

4.9 Each Cabinet member holds responsibility for individual service areas. They have delegated powers assigned to them by the Leader of the Council to make decisions on matters relevant to their particular portfolio as set out in the Council’s constitution. The portfolios for Cabinet members including the Leader of the Council are set out in the table below.

**Table 4: Cabinet and Portfolios (2020-21)**

<b>The Cabinet</b>
Executive Leader of the Council
Deputy Executive Leader – Executive Member for Children and Families
Executive Member – Finance and Economic Growth
Executive Member – Housing, Planning and Employment
Executive Member – Health, Social Care and Population Health
Executive Member – Lifelong Learning, Equalities, Culture and Heritage
Executive Member – Neighbourhoods, Community Safety and Environment
Executive Member – Transport and Connectivity

4.10 Cabinet Members hold positions on regional committees and partnership meetings, specific to their portfolio. In addition, each member will fulfil a range of commitments with officers, community organisations, businesses and partners. Role expectations and obligations for Cabinet Members is high, with a significant amount of time allocated for the preparation and attendance of meetings, requiring their knowledge and active contribution.

4.11 The Council Leader also appoints Assistant Executive Members for each portfolio. The assistant may carry out such responsibilities considered appropriate by the Executive. The assistant does not have voting rights. Each Cabinet Member is responsible for the actions of their assistant.

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4.12 For the 2020/21 municipal year, eight Assistant Executive Members were appointed to support the Executive Leader and Cabinet. Assistant Executive Members may act as a substitute and attend to such matters on the Cabinet Member’s behalf. However, they may not make decisions on behalf of the Cabinet Member. They can be members of a Scrutiny Committee.

**Councillor Appointments**

4.13 The Council approves a list of appointments for committees and membership of outside bodies, to discharge Council functions, at both an Executive and Non-Executive level. Councillor appointments are listed below in tables 5, 6 and 7.

**Table 5: Tameside Council Committees (2020-21)**

<b>Committee</b>	<b>Membership (Tameside Councillors)</b>	<b>Meetings per year</b>
Board	8	11
Cabinet	8	11
Strategic Commissioning Board	8	11
Strategic Planning and Capital Monitoring Panel	9	4
Health and Wellbeing Board	4	5
Speakers Panel (Planning)	12	11
Speakers Panel (Licensing)	12	6
Speakers Panel (Liquor Licensing)	10	1-11
Speakers Panel (Employment Appeals)	5	1-11
Corporate Parenting Board	3	6
Education Attainment Board	6	4
Audit Panel	8	4
Overview Panel	12	4
Carbon and Waste Reduction Panel	11	4
Democratic Processes Working Group	11	4
Standards Committee	5	3
Place and External Relations Scrutiny Panel	20	6
Integrated Care and Wellbeing Scrutiny Panel	15	6
North Strategic Neighbourhood Forum	12	4
South Strategic Neighbourhood Forum	12	4
East Strategic Neighbourhood Forum	15	4
West Strategic Neighbourhood Forum	18	4

**Table 6: Meetings of Greater Manchester Pension Fund (2020-21)**

<b>Meeting</b>	<b>Membership (Tameside Councillors)</b>	<b>Meetings per year</b>
Pension Fund Panel	12	4
Policy and Development	1	4
Investment Monitoring and ECG	1	4
Administration and Employer Funding Viability	1	4
Local Pensions Board	2	4

Northern LGPS Joint Committee	2	4
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**Table 7: Appointments to Outside Bodies (2020-21)**

<b>Meeting</b>	<b>Membership (Tameside Councillors)</b>
GMCA	1
AGMA Executive Board	1
Police and Crime Panel	1
GM Planning and Housing Commission	1
GMCA Scrutiny Committees	6
GM Health Scrutiny Panel	1
GM Health and Social Care Strategic Partnership	1
GM Joint Health Commissioning Board	1
GM Reform Committee	1
Transport for Greater Manchester Committee	1
GM Waste and Recycling Committee	2
AGMA Statutory Functions Committee	1
GM Culture and Social Impact Fund Committee	1

