Nuneaton & Bedworth
United to Achieve

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Date: 4th September 2026

Our Ref: MM

Dear Sir/Madam,

A meeting of the **AUDIT & STANDARDS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton, on **<u>Tuesday, 15 September 2026</u>** at **<u>6.00pm</u>**

Yours faithfully,

TOM SHARDLOW

<u>Chief Executive</u>

To:	All Members of the Audit & Standards Committee	Councillors L. Cvetkovic (Chair), D. Brown (Vice-Chair), J. Bonner, A. Brassington, C. Cape, S. Carvell, T. Cooper, B. Hughes, M. Kondakor, C. Morris, C. Phillips 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. MINUTES – To confirm the minutes of the meeting of the Audit and Standards Committee held on 23rd June 2026, attached **(Page 5).**

4. 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.

5. PUBLIC CONSULTATION - Members of the Public will be given the opportunity to speak on specific agenda items, if notice has been received.

   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.

6. EXTERNAL AUDIT BUILD BACK PLAN – a report of the Strategic Director – Resources and External Auditors, attached **(Page 8).**

7. PLANNING APPLICATIONS COMMITTEE – a report of the Assistant Director – Democracy and Governance, Assistant Director – Planning and Planning Manager (Development Control), attached **(Page 33).**

8. INTERNAL AUDIT PROGRESS REPORT - a report of the Audit Manager, attached **(Page 179).**

9. TREASURY MANAGEMENT 26/27 – QUARTER 1 REVIEW – a report of the Treasury and Technical Business Partner, attached **(Page 205).**

10. ANNUAL GOVERNANCE STATEMENT 2025-2026 - a report of the Assistant Director – Democracy and Governance, attached **(Page 216).**

11. CONSTITUTION UPDATE – REPORT FROM CONSTITUTION REVIEW WORKING PARTY – PROPOSAL FOR AN ANNUAL REPORT OF THE SHAREHOLDER COMMITTEE - a report of the Monitoring Officer, attached **(Page 252).**

12. AUDIT AND STANDARDS COMMITTEE WORK PROGRAMME 2026/27 – for noting, attached **(Page 257).**

13. 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).

NUNEATON AND BEDWORTH BOROUGH COUNCIL

AUDIT & STANDARDS COMMITTEE **23rd June 2026**

A meeting of the Audit & Standards Committee was held on Tuesday, 23rd June 2026 in the Council Chamber, Town Hall, Nuneaton.

Present

Councillor L. Cvetkovic – Chair

Councillors: D. Brown (Vice-Chair), J. Bonner, C. Cape, T. Cooper, B. Hughes, M. Kondakor, D. Boughan (substitute for A. Brassington), R. Brill (substitute for C. Morris), P. Smith (substitute for S. Carvell) and Mr A. Morgan.

Apologies: Councillors A. Brassington, S. Carvell, C. Morris and C. Phillips.

PART I – PUBLIC BUSINESS

The Chair gave thanks to Councillor Bonner for Chairing this Committee over the last couple of years. He praised Councillor Bonner for the good work and high standards he kept as Chair, and advised this is something which is intended to be continued.

ASC1 **Minutes**

RESOLVED that

a) the minutes of the Audit and Standards Committee meeting held on 17th March 2026 be approved and signed by the Chair; and
b) the minutes of the Extraordinary Audit and Standards Committee meeting held on 14th April 2026 be approved and signed by the Chair.

ASC2 **Declarations of Interest**

RESOLVED that the declarations of interests are as set out in the Schedule which can be viewed on the Council website (Councillor Declarations of Interests).

ASC3 **Internal Audit Progress Report**

The Audit Manager presented a report which provided the Committee with an update on progress against the approved Internal Audit Plan, which details the performance and activity of Internal Audit since the last Progress Report presented to this Committee.

RESOLVED that the Internal Audit Progress Report be considered, and issues identified be subject to a follow-up report as appropriate which include:

a) consideration be given to looking to raise the status of statutory fire requirements,
b) Grounds Maintenance – look to keep randomisation of sample sites, but also being more focussed on areas with the most complaints,
c) prioritisation of crematorium - if there is significant progress an update will be provided to Committee Members prior to the next meeting; and
d) the dates on the ‘progress of Audit Assignments’ page be amended to 2026-27 from 2025-26.

ASC4 **Internal Audit Annual Conclusion Report 2025-26**

A Report of the Audit Manager advised Members that Global Internal Audit Standards (GIAS 11.3 - Communicating Results) and the UK Public Sector

Application Note requires the Chief Audit Executive to make an annual conclusion over the effectiveness of the organisation's governance, risk management and control.

The conclusion is provided to support the Council's Annual Governance Statement and reflects the outcomes of the internal audit activity undertaken during the year. The report also provides information on the performance of the Internal Audit service in 2025/26 and an assessment of the conformance against Global Internal Audit Standards.

RESOLVED that the Annual Internal Audit Conclusion for 2025-26 be noted, subject to references to Amber Valley Borough Council on the conclusion page within the report being changed to Nuneaton and Bedworth Borough Council.

ASC5 **Annual Treasury Management Review 2025/26**

The Treasury and Technical Business Manager reported that the Council is required through the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) to report to full Council the annual review.

The report set out the Council's treasury position as at 31st March 2026.

RESOLVED

IT BE RECOMMENDED TO COUNCIL that the

a) Treasury Management Report for 2025/26 – Year End Report be noted; and
b) Maturity Structure of loans be updated as per section 9 of the report.

ASC6 **Employee Code of Conduct**

A Report of the People Services Manager gave Members the opportunity to consider and approve the revision to the Employee Code of Conduct and recommend changes to the constitution.

RESOLVED that

a) the revisions to the Employee Code of Conduct be approved, subject to the word 'organization' within the document being changed to 'organisation' ; and
b) **IT BE RECOMMENDED TO FULL COUNCIL** that the Constitution be amended accordingly.

ASC7 **Appointment of Independent Persons**

A Report of the Monitoring Officer advised Members of the appointment of Independent Persons pursuant to the requirements of the Localism Act 2011. Independent Persons are required by all local authorities to assist in the consideration of Member Code of Conduct complaints.

RESOLVED that

IT BE RECOMMENDED TO FULL COUNCIL that appointment of the persons listed in paragraph 3.6 of the report be approved to the Panel of Independent Persons required by the Localism Act 2011, from the date of the meeting of Council, 1 July 2026, to 30 September 2029; and

ASC8 **Overview of Member Complaints**

The Monitoring Officer provided Committee Members with an update on the overview report presented in respect of complaints against Members.

