

Enquiries to Democratic Services

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Date: 2nd April 2026

Our Ref: MM

Dear Sir/Madam,

An extraordinary meeting of the **AUDIT & STANDARDS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton, on **Tuesday, 14 April 2026** at **6.00pm**

Yours faithfully,

TOM SHARDLOW

Chief Executive

To: All Members of the
Audit & Standards
Committee

Councillors J. Bonner (Chair), D. Brown
(Vice-Chair), A. Bull, T. Cooper,
L. Cvetkovic, B. Hancox, J. Hartshorn,
T. Jenkins, W. Markham, C. Smith,
M. Wright and Mr A. Morgan.

The Council is committed to providing a safe and respectful environment for both our staff, our customers and elected members. As such, please be advised that any form of abuse, aggression, or disrespectful behaviour towards our team will not be tolerated under any circumstances.

A G E N D A

PART I - PUBLIC BUSINESS

1. ANNOUNCEMENTS

To advise the meeting participants of the procedure that will be followed by the Members of the committee.

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made so that interests that are declared regularly by members can be viewed in a schedule on the Council website ([Councillor Schedule of Declarations of Interests for Meetings](#)). Any interest noted in the schedule on the website will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal

interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. PUBLIC CONSULTATION - Members of the Public will be given the opportunity to speak on specific agenda items, if notice has been received. Anyone may attend a meeting, but you may register to speak at a meeting if you live or work in the Borough.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

5. CONSTITUTION UPDATE - REPORT FROM CONSTITUTION REVIEW WORKING PARTY – CHAIRMANSHIP OF OSP'S AND POLITICAL BALANCE – a report of the Assistant Director - Democracy and Governance, attached **(Page 4)**.
6. ANY OTHER ITEMS - which in the opinion of the Chair should be discussed as a matter of urgency because of special circumstances (which must be specified).

AGENDA ITEM NO.5

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	14 th April 2026
Subject:	Constitution Update – Report from Constitution Review Working Party - Chairmanship of OSP's and Political Balance
Portfolio:	Not Applicable
Responsible Officer:	Monitoring Officer
Corporate Plan – Theme:	Your Council
Corporate Plan – Aim:	Strive for transparency and accountability, in all that we do. Increase public scrutiny.
Ward Relevance:	Not Applicable
Public or Private:	Public
Forward Plan:	Not Applicable (not a Cabinet Decision)
Subject to Call-in:	Not Applicable (not a Cabinet Decision)

1. Purpose of report

1.1. To consider:

1.1.1. arrangements for chairmanship of the four Overview and Scrutiny Panels; and

1.1.2. process of arranging political balance for Committee's and Overview and Scrutiny Panels.

2. Recommendations

2.1. Consider the chairmanship arrangements for the four Overview and Scrutiny Panels and as appropriate make recommendations to amend section 4E.1 of the Constitution (as per 4.2 of the report).

- 2.2. Consider the political balance process and associated arrangements for the composition of Committee's and Overview and Scrutiny Panels and make recommendations to amend the Constitution (as per 4.3.8 of the report).
- 2.3. Subject to 2.1 and 2.2, the recommendations proposed by the Audit and Standards Committee be recommended to Full Council for a decision and for the Constitution to be updated accordingly.

3. Background

3.1. On the 5th March 2026, the CRWP met and considered three matters, two of which couldn't make the meeting of Audit and Standards on 17th March 2026 due to timings for officers to review and prepare reports. As such, CRWP resolved for an extraordinary meeting of the Audit and Standards committee prior to 29th April Full Council be scheduled. Those two items are subject to this report for consideration by the Audit and Standards Committee. The items are:

- 3.1.1. Chairmanship of the Overview and Scrutiny Panels; and
- 3.1.2. Political balance process for Committee's and the Overview and Scrutiny Panels.

4. Body of report and reason for recommendations

4.1. The items which CRWP endorsed and are subject to this report include those outlined below and subject to debate and discussion. The Committee may propose with the recommendations set out in 2.1, 2.2 and 2.3 of the report or, seek to make amendments and/or reject one of more recommendations under 2.1.

4.2. Chair of Overview and Scrutiny Panels (OSPs)

4.2.1. The CRWP considered the Chairmanship of the Overview and Scrutiny Panels as contained in the Constitution as detailed below:

"4E.6 WHO CHAIRS OSP MEETINGS?"