**Broader decision-making processes**

4.14 There are a number of other committees and boards that while not part of the constitutional arrangements as above are an important part of wider governance and the broader decision-making process. They involve councillors either as representatives of the council itself as an organisation or the communities of Tameside. Examples include:

- Schools Forum (two executive members)
- Corporate Parenting Board (one executive member, one assistant executive member and chair of relevant scrutiny panel)
- Children’s Services Improvement Board (Executive Leader, executive member and assistant executive member)
- Active Tameside Board (Chair – nominated councillor)
- Stalybridge Town Centre Challenge Strategic Board and Advisory Panel (Executive Leader, two executive members, ward members including opposition)
- Werneth Low Country Park Joint Management Committee (7 councillors).
- Hattersley Land Board (one Executive Member, plus Longdendale and Hyde Godley ward councillors)
- North West Employers (one councillor)

**5. LOCAL AND SUB-REGIONAL ARRANGEMENTS**

5.1 Tameside Council is part of sub-regional arrangements that place additional requirements on councillors – both executive and non-executive. Greater Manchester devolution, health and care integration, administration of the Greater Manchester Pension Fund and membership of STAR procurement all need input from executive

members and appropriate challenge from non-executive members (e.g. through scrutiny) to ensure local residents are represented and effective decisions are made in their interests. These responsibilities are additional to standard local government arrangements in most areas and could in some way be said to be similar to two-tiers, albeit without two tiers of councillors.

### **Greater Manchester Combined Authority**

- 5.2 The Greater Manchester Combined Authority (GMCA) is made up of the ten Greater Manchester councils and the Greater Manchester Mayor, who work with other local services, businesses, communities and other partners to improve the city-region. The ten councils have worked together voluntarily for many years on issues that affect everyone in the region, like transport, regeneration, and attracting investment. The GMCA gives local people more control over issues that affect their area. It means the region speaks with one voice and can make a strong case for resources and investment.
- 5.3 The GMCA is run jointly by the leaders of the ten councils and the Mayor of Greater Manchester. A chief executive and officer core supports them. A variety of boards, panels and committees look specifically at areas like transport, health and social care, planning and housing. The GMCA is the police and crime and fire authority for Tameside and the other nine councils. It is also the transport authority – Transport for Greater Manchester – and the waste disposal authority for nine of the ten local authorities including Tameside. The GMCA works closely with the Greater Manchester Health and Social Care Partnership. The Greater Manchester Health and Social Care Partnership is the devolved arrangements from NHS England for the sub-region. The leader of Tameside Council is a member of the Greater Manchester Health and Care Board, which provides strategic oversight including the delivery of 'Taking Charge' the 5-year health and care plan, published in 2019.
- 5.4 The boards, panels and committees of the GMCA are:
- Greater Manchester Combined Authority
  - Greater Manchester Combined Authority Standards Committee
  - Greater Manchester Combined Authority Resources Committee
  - Greater Manchester Audit Committee
  - Greater Manchester Planning & Housing Commission
  - Greater Manchester Transport Committee
  - Greater Manchester Local Enterprise Partnership
  - Greater Manchester Health and Care Board
  - Greater Manchester Health and Care Joint Commissioning Board
  - Greater Manchester Waste & Recycling Committee
  - Greater Manchester Culture and Social Impact Fund Committee
  - Greater Manchester Police, Fire and Crime Panel
  - Independent Police Ethics Committee
  - Greater Manchester Green City Region Partnership
- 5.5 As with local authorities, the GMCA is supported by a number of overview and scrutiny bodies that check and challenge the decisions of the executive. They are:

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- Greater Manchester Corporate Issues & Reform Overview and Scrutiny Committee
- Greater Manchester Economy, Business Growth and Skills Overview and Scrutiny Committee
- Greater Manchester Housing Planning and Environment Overview and Scrutiny
- Greater Manchester Joint Health Scrutiny Committee

5.6 The number of Tameside councillors sitting on these bodies is outlined in section four. Alongside this the vast majority of the proposals and plans outlined by the GMCA then also have to go through local governance, and the local scrutiny function also provides additional input to that of the GM wider overview and scrutiny committees.