RESOLVED that

a) a total of two (2) formal complaints against elected Members have been received since the last report came before the Committee (17 March 2026)
b) one of the complaints has been closed as it was against a former Councillor; and
c) for the purposes of the 2025/2026 Municipal Year, a total of three complaints were received against elected Members under the Member Code of Conduct. Of those, once has been dealt with (informal resolution), one has been considered at an Assessment Sub-Committee, and the other one has been closed further to 17.1.2.

ASC9 **Audit and Standards Committee Work Programme 2026/27**

A Report of the Assistant Director – Democracy and Governance gave Members the opportunity to consider and approve the Audit and Standards Committee Core Work Programme for 2026-2027 after taking into consideration the purpose and functions of the Committee.

RESOLVED that

a) the Audit and Standards Committee Core Work Programme for 2026-2027 be approved; and
b) authority be given to the Strategic Director – Corporate Resources (also the Section 151 Officer) and Assistant Director – Democracy and Governance (also the Monitoring Officer), to make changes to the work programme in the year in consultation with the Chair of Audit and Standards.

ASC10 **Any other items - Training**

Members were reminded of the Treasury Management training which is taking place on Monday 29th June 2026.

Chair __________________________

Nuneaton & Bedworth
United to Achieve

AGENDA ITEM NO. 6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15th September 2026
Subject:	External Audit Build Back Plan
Portfolio:	Not Applicable
Responsible Officer:	Strategic Director – Resources
Corporate Plan – Theme:	Your Council
Corporate Plan – Aim:	Deliver continued forward planning to safeguard the finances of the Council. Strive for transparency and accountability, in all that we do.
Ward Relevance:	All
Public or Private:	Public
Forward Plan:	Not Applicable
Subject to Call-in:	Not Applicable

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1. Purpose of report

1.1. To provide an update to the Committee of the plan to rebuild assurance and achieve a clean audit opinion on the Statement of Accounts.

2. Recommendations

2.1. That the External Audit Build Back Plan is noted.

3. Background

3.1. A full audit of the Statement of Accounts has not been undertaken from 2022/23 to 2024/25, and a disclaimed opinion has been issued.

4. Body of report and reason for recommendations

4.1. The External Auditor, Azets have been working with the Finance team to confirm a plan and cost to rebuild assurance and achieve a clean audit opinion.

4.2. The plan, attached at Appendix A, will give guidance to the Committee on progress to-date and timelines.

5. Consultation with the public, members, officers and associated stakeholders

5.1. Ongoing communication with External Audit, Executive Team and Elected Members regarding the situation with assurance on the Statement of Accounts.

6. Financial Implications

6.1. Contained within the Appendix.

7. Legal Implications

7.1. None directly related to this report.

8. Equalities implications

8.1. A review has been undertaken, and it has been identified that no assessment is required.

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. The Accounts and Audit Regulations 2015, as amended, require bodies to publish audited accounts by statutory backstop dates, which includes publication on their website (specifically, their accountability statements, defined in regulation 9A(9), which includes the audit opinion).

12.2. This requirement has been achieved in 2024/25 and is on track to be achieved in 2025/26 but a plan to gain assurance on balances reported is required.

12.3. Government has issued technical notes and grants to authorities with disclaimed opinions, and the aim is to restore transparency and assurance in local government accounts by 2027/28.

13. Human resources implications

13.1. No direct human resource implications have been identified.

14. Biodiversity Implications

14.1. No biodiversity implications have been identified

15. Local Government Reorganisation (LGR) Implications

15.1. Nuneaton and Bedworth borough Council will no longer exist as an entity by 1st April 2028, and it is essential to ensure that the Statement of Accounts has a clean audit opinion on its balances in preparation for the merge of the reserves and balance sheet into the new unitary authority.

16. Options considered and reason for their rejection

16.1. In formulating this report and recommendations, the following other options were identified. Reasons for their rejection or why the option and recommendation proposed in section 2 of the report has been selected are outlined below.

Option Ref	Option Title	Reason for rejection or why the option and recommendation proposed in section 2 of the report has been selected
A	Do nothing	Not applicable as the report is for noting.

17. Conclusion

17.1. That the plan to build back assurance on the Council's balance sheet and reserves is undertaken and fully resourced.

18. Appendices

18.1. Please note the following appendices:

i. Appendix A – External Auditor's Build Back Plan

19. Background papers

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

20. Report Writer Details:

Officer Job Title: Strategic Director - Resources

Officer Name: Vicki Summerfield

Nuneaton and Bedworth Borough Council

Build back plan

Year ended 31 March 2026

September 2026

Your key team members

Rebecca Lister
Key Audit Partner
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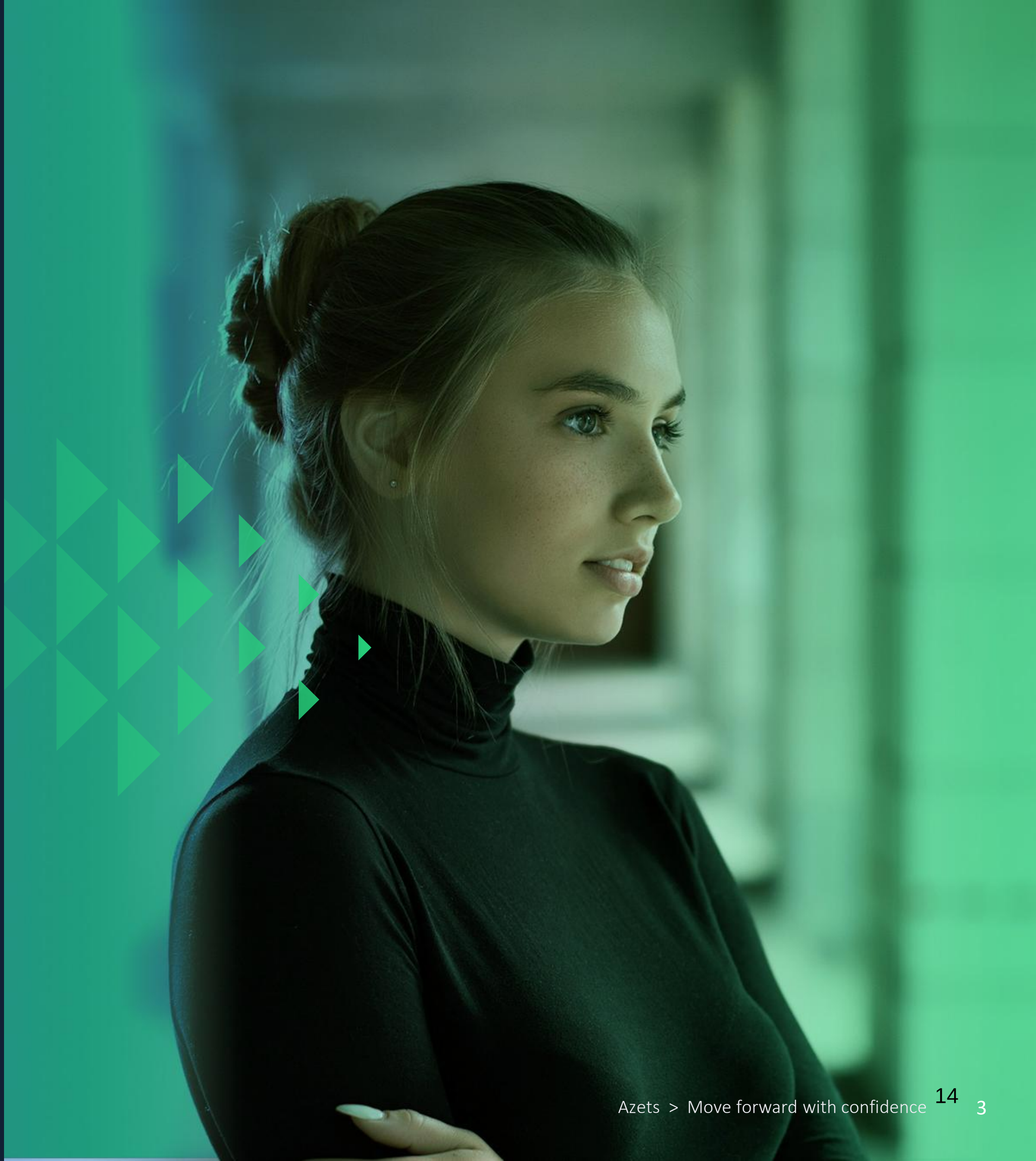
Executive summary