The Council will appoint the Chair and Vice Chair of each OSP. The Chair of each OSP shall be nominated from the membership of the Controlling Group, unless at the meeting to appoint the Chair the Controlling Group determine otherwise, and the Vice-Chair shall be nominated from the main Opposition Group, unless at the meeting to appoint the Vice-Chair the main Opposition Group determine otherwise. If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that OSP."

4.2.2. The CRWP considered the Chairmanship of the OSPs and requested that Officers undertook desktop research regarding the Chairing arrangements for Overview and Scrutiny Committees of other Councils, the findings of which are detailed below:

Table A

Local Authority	Chairing Arrangements of Overview and Scrutiny Committees	Extract of the Constitution
Rugby Borough Council	Chair and Vice Chair form the main Opposition Group.	<p>Chairmanship of Scrutiny Committee and Task and Finish Groups</p> <p>Scrutiny Committee and the task and finish groups will elect a chair who shall be one of its members. Wherever practicable the chair of the committee shall not be a member of a political group that has overall control of the Council. Chairs of task and finish groups are appointed irrespective of political allegiance.</p>
Warwickshire County Council	Four Overview and Scrutiny Committees chaired by a Councillor from the main Opposition Group	There is no constitutional requirement that O&S Chairs are to be from the opposition group.
Hinckley and Bosworth Borough Council	<p>Two Overview and Scrutiny Committees - chaired by a Councillor from the main Opposition Group</p> <p>Two Vice Chairs are appointment one from the Administration and one from the main Opposition Group.</p> <p>Scrutiny Commission is chaired by the smallest Opposition Group.</p>	<p>Chairing arrangements for Overview and Scrutiny are detailed in the O&S Annual report:</p> <p>The overview & scrutiny function consists of the Scrutiny Commission and Finance & Performance Scrutiny. The function is led by a minority group member who chairs the Scrutiny Commission. Two vice-chairs are appointed from the majority group and the largest opposition group. This arrangement helps to ensure that scrutiny's work is free from party politics and able to</p>

		effectively scrutinise the Executive. One of the vice-chairs is chair of Finance & Performance Scrutiny.
Charnwood Borough Council	Chairmanship of the Overview and Scrutiny Committees is from the main Opposition Group	Not detailed in the Constitution.
Sandwell Metropolitan Borough Council	Chairmanship of the Overview and Scrutiny Committees from the Administration	Not detailed in the Constitution.
Blaby District Council	One Overview and Scrutiny Commission - chaired from a member of the opposition group	The website states: "The Scrutiny Commission is made up of 11 Members and has overarching responsibility for the scrutiny function. The Chairman of the Commission must be a member of an opposition party.."
Coventry City Council	Chairmanship of the Overview and Scrutiny Committees is from the Administration.	-
Harborough District Council	Chairmanship of the two Overview and Scrutiny Committees is from the Administration.	Not detailed in the Constitution. Chairs are appointed at Annual Council.

4.2.3. The Government produced Statutory Guidance on Overview and Scrutiny (DLUHC, 2024). The Guidance does not legally require Chairs of Overview and Scrutiny to be from the Opposition Groups. It details scrutiny must be:

- *Independent of the Executive*
- *Free from party-political control by the Administration*
- *Able to provide real challenge*

4.2.4. The Centre for Governance and Scrutiny (CfGS) has produced a number of publications and it states that:

Scrutiny requires:

- *Independence from the executive*
- *Awareness of political dynamics*
- *Parity of esteem between Scrutiny and the Executive (Cabinet)*

4.2.5. Neither guidance materials explicitly state what the Chairmanship arrangements for Overview and Scrutiny should be.

4.2.6. The Committee is asked to consider the results of the desktop research as detailed in Table A above, consider the current chairmanship arrangements for the Overview and Scrutiny Panels, and agree whether it will make recommendations to Council on any changes to section 4E.1 of the Constitution. Potential options for consideration are detailed at paragraph 4.2.7 below:

4.2.7. **Options - 4E.6 WHO CHAIRS OSP MEETINGS?**

4.2.7.1. **Option A: Current Chairmanship Arrangements**

The Council will appoint the Chair and Vice Chair of each OSP. The **Chair** of each OSP shall be nominated from the membership of the **Controlling Group**, unless at the meeting to appoint the Chair the Controlling Group determine otherwise, and the **Vice-Chair** shall be nominated from the **main Opposition Group**, unless at the meeting to appoint the Vice-Chair the main Opposition Group determine otherwise. If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that OSP.”