5.7 A number of cross-cutting and thematic arrangements are in place at the Greater Manchester level with corresponding provision at a local level. The Executive Leader is the chair of the Greater Manchester Inequalities Board that brings together outputs from various working groups including Women & Girls Panel, Faith & Race Panel. The Executive Leader is the Chair of the former. Aligned to this Tameside has established an Inequalities Reference Group chaired by the lead executive member for equalities and including four non-executive councillors plus community representatives.

**Tameside & Glossop Strategic Commission**

5.7 Tameside Council and NHS Tameside & Glossop Clinical Commissioning Group have come together to form one organisation, Tameside & Glossop Strategic Commission. The transformation and integration programme has delivered a range of additional responsibilities for elected members, at both an executive and non-executive levels. All members now have a closer connection between council services, health provision and commissioning at a neighbourhood level. Details within tables 5 and 7 shows the commitment for councillors at a local and regional level in respect of health integration.

5.8 The Strategic Commissioning Board is the decision making body for health and care related spend and is comprised of councillors from the Executive Cabinet and the clinical leaders of the Governing Body of NHS Tameside and Glossop Clinical Commissioning Group. Alongside the SCB, there are a number of supporting mechanisms that involve councillors. For example, the Executive Member for health and social care sits on the Quality and Performance Assurance Group (QPAG). Likewise, the Integrated Care and Wellbeing Panel takes a direct role in constructive challenge to the integrated health arrangements. For example, recent activity includes a review of the annual GP Patient Survey results and a Covid-19 assurance session with the chief executive of Tameside & Glossop Integrated Care NHS Foundation Trust (formerly Tameside Hospital).

**Greater Manchester Pension Fund**

5.9 Greater Manchester Pension Fund is administered by Tameside Council, which involves the responsibility for fund management, strategic oversight, and administration and governance arrangements. This presents a range of additional role requirements for elected members from both the executive and non-executive.

- 5.10 The Executive Leader of Tameside Council is appointed the Chair of the Pension Fund, with additional appointments to committees, as detailed within Table 6, most notably twelve Tameside councillors appointed to meetings of the Pension Fund Panel.

### **STAR Procurement**

- 5.11 Tameside Council participates in a shared procurement service with Rochdale, Stockport and Trafford Councils, known as STAR Procurement. STAR supports each council with the broad range of procurement services for supplies, services or work contracts. The Executive Member for Finance and Economic Growth represents the Council at STAR Procurement at a strategic and board level. The scrutiny function provide appropriate challenge of these arrangements through their regular budget updates.

## **6. SCRUTINY AND REGULATORY FUNCTIONS**

### **Scrutiny**

- 6.1 The Council's scrutiny function forms an integral part of the Council's decision-making process. Scrutiny acts as a critical friend to the Executive by reviewing policy development and performance, with the aim to improve outcomes for residents. All Councillors, except members of the Executive Cabinet, may be members of a Scrutiny Panel. However, no member may be involved in scrutinising a decision in which she/he has been directly involved.
- 6.2 Scrutiny plays an important role in reviewing Council policies, matters of general concern, and seeks to make recommendations to the Executive. The general role of the Scrutiny Committees as set out in the Council's constitution is as follows:
- Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's Executive functions.
  - Make requests or recommendations to the Overview Panel in connection with the discharge of any Executive functions in accordance with the Council's Call In Procedure.
  - Consider any matter affecting the area or its inhabitants.
  - Exercise the right to call in for reconsideration, executive decisions made but not yet implemented by the Executive.
  - Examine whether the Council is meeting its objectives set through the budget and policies, and if this is not so suggest ways in which the Council may achieve this.
- 6.3 Tameside Council appoints the Scrutiny Panels listed below, with membership from different political parties to maintain political balance. The Council's Overview Panel will oversee the co-ordination and reporting of activity.
- Integrated Care and Wellbeing Scrutiny Panel (15 members)
  - Place and External Relations Scrutiny Panel (20 members)