Executive summary

This section summarises, for the benefit of Those Charged with Governance, the build back plan for our audit of Nuneaton and Bedworth Borough Council for the year ending 31 March 2026.

Purpose of this report

We set out our planned approach to the 2025/26 audit in our Audit Plan, which is presented to the Audit Committee alongside this report.

We are responsible for performing the audit in accordance with International Standards on Auditing (UK), the National Audit Office Code of Audit Practice and associated Auditor Guidance Notes, including the Local Audit Reset and Recovery Implementation Guidance (LARRIG).

An audit is directed towards forming and expressing an opinion on the financial statements that have been prepared by management with the oversight of the Audit and Standards Committee. However, as a disclaimed auditor's report has been issued on the financial statements of the Council for the three financial years from 2022/23 to 2024/25 the LARRIG's recognise that the auditor may need to issue a further disclaimed audit opinion on the financial statements in the current year due to lack of assurance on opening balances caused by prior year disclaimed audits. They also recognise that additional risk-based audit procedures will need to be carried out by the auditor to rebuild missing assurance from the disclaimed audit period.

We are committed to working with audited bodies to design a programme of work which will enable us to rebuild missing assurance over the disclaimed audit period and have heavily invested in the development of a risk-based audit approach for the required work to achieve a clean opinion prior to Local Government reorganisation on 1 April 2028.

Executive summary

Summary of approach

This report sets out our proposed build back approach for the transactions and balances which occurred during your prior year disclaimed audit period from 1 April 2022 to 31 March 2025 based on our risk assessment of the Council.

The build-back plan provides an overview of the approach and the associated audit fees, which are covered by fee variations, which require review and approval by Public Sector Audit Appointments (PSAA). In setting out our approach we have split the plan across four key elements, which cover:

- Disclaimer planning and reporting;
- Planning and managing delivery of the build-back work;
- Balance sheet/non reserves related testing; and
- CIES/reserves related testing.

This documents sets out the estimated fees; scope of work and anticipated timing of delivery associated with each of these elements of the build back plan.

Your support for the build-back process

Your support for the build-back process

As set out in this document, the full build-back process to recover from the last clean audit opinion being issued for the 2021/22 financial year involves a significant amount of audit work. In addition, we will also need to complete our required audit procedures for the 2025/26, 2026/27 and 2027/28 financial years (in line with our audit approach determined for in year work on disclaimed audits) alongside the process of rebuilding assurance on previously disclaimed periods. In total this is likely to require levels of audit input higher than a normal annual audit process and may involve audit work being undertaken at times of the year outside of the normal audit delivery timeframes.

We are committed to working with you to deliver this, and to move to the position of being able to issue an unmodified opinion on the Council's financial statements for the 2027/28 financial year. We have set out in this report what we consider to be a realistic plan to accomplish this. However, achieving this will only be possible with the full support and co-operation of the Council.

In particular, in order to achieve this outcome, the Council will need to ensure that:

- The Council's finance function is sufficiently resourced to support both the annual audit process for 2025/26 and future financial years, and to support audit build-back testing of previously disclaimed periods;
- Good quality supporting information and evidence is made available in response to audit queries raised and sample testing requests issued; and
- Key officers are available to deal with audit queries and requests in line with agreed timescales.

To support the Council and its finance team we will ensure that we:

- Provide clear details of the scope of the build-back work required and the planned timescales for delivery;
- Set out clearly our expectations for supporting audit evidence which we will require in response to audit testing; and
- Share details of progress with you on a regular basis throughout the build-back process.

Build-back progress made in 2024/25

Build-back progress made in 2024/25

We commenced work on rebuilding assurance during our 2024/25 audit and reported details of the areas of work we planned to undertake, and the extent to which we were able to complete this work, in our Audit Completion Report (ISA 260 report).

The following sections on build-back testing for balance sheet/non reserves, and CIES/reserves, set out the level of assurance obtained to date in each area, split by previously disclaimed period. This is based on the level of progress we were able to achieve on build-back testing in 2024/25 and forms the basis of the assessment of further work necessary in each area to fully rebuild assurance.

The fees which were charged for this build-back work for 2024/25 are also included on the summary of estimated fees.

Building back assurance – estimated fees

Building back assurance – estimated fees

The estimated fees for completion of the build-back process are set out below. The figures for 2024/25 represent those already agreed and charged as part of the 2024/25 audit; the fees for 2025/26 onwards represent current estimates for completed of further build-back work required.

All fees relating to audit work on build-back and other disclaimer related audit work are raised through the fee variation process and as such are subject to approval by PSAA. These estimates do not cover fee variations for any non build-back related issues which may be identified during the audit process, and which will be separately reported in our Audit Completion Reports (ISA260s).