4.2.7.2. **Option B: Chair Main Opposition Group and Vice Chair Controlling Group**

The Council will appoint Chair and Vice Chair of each OSP. The **Chair** of each OSP shall be nominated from the membership of the **main opposition Group**. The **Vice Chair** of each OSP shall be nominated from the **Controlling Group**. If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that OSP.

4.2.7.3. **Option C: Chair and Vice Chair Main Opposition Group**

The Council will appoint the Chair and Vice Chair of each OSP. The **Chair and Vice Chair** of each OSP shall be nominated from the membership of the **main opposition Group**. If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that OSP.

. 4.2.8 Should the Committee resolve to recommend to Full Council that there be changes to the chairing arrangements for the OSPs;

this will take effect from the Municipal Year 2026/2027 at the earliest.

4.3. Proportionality of Committees and Overview and Scrutiny Panels (OSP's)

- 4.3.1. At Annual Council each year, the following two items are considered:
 - I. Composition of Committees and Overview and Scrutiny Panels
 - II. Membership of Committees and Overview and Scrutiny Panels
- 4.3.2. The report refers to the definition of a Political Group which is set out in regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and that allocations are based upon Political Groups calculated in accordance with Section 15 and 16 of the Local Government and Housing Act 1989.
- 4.3.3. Based on the current committee and OSP structure of the Council, a total of 99 seats is available, comprising of:
 - I. 9 for each OSP panel of which there are 4 panels (a total of 36).
 - II. 11 each for Audit and Standards, Planning and Licensing (a total of 33).
 - III. 10 for the Appeals Committee.
 - IV. 6 for the Shareholder Committee.
 - V. 5 for the Officer Remuneration Panel.
 - VI. 9 for the Borough Plan Committee.
- 4.3.4. In order to calculate the proportion of seats by Political Group, the total number of Councillors by group is divided by the total number of Councillors. This provides a percentage of which each committee and OSP shall be apportioned. Where there are independent members who do not meet the definition of a Political Group, any remaining seats can be offered by Full Council to the Independent (non-aligned) members or members who do not meet the definition of a Political Group.
- 4.3.5. The principles the Council must comply with are set out below and are from section 15 (5) of the Local Government and Housing Act 1989:
 - I. That not all seats on the body are allocated to the same political group.

- II. That the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the Council's membership.
- III. Subject to paragraphs (I) and (II) above, that the number of seats on the ordinary committees of a relevant Council which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that Council as is borne by the number of members of that group to the membership of the Council; and,
- IV. Subject to paragraphs (i) to (iii) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the same number of all seats on that body as is borne by the number of members of that group to the membership of the Council.

4.3.6. Once the proportionality of the Council is calculated, the seat allocation by Political Group can be calculated. Typically, this would then be shared with the Group Leaders. Where, subject to the calculations, there is scope to trade seat(s) on an OSP or Committee, this may take place but only possible if permitted.

Example – July 2025 calculation:

Table 1

	Conservative	Labour	Green	Independent	Total
Size of Group	17	18	2	1	38
% of total	44.74%	47.37%	5.26%	2.63%	100%
seats to hold on committees	44	47	5	3	99

Table 2

Committee Size	Seats to Allocate	Conservative	Labour	Green	Independent/ Lib Dem
Business, Regeneration & Planning OSP (Excl co-optees)	9	4.03 (4)	4.26 (4)	0.47 (0)	0.24 (1)
Health and Corporate Resources OSP (Excl co-optees)	9	4.03 (4)	4.26 (4)	0.47 (1)	0.24 (0)
Environment and Leisure OSP (Excl co-optees)	9	4.03 (4)	4.26 (4)	0.47 (0)	0.24 (1)
Housing and Communities OSP (Excl co-optees)	9	4.03 (4)	4.26 (5)	0.47 (0)	0.24 (0)
Audit & Standards (Excl co-optees)	11	4.92 (5)	5.21 (5)	0.58 (1)	0.29 (0)
Planning	11	4.92 (5)	5.21 (5)	0.58 (1)	0.29 (0)