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- 6.4 The Place and External Relations Scrutiny Panel is the Council's Crime and Disorder Scrutiny Committee. The Integrated Care and Wellbeing Panel is the Council's Health Scrutiny Panel and shall undertake the scrutiny function in relation to:
- Education matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the Schools Standards and Framework Act 1998).
  - Matters relating to the Children Act 2004 and 'Every Child Matters'.
- 6.5 At the start of the municipal year, each Scrutiny Panel develops and agrees an annual work programme, which is monitored and updated, on a regular basis. Separate working groups may be established to conduct and review activity outside of the calendar of meetings. The working group will produce a report of findings and recommendations to the overarching panel and tabled at Overview Panel.
- 6.6 Scrutiny activity adopts a combination of approaches to review service and performance updates, respond to formal consultations, focus reports of the Local Government and Social Care Ombudsman and areas in need of more in-depth review. Where deemed appropriate, the wider development of scrutiny may include project support and service development work undertaken at the request of the Executive (while maintaining the independence of the scrutiny function). This includes a responsibility for:
- Engagement and consultation – to provide responses to pre-decision activity
  - Research and insight to a particular issue
  - Review of decisions and recommendations
- 6.7 Twice a year both scrutiny panels come together for a joint budget update with the lead Executive Member for finance. Following that, a formal response is made to the executive for consideration in the budget setting process. This activity aligns closely with the public budget conversation process. In recent year's scrutiny has taken an active role in strategic learning from complaints. Taking relevant in-focus reports from the Local Government and Social Care Ombudsman (LGSCO) the relevant panel seeks assurance from the executive that the learning identified by the LGSCO from their review of all complaints in that topic area is adopted in Tameside. Recent topics covered include SEND; Housing Benefit payments; Armed Forces Covenant and homelessness. Scrutiny in Tameside is very much focused on pre-decision work as the best way of gaining positive influence and improving decision making in a Leader and Cabinet system. To this end, both panels regularly review proposals and make formal submissions to open consultation. Both local consultations and national and regional consultations that are likely to have a profound effect on Tameside residents. Recent submissions include: Greater Manchester Clean Air Plan, Over the Counter Medicines, New Rent Standards, Doing Buses Better and Safer Streets (walking and cycling). Scrutiny continues to undertake in-depth reviews on topics of concern to the community and/or priorities for the council. The two most recent reviews have been private rented sector and fostering.

### **Regional Scrutiny**

- 6.8 There are seven appointments made for Tameside Councillors to form membership of regional scrutiny committees. This involves an additional responsibility to attend the regional committees listed below on a frequent basis.

- Greater Manchester Corporate Issues & Reform Overview and Scrutiny Committee
- Greater Manchester Economy, Business Growth & Skills Overview and Scrutiny Committee
- Greater Manchester Housing, Planning and Environment Overview and Scrutiny Committee
- Greater Manchester Health Scrutiny Panel

### **Regulatory, Statutory and Overview functions**

- 6.9 The Council appoints Committees to discharge regulatory matters. These matters are not Cabinet responsibilities and therefore considered by committees appointed by the Council.
- 6.10 Speakers Panel Planning is responsible for exercising the development control and regulatory powers and duties of the Council under the Town and Country Planning Acts (and any Regulations or Orders thereunder) including considering planning applications. Meetings of Speakers Panel Planning are often lengthy and require significant preparation, attending briefing sessions, routine training and sites visits where deemed necessary.
- 6.11 During the previous two municipal years 2018/19 and 2019/20, Speakers Panel Planning has considered a total of 138 planning applications and 22 traffic regulation objections / rights of way objections.
- 6.12 Speakers Panel (Licensing) and Speakers Panel (Liquor Licensing) exercise all functions of the licensing authority that relate to the Licensing Act 2003, Gambling Act 2005, Regulation of taxi and private hire legislation. The following considerations were made during the previous two municipal years 2018/19 and 2019/20.
- Speakers Panel (Licensing) – 13 reviews
  - Speakers Panel (Liquor Licensing) – 13 reviews

### **Audit Panel**

- 6.13 A range of functions are delegated to the Council's Audit Panel. The remit of the panel is to approve the authorities' statement of accounts and to work closely with both internal and external audit functions.