	Estimated fees			
	2024/25 (actuals)	**2025/26 (estimated)**	**2026/27 (estimated)**	**Total**
Disclaimer planning and reporting	14,940	10,245	10,245	35,430
Planning and managing delivery of the build-back work	40,672	48,003	48,003	136,678
Balance sheet/non reserves related testing	21,855	60,146	-	82,001
CIES/reserves related testing.	-	8,325	8,325	16,650
Total	77,467	126,719	66,573	270,759

Disclaimer planning & report

Disclaimer planning & reporting

This element of the fee relates to the additional work necessary on a disclaimed audit to determine the nature of the opinion which it is appropriate for us to issue for each financial year.

A key requirement as we move through the build-back plan is to assess at what stage of the process we are able to move from a disclaimed opinion to a modified opinion, and then to an unmodified opinion. This assessment involves considerable input and consultation with the Technical and Compliance teams within Azets to ensure that we are only doing so when appropriate based on the level of assurance obtained.

Our current anticipated timeline, which underpins the rest of this build-back plan, is set out below. Achievement of this indicative timeline is based on completion of all planned work as set out in this plan, and the continued co-operation and support of the Council's finance team.

	2024/25 (actual)	2025/26 (anticipated)	2026/27 (anticipated)	2027/28 (anticpiated)
Anticipated audit opinion	**Disclaimed**	**Disclaimed**	**Modified/"except for"**	**Unmodified**

Planning and managing delivery of the build-back work

Planning and managing delivery of the build-back work

This element of the fee relates to the audit input required to:

- Determine the overall approach required to rebuild assurance in line with relevant NAO Local Audit Reset and Recovery Implementation Guidance (LARRIGs)
- Carry out a detailed risk assessment to support this determination
- Scope out the work required in each area across the full build-back plan
- Develop a detailed plan setting out the resource requirements to deliver build-back work
- Discuss and agreed these requirements and a timescale for delivery with the Council
- Provide Key Audit Partner and Audit Manager direction and review of the build-back work as it is completed
- Carry out an overall assessment of the assurance provided by build-back work completed and the extent to which this supports the recovery of assurance across disclaimed periods.

We will need to continually revisit and update our approach and plans to deliver it throughout the course of our build-back process.

Planning and managing delivery of the build-back work (continued)

We completed our initial risk assessment in line with the requirements of LARRIG 6 in 2024/25, which is key to determining the overall approach we need to take to build-back assurance on reserves and so the level of detailed substantive testing required on CIES transactions for previously disclaimed periods. We set out for information a summary of the results of this risk assessment

Component	Activity	Outcome
Planning Risk Assessment (LARRIG 06)	We are required by LARRIG 06 to evaluate the inherent risk of material misstatement in the opening reserve balances following prior year disclaimers. We have completed a detailed assessment, and the scope of our review and conclusions are set out below.	
	Qualitative Risk Assessment We have considered a number of qualitative risk factors, as set out in LARRIG 06, including: • Whether the Council has a history of timely production of the financial statements; • The number of years for which disclaimed opinions have been issued; • The level of reserves in place during the disclaimed period and their complexity; • The volume of movements in reserves over the disclaimed period; • The strength of the control environment in place at the Council over the period of disclaimed opinions; • Changes in key personnel, financial reporting systems or key processing activities during the disclaimed period; • Any previous reporting of significant deficiencies in control, significant weaknesses in arrangements to secure VFM or material or other misstatements during the disclaimed period; and • Issues reported by Internal Audit and in the Annual Governance Statements.	Our risk assessment has concluded that the Council is at the lower end of the risk spectrum for build back assurance. This means less extensive procedures over the Council's income and expenditure transactions will be required over the disclaimed period. The procedures we have identified that we will need to complete to build back sufficient audit assurance over opening balances are set out on pages 17 to 21 of this report.
	Quantitative Risk Assessment (LARRIG 06) We have also completed a detailed analysis of all the Council's useable and unusable reserves movements over the disclaimed period, assessing the internal consistency of the reserve movements with other transactions and disclosures in the Council's financial statements and the completeness of the expected reserve transactions.	

Build-back testing – Balance sheet/non reserves

Building back assurance – balance sheet/non reserves related

In order to build back sufficient assurance over elements of the Balance Sheet, we need to undertake substantive testing of movements in balances back to the last clean opinion date. We commenced this work in 2024/25 and set out below a summary of the level of assurance obtained to date.

We plan to complete all remaining build-back work on balance sheet/non reserves related areas in 2025/26.

	Current status of build-back work – by disclaimed period			Planning timing of remaining build-back work		
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Management override of controls (Journals)	In progress	In progress	Completed	✓		
Trial Balance Reconciliation	In progress	Completed	Completed	✓		
PPE and investment property opening balances	Not started	Not started	In progress	✓		
PPE and investment property additions	In progress	In progress	In progress	✓		
PPE and investment property disposals	In progress	In progress	In progress	✓		
PPE, Investment Property and Council Dwellings Revaluation movements	In progress	In progress	In progress	✓		
Revenue Expenditure funded from Capital under Statute	In progress	In progress	In progress	✓		
Property, Plant and Equipment reclassification testing	In progress	In progress	In progress	✓		
Infrastructure Assets	Not started	Not started	Not started	✓		
Right of Use Asset liability	N/A	N/A	In progress	✓		
Estimated fees				£60,146*	£0*	£0*

*This position is subject to the timely provision of appropriate audit evidence and no significant delays, issues or additional work arising. Where this is not the case, the associated fee implications may need to be revisited.

Build-back testing – CIES/reserves

Building back assurance – CIES/reserves related

In order to build back sufficient assurance over reserves where the closing position is directly influenced by the opening position and movements over the disclaimed period, we need to undertake some substantive testing of the CIES transactions over the disclaimed period.

As set out on page 16 our risk assessment has concluded that the Council is at the lower end of the risk spectrum for build back assurance. This means less extensive procedures over the Council's income and expenditure transactions will be required over the disclaimed period. The table below summarises our planned timetable for the completion of prior year CIES testing and any testing completed in full or in part in previous years.

	Current status of build-back work – by disclaimed period			Planning timing of remaining build-back work		
	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Analytical Review	Not started	Not started	In progress	✓	✓	
Capital grants unapplied	Not started	Not started	Not started	✓	✓	
Depreciation	Not started	Not started	In progress	✓	✓	
Collection Fund	N/A	N/A	Not started	✓	✓	
HRA expenditure classification testing	Not started	Not started	Not started	✓	✓	
General Fund/HRA capital grant classification testing	Not started	Not started	Not started	✓	✓	
Estimated fees				£8,325*	£8,325*	£0*

*This position is subject to the timely provision of appropriate audit evidence and no significant delays, issues or additional work arising. Where this is not the case, the associated fee implications may need to be revisited.