Licensing	11	4.92 (5)	5.21 (5)	0.58 (1)	0.29 (0)
Appeals	10	4.47 (4)	4.74 (5)	0.53 (1)	0.26 (0)
Shareholder Committee	6	2.68 (3)	2.84 (3)	0.32 (0)	0.16 (0)
Officer Remuneration Panel	5	2.24 (2)	2.37 (3)	0.26 (0)	0.13 (1)
Borough Plan	9	4.03 (4)	4.26 (4)	0.47 (0)	0.24 (0)
Total	99.00	44.29 (44)	46.89 (47)	5.21 (5)	2.61 (3)

4.3.7. The CRWP resolved that where opportunity is available for trading, the Political Group with the smallest size of membership would be offered choice for which OSP's and/or Committees they wish to sit on. This would however, need to ensure compliance with section 4.3.5 of the report due to the principles the Council must comply under section 15 (5) of the Local Government and Housing Act 1989.

4.3.8. It is therefore proposed to add into the Constitution wording as drafted below in red, noting that the table will change in the Constitution following an Election or change in Political Composition.

Article 2: Members of the Council

a) *The Council will comprise 38 Councillors, otherwise called Members, representing 19 Wards. Two Members will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Boundary Commission and approved by the Secretary of State. The Political Balance of the Council for the purposes of its Committees and Overview and Scrutiny Panels is as follows:*

	<i>Conservative</i>	<i>Green</i>	<i>Independent</i>	<i>Labour</i>	<i>Total</i>
<i>Size</i>	<i>17</i>	<i>2</i>	<i>1</i>	<i>18</i>	<i>38</i>
<i>% of total</i>	<i>44.74%</i>	<i>5.26%</i>	<i>2.63%</i>	<i>47.37%</i>	<i>100%</i>
<i>seats to hold on committees</i>	<i>44</i>	<i>5</i>	<i>3</i>	<i>47</i>	<i>99</i>

Section 15 (5) of the Local Government and Housing Act 1989 outlines the principles the Council must comply with. Once the calculations have been determined, where there is any scope for the smallest Political Group to select preference of which Committee and Overview and Scrutiny Panel(s) to reside on, they will have first choice. Then moving up to the largest Political Group. However, subject to the Composition of the Council, there may be no scope for selections, as such, the outcome of the calculations will be final. The Monitoring Officer or their Deputy will have the final say and determine the allocations based on the outcome of the formula.

The table will be updated in the Constitution after each Annual Council once membership and composition has been agreed. Should there be any in year changes, the table will be updated to reflect the correct position.

5. Consultation with the public, members, officers and associated stakeholders
 - 5.1. Consultation with the public has not been undertaken nor is it required.
 - 5.2. Consultation has taken place with Constitution Review Working Party on 5th March 2026.
6. Financial Implications
 - 6.1. No direct financial implications have been identified.
7. Legal Implications
 - 7.1. No direct legal implications have been identified.
8. Equalities implications
 - 8.1. A review has been undertaken and it has been identified that no assessment is required following consultation and liaison with the appropriate officer.
9. Health implications
 - 9.1. No specific health implications have been identified.
10. Climate and environmental implications
 - 10.1. No direct climate and/or environmental implications have been identified.
11. Section 17 Crime and Disorder Implications
 - 11.1. No direct Section 17 crime and disorder implications have been identified.
12. Risk management implications
 - 12.1. No direct risk management implications have been identified.
13. Human resources implications
 - 13.1. No direct human resource implications have been identified.

14. Other Options

14.1. In formulating this report and recommendations, the other options available may be disclosed in the main body of the report itself, under section 4. Ultimately, it is for Members to debate whether to remain with status quo or propose recommendations in line with this report, seeking advice from Officers accordingly.

15. Conclusion

15.1. The report includes the proposed amendments to the Constitution following a meeting of the Constitution Review Working Party held 5th March 2026. Subject to debate and discussion, the Committee may agree with the recommendations set out in 2.1 of the report or, seek to make amendments and/or reject one of more recommendations under 2.1.

16. Appendices

16.1. Please note there are no appendices to this report.

17. Background papers

17.1. Please note there are no background papers attached to this report.

18. Report Writer Details:

Officer Job Title: Assistant Director – Democracy and Governance (Monitoring Officer) and Elections and Democratic Services Manager (Deputy Monitoring Officer)

Officer Name: Matthew Wallbank and Tracy Tiff