### **Overview Panel**

- 6.14 The Council's Overview Panel acts as a mechanism to facilitate dialogue between the Executive and Scrutiny. The panel undertakes a constant review of activities and oversees the Council's service improvement programme and budget elements.
- 6.15 The panel reviews and approves future priorities and work programmes of the Scrutiny Panels, providing an important link for policy review and development. It will also receive and consider final reports from Scrutiny Panels and co-ordinate the scrutiny process. The Overview Panel also provides oversight to the council's complaints function in particular reports from the Local Government and Social Care Ombudsman

(LGSCO). Meetings provide an effective platform for representatives of the executive, non-executive and political opposition to deliver a critical improvement role for council business.

## **7. REPRESENTATIONAL ROLE OF COUNCILLORS IN THE LOCAL COMMUNITY**

### **Councillor profile and survey**

- 7.1 A survey of all councillors was undertaken to understand some key aspects of them and their work. All councillors responded to the survey.
- 7.2 Almost a third of councillors (32%) have caring responsibilities for children and / or adults with a disability or frailty needs. Almost a third of councillors (32%) have been in their role for between 1 – 5 years. Just over a fifth have been in the role for over 20 years (23%).
- 7.3 In addition to being a ward councillor, elected members hold a range of other council related roles. A third of councillors (34%) are a Chair (or Vice-Chair) of a committee or panel (e.g. planning, scrutiny, strategic neighbourhood forum). Almost half of councillors (48%) hold an appointment on an outside body. Over two-thirds (68%) of Councillors chair or are members of non-council groups within Tameside.
- 7.4 There are over 150 groups / meetings councillors report attending that sit outside of the council's committee structure. These vary greatly in terms of remit and responsibility. Some meetings are at a national and regional level including Local Government Association Councillors Forum; Greater Manchester Combined Authority; Greater Manchester Waste Panel; Greater Manchester Police and Crime Panel; Transport for Greater Manchester; Manchester Airport Consultative Committee; and STAR Procurement. Others are at a local level with examples including Active Tameside; boards for local Housing Providers (Jigsaw and Ashton Pioneer); local town teams; a wide variety of 'Friends Of' groups; local resident's associations; Covid-19 Community Champions; young people's groups (e.g. Scouts and Rainbows); and others.
- 7.5 The median number of case numbers that elected members report working on each month is between 21 to 25 cases. Almost a third of councillors (30%) deal with more than 30 pieces of casework per month on average. Over three-quarters of councillors (77%) report that the number of casework they deal with has increased over recent years. Six in ten (60%) report that they spend more time on council business than they expected they would when they first became a councillor. Eight in ten (80%) councillors report that the amount of time they spend on council business has increased over recent years.
- 7.6 Councillors indicated the periods when they were busiest on council business. The vast majority, nine in ten (91%), said a weekday evening. This was followed by three quarters (78%) who said weekday daytime.

### **Casework**

- 7.7 The most popular method of community engagement has been face to face, by telephone and email, with councillors undertaking ward walks and holding routine surgeries. Councillors get casework in a variety of ways, with a large proportion received directly from constituents.
- 7.8 Residents can also contact councillors via the council's customer relationship management (CRM) system. The platform enables a range of issues and complaints to be brought to the attention of ward councillors. Support mechanisms are in place to deliver this service on behalf of members, ensuring residents and complainants receive a structured and timely response. Examples include concerns raised relating to fly tipping, refuse collection, highways, anti-social behaviour and social care.
- 7.9 Councillors receive a large number of contacts via CRM. From November 2019 to October 2020, Tameside councillors received 829 direct contacts, for which all required a coordinated response. An increase on the previous two years.