AGENDA ITEM NO. 7

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15th September 2026
Subject:	Planning Applications Committee
Portfolio:	Not Applicable
Responsible Officer:	Assistant Director – Democracy and Governance & Assistant Director – Planning
Corporate Plan – Theme:	Not applicable
Corporate Plan – Aim:	Not applicable
Ward Relevance:	All
Public or Private:	Public
Amendment to Budget:	No Council Tax Related: No

Recommendation to Council: Yes

Forward Plan:	Yes
Subject to Call-in:	Not applicable – not a Cabinet decision

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1. Purpose of report

1.1. To inform Members of the Government's introduction of the National Scheme of Delegation for planning functions and the statutory requirements relating to the operation and size of planning committees.

1.2. To seek Council approval for the necessary amendments to the Constitution, including the Planning Applications Committee Terms of Reference and Scheme of Delegation, to ensure compliance with the Town and Country Planning

(Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance.

1.3. The changes will become statutory and effective at the end of October 2026. As a result, The Council needs to ensure its arrangements are in place prior to then to ensure compliance.

2. Recommendations

2.1. That Audit and Standards Committee recommends to Council that:

2.1.1. The Council notes the requirements of the National Scheme of Delegation and associated statutory guidance;
2.1.2. The Constitution, including the Planning Applications Committee Terms of Reference and Planning Scheme of Delegation, be amended to ensure compliance with the 2026 Regulations as per Appendices A.1 through to D.2;
2.1.3. Authority be delegated to the Assistant Director – Democracy and Governance in consultation with the Assistant Director – Planning, to make any consequential constitutional amendments required to implement the new arrangements further to legislation;
2.1.4. The Chair of Planning Applications Committee be designated as the Council's "Nominated Member" for the purposes of the Regulations and the Vice Chair being the nominated substitute;
2.1.5. The Assistant Director – Planning be designated as the Council's "Nominated Officer" for the purposes of the Regulations and the Planning Manager (Development Control) being the nominated substitute;
2.1.6. It be noted the Planning Applications Committee membership is within the statutory maximum committee size of thirteen (13) Members;
2.1.7. It be noted that Training for Members and Officers has or will be scheduled prior to the end of October 2026.
2.1.8. It be noted that Information that explains how and when the Council will consult on planning applications will need to be available on the Council’s website.

3. Background

3.1. The Planning and Infrastructure Act 2025 introduced provisions enabling the Secretary of State to establish a National Scheme of Delegation for planning functions.

3.2. The Government's stated objective is to create greater consistency and clarity regarding which planning decisions should be determined by planning committees and which should be delegated to professional planning officers. The intention is that planning committees focus their consideration on applications that raise significant planning, economic, social or environmental issues, whilst routine, technical and policy-compliant applications are determined under delegated powers.

3.3. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 came into force alongside statutory guidance issued by the Ministry of Housing, Communities and Local Government. Local Planning Authorities are required to have regard to this guidance when operating their planning decision-making arrangements.

3.4. As a result, the key implications and focus for the Council are as follows:

3.4.1. Constitutional Changes

- Remove existing Member "call-in" arrangements as guidance specifically states that local call-in powers will no longer be possible.
- Remove any automatic committee referral triggers based on the number of objections received.
- Review and amend the Planning Applications Committee Terms of Reference and Scheme of Delegation to align with the national framework.
- Review all associated constitutional provisions to ensure consistency with the Regulations.

3.4.2. Delegation Arrangements

- Establish a revised officer delegation scheme reflecting Schedule 1 and Schedule 2 categories.

3.4.3. Referral Process

- Establish a clear referral assessment framework based on the two statutory tests.
- Adopt the Government's presumption that officer determination is the default position and committee referral should be exceptional.

- Develop a documented referral procedure and decision-making workflow.
- Consider introducing an internal triage process if large numbers of applications are expected to be assessed for referral.

3.4.4. Nominated Officer / Nominated Member Arrangements

- Formally designate the Chief Planning Officer (or equivalent) as the "Nominated Officer".
- Formally designate the Chair of Planning Applications Committee as the "Nominated Member".

3.4.5. Committee Membership and Size

- Review current Planning Applications Committee membership and ensure the committee does not exceed the new statutory maximum of 13 Members.

3.4.6. Transparency and Governance

- Create a formal register of all applications considered for committee referral.
- Report referral decisions regularly to Planning Committee.
- Publish referral records on the Council's website.

3.4.7. Council-Owned and Member/Officer Applications

- Review procedures for Council applications and applications submitted by Members or Officers of the Council.
- Establish clear governance and conflict-of-interest arrangements for these applications.
- Ensure nominated officers or members are excluded from referral decisions where they have an interest in the application.

3.4.8. Training and Cultural Change

- Deliver training for Members on the reduced role of committee determination and the statutory referral tests.
- Train planning officers on the new referral and reporting requirements.
- Refresh the Planning Code of Practice to reflect the new arrangements.

4. Body of report and reason for recommendations

4.1. National Scheme of Delegation

4.1.1. The Regulations introduce a nationally prescribed approach to determining whether planning applications are decided by officers or by planning committee. Applications are divided into two broad categories:

A) Schedule 1 Applications

I. Schedule 1 applications must be delegated to officers in all circumstances. These include:

- Householder applications;
- Minor commercial development;
- Minor residential development (up to 9 dwellings);
- Reserved matters approvals in most circumstances;
- Discharge of planning conditions;
- Prior approval applications;
- Certificates of lawful use or development;
- Biodiversity Gain Plan approvals;
- Non-material amendments and other similar technical applications.

II. The Council will have no discretion to refer these applications to Planning Applications Committee except in the limited circumstances prescribed by the Regulations.

B) Schedule 2 Applications

I. Schedule 2 applications are subject to a statutory presumption in favour of officer determination. Such applications may only be referred to committee where:

- They meet one or more of the statutory referral criteria; and
- The Nominated Officer and Nominated Member both agree that the application should be referred to committee.

Where agreement cannot be reached, the application must be determined under delegated powers.

4.1.2. Referral Criteria

I. The statutory guidance makes clear that referral to committee should be exceptional rather than routine. Applications can only be considered for committee referral where they raise:

- A significant planning matter having regard to the Development Plan and other material considerations; or
- A significant economic, social or environmental issue for the local area.

II. The guidance also confirms that applications which are policy compliant and allocated within an adopted Local Plan are unlikely, on that basis alone, to justify committee consideration.

4.1.3. Impact on Existing Constitutional Arrangements

I. The guidance explicitly states that local constitutional arrangements such as:

- Member call-in procedures;
- Referral triggers based on numbers of objections; and
- Other locally determined automatic referral mechanisms,

will no longer be compatible with the National Scheme of Delegation.

II. Consequently, the Council will be required to revise its current Planning Applications Committee arrangements and associated constitutional provisions to align with the national framework.

4.2. Transparency Requirements

4.2.1. The Regulations require local authorities to maintain a record of all applications considered for committee referral, together with the outcomes and reasons for decisions. This information should be reported regularly to the Planning Committee and published on the Council's website.

4.2.2. Appropriate administrative processes will need to be established to ensure compliance with the new national scheme of delegation. Officers propose that applications considered for referral (i.e. applications that are not deemed Schedule 1 applications) be reported to the Planning Committee through a dedicated agenda item. Each application would include a summary of the issues considered and the outcome reached. As the outcomes of all such applications would be reported under a single agenda item forming part of the published committee agenda, this would provide a transparent mechanism for public, committee and member oversight of the operation of the scheme.

4.3. Committee Size

4.3.1. The Regulations provide that planning committees must comprise no more than thirteen (13) Members. The current committee membership size is within this statutory maximum. As a result, no change is required.

4.4. Nominated Member and Officer Requirement

4.4.1. The legislation requires each Planning Authority to identify a ‘Nominated Member’ and a ‘Nominated Officer’ with appropriate substitutes in their absence. It is recommended that:

4.4.1.1. The Nominated Member be the Chair of Planning Applications Committee and in their absence, the Vice chair of the committee; and

4.4.1.2. The Nominated Officer be the Assistant Director – Planning and in their absence, the Planning Manager (Development Control).

4.5. Constitutional Changes

4.5.1. The Planning Officers Society has created a range of template guidance and template documentation associated with the proposed changes to assist Planning Authorities with Constitutional changes. Therefore, the following Appendices attached are proposed to be incorporated into the Constitution and/or approved for further to recommendation 2.1.2:

- Appendix A.1 - Article 8 of the Constitution - Track Changes
- Appendix A.2 - Article 8 of the Constitution - Clean Version
- Appendix B.1 - Part 3B Responsibility for Council Functions - Track Changes
- Appendix B.2 - Part 3B Responsibility for Council Functions - Clean Version
- Appendix C.1 - 5D Code of Practice Dealing with Planning Matters - Track Changes
- Appendix C.2 - 5D Code of Practice Dealing with Planning Matters - Clean Version
- Appendix D.1 - Part 3E Officer Delegations 3E.7 - Assistant Director - Planning - Track Changes

- Appendix D.2 – Part 3E Officer Delegations – 3E.7 – Assistant Director – Planning – Clean Version.

4.6. Statement of Community Involvement – noting only

4.6.1. A Statement of Community Involvement (SCI) is a statutory planning document that explains how and when a local planning authority will consult and involve the public, businesses, and stakeholders in local plan-making and planning applications.

4.6.2. However, due to the introduction of new plan making system that came into force in March 2026 the SCI is no longer an adopted document. Information that explains how and when the Council will consult and involve the public, businesses, and stakeholders in planning applications will need to be available on the Council's website.

5. <u>Consultation with the public, members, officers and associated stakeholders</u>

5.1. Consultation has been undertaken with the Planning Services Team, Statutory Officers (Head of Paid Service, Section 151 and Monitoring Officer), Democratic Services and Legal Services.

5.2. Furthermore, the Planning Services team issued a briefing note to all Members on 22 June 2026 notifying Members of the forthcoming changes.

5.3. Please note, the Government undertook a statutory consultation period regarding Planning committee reform and proposed changes. The consultation lasted 4 weeks from 26 March 2026. The list of questions and the scope of the consultation is available via 19.1 iii of the report.

5.4. The proposed changes are required to give effect to statutory regulations issued by Government. Whilst the Council retains discretion regarding the detailed operation of the referral process and committee structure within the parameters established by legislation, the principal changes are mandated by national legislation and guidance.

6. <u>Financial Implications</u>

6.1. The implementation of the National Scheme of Delegation is not expected to result in any additional financial costs. The changes and officer time spent thus far has been met from existing capacity and knowledge.

6.2. Any costs associated with constitutional amendments, committee administration and officer training will be met from existing budgets.

7. Legal Implications

7.1. The Council is required to operate its planning decision-making arrangements in accordance with the Town and Country Planning Act 1990, as amended, the Planning and Infrastructure Act 2025, the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and associated statutory guidance.

7.2. Failure to amend the Constitution and related governance arrangements could place the Council at risk of non-compliance with statutory requirements.

8. Equalities implications

8.1. No specific Equalities Implications have been identified.

9. Health implications

9.1. No specific health implications have been identified following the completion of an impact assessment.

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. The following risk management implications have been identified:

A) Risk of non-compliance with statutory planning legislation.
B) Risk of legal challenge if planning decisions are not taken in accordance with the Regulations.
C) Reputational risk arising from failure to implement statutory governance changes.

12.2. These risks will be mitigated through constitutional amendment, training and implementation of revised operating procedures.

13. Human resources implications

13.1. No direct human resource implications have been identified.

14. Biodiversity Implications

14.1. No direct biodiversity implications have been identified.

15. Local Government Reorganisation (LGR) Implications

15.1. No direct Local Government Reorganisation implications have been identified. However, alignment with the national framework may support future consistency of planning governance arrangements across any successor authority structure.

16. Options considered and reason for their rejection

16.1. In formulating this report and recommendations, the following other options were identified. Reasons for their rejection or why the option and recommendation proposed in section 2 of the report has been selected are outlined below.

Option Ref	Option Title	Reason for rejection or why the option and recommendation proposed in section 2 of the report has been selected
A	Do nothing	Rejected. The Council would be at risk of failing to comply with statutory requirements.
B	Implement only minimum constitutional amendments required by	Considered but not preferred as it may not provide sufficient operational clarity or governance oversight, especially noting this substantial change for Officers and Members when dealing with planning matters.

	legislation (i.e. shorter version)	

17. Conclusion

17.1. The Government has introduced a statutory National Scheme of Delegation intended to redefine the role of planning committees and increase consistency in planning decision-making across England. The Council is required to amend its Constitution and Planning Applications Committee arrangements to ensure compliance with the new legislative framework. Approval of the recommendations will enable the Council to meet its statutory obligations whilst maintaining appropriate democratic oversight of significant planning applications.