### **Neighbourhoods and towns**

- 7.10 Tameside is made up of nine towns, all of which are proud of their heritage and unique identity. The nine towns of Tameside are Ashton under Lyne; Audenshaw; Denton; Droylsden; Dukinfield; Hyde; Mossley; Longdendale; and Stalybridge.
- 7.11 Tameside has a diverse and community based approach to neighbourhood working. The council facilitates four Strategic Neighbourhood Forums – north (Ashton), south (Hyde and Longdendale), east (Dukinfield, Mossley and Stalybridge) and west (Audenshaw, Denton and Droylsden). Their focus is on establishing local input to the decision-making process with the forums acting as a primary consultee on matters considered by the council. Appointments to the forums is determined by electoral ward location based on Tameside's four points of the compass neighbourhoods (which align with health, children's and police neighbourhoods). All councillors from the designated wards form membership of each forum, which meet four times a year.
- 7.12 The main commercial town centres have town teams. These are business and community led but include relevant ward councillors. There are a wide range of other community led area groups that involve councillors as community leaders and representatives. Examples include Denton South Partnership; Ridge Hill Big Local; and St. Peter's Community Gathering.

### **Community involvement and participation**

- 7.13 Councillors act in the public interest and facilitate an important link between communities and the council. Working closely with residents and representing their views and concerns is a significant part of the role. In addition to the formal appointments made by the council, members carry out an active role working with a range of partners and outside bodies, including the community and voluntary sector. These range from groups that represent and advocate for particularly communities, to those that support the preservation and development of community assets, to those that provide essential services for some of the most vulnerable in the community.
- 7.14 Examples of the type, range and scope of groups councillors are involved in is given below.

- Residents Associations
  - Homewatch
  - Community Centres (e.g. Werneth, Broadoak, Bennett St)
  - Friends of parks, war memorials, worship and heritage (e.g. Ryecroft Hall, Werneth Low)
  - Sports clubs and facilities – e.g. bowling, football.
  - Armed Forces / British Legion
  - Charities – e.g. Willow Wood Hospice
  - Ridgehill Big Local
  - Cashbox Credit Union
  - Diversity Matters North West (DMNW)
  - Homestart Tameside
  - Citizen's Advice Bureau
  - Grafton Centre
  - Foodbanks and pantries (e.g. Trussell Trust, Sandwich Angels, Town House)
- 7.15 Information from registers of interest, the councillor survey response and other sources show councillors are involved in over 100 outside bodies, community / residents associations and other groups in the community.
- 7.16 Councillors also represent their communities through two key areas of housing and education. Councillors sit on the boards of two of the largest registered social landlords (RSLs) in the borough – Jigsaw Homes (formerly New Charter Homes, which was established from the Tameside Council stock transfer) and Ashton Pioneer Homes. Approximately a quarter of councillors are school governors.

## **8. OTHER**

### **Engagement and consultation**

- 8.1 The Tameside and Glossop Partnership Engagement Network (PEN) is the council's strategic mechanism for engagement with public and patient groups, voluntary and community sector groups, partners and stakeholders across Tameside. PEN is a tri-organisational structure established jointly by Tameside Metropolitan Borough Council (TMBC), NHS Tameside and Glossop Clinical Commissioning Group (T&GCCG) and Tameside & Glossop Integrated NHS Foundation Trust (ICFT).
- 8.2 Elected Members are a key stakeholder of PEN – directly engaging with residents and service users via our regular PEN conferences and events that focus on key projects affecting residents across Tameside & Glossop. Elected Members act as community leaders, supporting residents to play an active part in shaping local public services by proactively feeding issues and ideas to decision makers. Councillors are active participants for the engagement network and the Big Conversation (the consultation platform) maximising the number of responses from individuals and groups by using their extensive networks and connections.
- 8.3 Since January 2019, the PEN has facilitated 50 thematic engagement projects; received 4,753 engagement contacts (excluding attendance at events / drop-ins); supported 39 engagement projects at the regional and Greater Manchester level; and

delivered four Partnership Engagement Network (PEN) conferences attended by over 280 delegates. Most recently, activity has become exclusively virtual due to Covid-19 but that has not stopped active involvement in a range of key topics at recent events. Topics include:

- Greater Manchester Clean Air Plan
- Inclusive Growth Strategy
- Trans-Pennine Upgrade (Mottram Link Road)
- Environment Strategy
- Access to Primary Care
- The Future of Personalised Care in Tameside & Glossop

### **Elected Member Development**

8.4 Tameside Council delivers an accredited development programme for elected members. The attendance of members is compulsory at each session and is facilitated by the relevant Executive Members, with direct support from the Council's Organisational Development service. Approximately ten sessions take place during the municipal year and topics will aim to increase general awareness and to support councillors in their role as decision makers and community representatives. Recent topics include:

- Finance and budget update
- Corporate Parent
- Child Sexual Exploitation (CSE) and complex vulnerabilities
- Greater Manchester Clean Air Plan (CAP) and taxi minimum licensing standards (MLS)
- Brexit preparedness
- Greater Manchester Spatial Framework (GMSF) and Local Plan
- Covid-19 and Test and Trace
- Ofsted inspection and children's services improvement
- Vision Tameside and public realm improvements
- Cooperative working
- Special Educational Needs and Disability (SEND)
- Walking and cycling

### **Coronavirus pandemic / Covid-19**

8.5 The coronavirus pandemic has re-iterated the role of councillors as community leaders and community reassurers. Councillors report a growth in casework because of Covid-19 and are increasingly involved in community based provision. Alongside this, governance systems have been put in place to ensure appropriate Covid-19 response decision making.

8.6 Alongside the existing council Board, a dedicated Living with Covid Board has been established to give sufficient space and focus on coronavirus related decisions. The Executive Leader chairs the Board with all executive members also on the board. In addition, the Leader chairs a Covid-19 Impact and Recovery Group that looks to the longer term and feeds into the Living with Covid Board.

- 8.7 The Tameside Community Champions network empowers residents and workforces with the information they need to lead the way in the community. Community Champions have a vital role to play and are well placed to act as key message carriers and to lead by good example. The council ensures that timely and accurate information is shared with our champions to support them to respond to and reassure the residents within their community. Armed with the latest advice and guidance, champions can help family, friends and other community members to understand the latest facts about the virus and what we can all do in order to protect ourselves, each other, and prevent the spread of Covid. Two thirds of elected members are signed up as Covid-19 Champions.

**Cross-cutting / thematic working groups**

- 8.8 Outside of formal governance, effective decision making and service delivery is enhanced by working groups and steering groups on that inform from best practice and lived experience. Tameside has sought to establish such groups with input from elected members in their capacity as community leaders and representatives. Two such examples are the Cooperative Tameside Steering Group and the Tameside & Glossop Inequalities Reference Group
- 8.9 In late 2019, Tameside Council became a cooperative council on joining the Cooperative Council's Innovation Network (CCIN). In 2020, the council has taken part in the CCIN Policy Prototype projects including input from the lead executive member for health and care. A Tameside Cooperative Steering Group has recently been established. The Steering Group is chaired by the Executive Leader and includes the lead executive member for cooperative working (who also sits on the CCIN Executive Oversight Committee) plus three non-executive members. The role of the Steering Group is to continue to assess how the council can improve and increase its working relationship with the CCIN, identifying new projects for cooperation across the borough, and to support and integrate them into the overall cooperative strategy for the borough.
- 8.10 Tameside has established an Inequalities Reference Group chaired by the lead executive member for equalities and including four non-executive councillors plus community representatives. The IRG provides a forum for the sharing of ideas and thoughts on carrying out responsibilities under the Equality Act 2010 and the Public Sector Equality Duty – with the ultimate aim of reducing inequality across Tameside & Glossop. While the group is not a decision-making body, it makes recommendations for action via existing governance structures, and contribute to and steer overarching action to address inequalities. By listening to and advocating for communities of interest, the IRG provides constructive challenge in an advisory role to providers.