18. Appendices

18.1. Please note the following appendices:

- Appendix A.1 - Article 8 of the Constitution - Track Changes
- Appendix A.2 - Article 8 of the Constitution - Clean Version
- Appendix B.1 - Part 3B Responsibility for Council Functions - Track Changes
- Appendix B.2 - Part 3B Responsibility for Council Functions - Clean Version
- Appendix C.1 - 5D Code of Practice Dealing with Planning Matters - Track Changes
- Appendix C.2 - 5D Code of Practice Dealing with Planning Matters - Clean Version
- Appendix D.1 - Part 3E Officer Delegations 3E.7 - Assistant Director - Planning - Track Changes
- Appendix D.2 – Part 3E Officer Delegations – 3E.7 – Assistant Director – Planning – Clean Version

19. Background papers

19.1. Please note the following background papers:

i. Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for Local Planning Authorities in England (MHCLG).

ii. Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

iii. [Planning committee reform: statutory consultation on draft regulations and guidance - GOV.UK]

20. Report Writer Details:

Officer Job Title:

- Assistant Director – Democracy and Governance
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- Planning Manager (Development Control)

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- Matthew Wallbank
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- Claire Hill

ARTICLE 8 REGULATORY, OTHER COMMITTEES & SUB-COMMITTEES

A8.2 REGULATORY AND OTHER COMMITTEES

The Council will appoint the following Committees:

Planning Applications Committee

The purpose of this Committee is to exercise, the functions, powers and duties of the Council in relation to the determination of planning applications and any other planning matter where it cannot be delegated to the Chief Planning Officer (Assistant Director – Planning).

The Council will appoint the Chair and Vice Chair of each Committee at Annual Council unless a change is required during the Municipal Year.

The Committee shall be politically balanced and will comprise of eleven (11) Members and have a quorum of five (5).

Note: Further to Regulation 7 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, a committee determining an application pursuant to arrangements under regulation 5 or 6 may not comprise more than thirteen (13) members.

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 committee.

The remit and functions of this committee are included in the table in Section B of Part 3 of this Constitution but in summary, The Planning Applications Committee has the following powers:

I. To hear pre-application or pre-determination presentations of developments by developers and for individual members of the Committee to ask questions and highlight issues that may require further consideration by the developer.
II. To determine the planning applications referred to it pursuant to the Regulations and the Constitution.
III. To consider, and where necessary determine, any other planning matter referred to it by the Chief Planning Officer as the Nominated Officer.

ARTICLE 8 REGULATORY, OTHER COMMITTEES & SUB-COMMITTEES

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II. To determine the planning applications referred to it pursuant to the Regulations and the Constitution.
III. To consider, and where necessary determine, any other planning matter referred to it by the Chief Planning Officer as the Nominated Officer.

3B RESPONSIBILITY FOR COUNCIL FUNCTIONS

List of functions which cannot be discharged by the Executive

N.B. Where appropriate, functions in this table include the imposition of conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration; amending, deleting and revoking the same; and dealing with enforcement of such functions.

NB

"TCPA90"	=	Town and Country Planning Act 1990
"TCPA26"	=	Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
"PCPA04"	=	Planning and Compulsory Purchase Act 2004
"PA08"	=	Planning Act 2008
"CILR10"	=	Community Infrastructure Levy Regulations 2010 (as amended)
"LBA90"	=	Planning (Listed Buildings and Conservation Areas) Act 1990
"TCP"	=	Town and Country Planning
"LGA"	=	Local Government Act
"LAFRER"	=	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
"LGMPA"	=	Local Government (Miscellaneous Provisions) Act
"Pigs Order"	=	Pigs (Records, Identification and Movement) Order 1995 (si 1995/11)
"RPA"	=	Representation of the People Act.
"LGPIH"	=	Local Government and Public Involvement in Health Act 2007

Statutory Provision	Function	Who Discharges
S.18 Local Government and Housing Act 1989	Making, amending, revoking or replacing a scheme for Members allowances and fixing the rate of allowances thereunder.	Full Council
Ss.3(5), 5(4), 173, 175 LGA '72	Determining miscellaneous Member allowances.	Full Council
Reg 2(5) LAFRER	Whether and what amount of charge should be made for any approval, consent, licence, permit or registration which is not an Executive function	The relevant body or person according to the function involved
S.102 LGA 1972	Appointments to Committees	Full Council

Statutory Provision		Function	Who Discharges
Reg 2(11) LAFRER		Any function of a Local Authority expressed in previous legislation as being only by an authority	Full Council
The Gambling Act 2005		Final approval of three year Licensing Policy	Full Council
		Policy not to permit casinos	Full Council
A. Functions Relating to Town and Country Planning and Development Control			
S 70(1)(a) and (b) and S 72, TCPA90(c8)	1.	Power to determine application for planning permission	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S 73, TCPA90.	2.	Power to determine applications to develop land without compliance with conditions previously attached	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 73A, TCPA90.	3.	Power to grant planning permission for development already carried out	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 70A, TCPA90.	4.	Power to decline to determine application for planning permission	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision		Function	Who Discharges
Ss 69, 76 and 92, TCPA90 and Articles 8, 10 to 13, 15 to 22 and 25 and 26, TCP (General Development Procedure) Order 1995 and directions thereunder.	5.	Duties relating to the making of determinations of planning applications	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 316, TCPA90 and TCP General Regulations 1992.	6.	Power to determine application for planning permission made by a Local Authority, alone or jointly with another person	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Sched 2 to the TCP (General Permitted Development) Order 1995.	7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 106, TCPA90.	8	Power to enter into agreement regulating development or use of land	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
Ss 191(4) and 192(2), TCPA90	9. Power to issue a certificate of existing or proposed lawful use or development	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 94(2), TCPA90.	10. Power to serve a Completion Notice	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992.	11. Power to grant consent for the display of advertisements	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 196A, TCPA90.	12. Power to authorise entry onto land	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
S 102, TCPA90.	13. Power to require the discontinuance of a use of land	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
Ss 171C, 187A and 183(1) TCPA90.	14. Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
Section 171E, TCPA90	15a Power to issue a temporary Stop Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S 172, TCPA90.	16. Power to issue an Enforcement Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
S 187B, TCPA90	17. Power to apply for an injunction restraining a breach of planning control	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.	18. Power to determine applications for hazardous substances consent, and related powers	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
Para. 2(6)(a) of, and Sched 2 to the Planning and Compensation Act 1991, para. 9(6) of Sched 13, Environment Act 1995 and para 6(5) of Sched 14 to that Act.	19. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 215(1), TCPA90.	20. Power to require proper maintenance of land	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision		Function	Who Discharges
Ss 16(1) and (2), 17, ... and 33(1), LBA90	21.	Power to determine application for Listed Building Consent, and related powers	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S 16(1), LBA90, as applied by S74(3) of that Act	22.	Power to determine applications for Conservation Area Consent	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S13(1) and 14(1) and (4) of the LBA90 and Reg 3 to 6 and 13, of the Planning (Listed Buildings and Conservation Areas) Reg 1990 (SI 1990/1519) and para 8, 15 and 26 Department of the Environment, Transport and the Regions Circular 01/01.	23.	Duties relating to applications for Listed Building Consent and Conservation Area Consent	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
Ss 3(1) and 4(1), LBA90.	24.	Power to serve a Building Preservation Notice, and related powers	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
S 38, LBA90	25. Power to issue an Enforcement Notice in relation to demolition of a [listed] building in conservation area	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
Ss 47 and 48, LBA90	26. Powers to acquire a listed building in need of repair and to serve a Repairs Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S 44A, LBA90	27. Power to apply for an injunction in relation to a listed building	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S 54, LBA90	28. Power to execute urgent works	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S 17 - S20 PCPA04	29. To submit a Development Plan Document for examination 30. To adopt a Development Plan Document	Full Council
S212 and S213 PA08	31. To submit a draft Charging Schedule for examination 32. To approve or withdraw a Charging Schedule	Full Council

Statutory Provision	Function	Who Discharges
B. Licensing and Registration Functions		
S 3(3) Caravan Sites and Control of Development Act 1960	1. Power to issue licences authorising the use of land as a caravan site ("site licences")	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S 269(1) Public Health Act 1936	2. Power to license the use of moveable dwellings and camping sites	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
14. as to Hackney Carriages, the Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875, and S.15 Transport Act 1985 and Ss. 47, 57, 58, 60 and 79 LGMPA 1976; (b) as to Private Hire Vehicles, Ss. 48, 57, 58, 60 and 79, LGMPA1976.	3. Power to license Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 51, 53, 54, 59, 61 and 79, LGMPA 1976.	4. Power to license drivers of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 55 to 58, 62 and 79, LGMPA 1976.	5. Power to license operators of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Sched 2, Betting, Gaming and Lotteries Act 1963	6. Power to register pool promoters	Licensing Committee
Sched 3, Betting, Gaming and Lotteries Act 1963	7. Power to grant track betting licences	Licensing Committee

Statutory Provision		Function	Who Discharges
Sched 5ZA, Betting, Gaming and Lotteries Act 1963	8.	Power to license inter-track betting schemes	Licensing Committee
Sched 9, Gaming Act 1968	9.	Power to grant permits in respect of premises with amusement machines	Licensing Committee
Sched 1, Lotteries and Amusements Act 1976	10.	Power to register societies wishing to promote lotteries	Licensing Committee
Sched 3, Lotteries and Amusements Act 1976	11.	Power to grant permits in respect of premises where amusements with prizes are provided	Licensing Committee
S 1 Cinema Act 1985	12.	Power to issue Cinema and Cinema Club Licences	Licensing Committee
Ss 12 to 14 Theatres Act 1968	13.	Power to issue Theatre Licences	Licensing Committee
S 12 of the Children and Young Persons Act 1933 (c 12), S 52 of, and Sched 12 to, the London Government Act 1963 (c 33), S 79 of the Licensing Act 1964 (c 26), S 1 to 5 and 7 of, and Parts I and II of the Sched to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Sched 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30)	14.	Power to issue Entertainments Licences.	Licensing Committee
S.5 to 8 of the Licensing Act 2003	14a	Functions relating to licensing	Licensing Committee
S.29 of the Gambling 2005 Act	14aa	Duty to comply with requirements to provide information to Gambling Commission	Licensing Committee
S.30 of the 2005 Act	14ab	Functions relating to exchange of information	Licensing Committee
S.39 of the 2005 Act	14ac	Functions relating to Occasional Use Notices	Licensing Committee

Statutory Provision		Function	Who Discharges
S.166 of the 2005 Act	14b	Power to resolve not to issue a Casino Premises Licence	Licensing Committee
S.304 of the 2005 Act S.284 of the 2005 Act	14c 14ca	Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises Power to make Order disapplying S.279 or 282(1) of the 2005 Act in relation to specified premises	Licensing Committee
S.346 of the 2005 Act	14d	Power to institute criminal proceedings	Licensing Committee
S.350 of the 2005 Act	14e	Power to exchange information	Licensing Committee
The Gambling Act (Premises Licence Fees) (England and Wales) Reg 2007	14f	Functions relating to the determination of fees for Premises Licences	Licensing Committee
Part 5 of Sched 11 to the 2005 Act	14g	Functions relating to the registration and regulation of small society lotteries	Licensing Committee
The Gambling Act 2005	14h	Determination of application for a variation to a Licence where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14i	Determination of application for a transfer of a Licence where representations have been received from the Commission	Licensing Committee
The Gambling Act 2005	14j	Determination of application for a provisional Statement where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14k	Review of a Premises Licence	Licensing Committee
The Gambling Act 2005	14l	Application for Club Gaming/Club Machine Permits where objections have been made and not withdrawn	Licensing Committee
The Gambling Act 2005	14m	Cancellation of Club Gaming/Club Machine Permits	Licensing Committee
The Gambling Act 2005	14n	Decision to give a counter notice to a Temporary Use Notice	Licensing Committee

Statutory Provision		Function	Who Discharges
The LGMPA 1982, S.2 and Sched 3.	15.	Power to license sex shops and sex cinemas	Licensing Committee
The Hypnotism Act 1952	16.	Power to license performances of hypnotism	Licensing Committee
Ss.13 to 17, LGMPA 1982	17.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Assistant Director - Environment & Enforcement
S.94 Public Health Acts Amendment Act 1907	18.	Power to license pleasure boats and pleasure vessels	Assistant Director - Environment & Enforcement
Paras 1(2) and 9 of Sched 12 to the London Govt Act 1963 and Part V of London Local Authorities Act 1995	19.	Power to register door staff	N/a
Part III of, and Sched 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and S.6 of the London Local Authorities Act 1994 (c xii)	20.	Power to license market and street trading	Full Council
S.2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and S.5 of the London Local Authorities Act 1994	21.	Power to license night cafes and take-away food shops	Assistant Director - Environment & Enforcement
Ss. 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972	22.	Duty to keep list of persons entitled to sell non-medicinal poisons	County

Statutory Provision		Function	Who Discharges
Ss.5, 6, 17, 18 and 21 to 23 Game Act 1831, Ss.2 to 16, Game Licensing Act 1860, S 4 Customs and Inland Revenue Act 1883, Ss.12(3) and 27 LGA 1874 and S.213 LGA 1972	23.	Power to license dealers in game and the killing and selling of game	Assistant Director - Environment & Enforcement
S 19 Food Safety Act 1990	24.	Power to register and license premises for the preparation of food	Assistant Director - Environment & Enforcement
S 1 Scrap Metal Dealers Act 1964	25.	Power to license scrap yards	Assistant Director - Environment & Enforcement
The Safety of Sports Grounds Act 1975	26.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	County
Part III, Fire Safety and Safety of Places of Sport Act 1987	27.	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	County
S 5 Fire Precautions Act 1971	28.	Power to issue fire certificates	County
S 1 Breeding of Dogs Act 1973 and S 1 Breeding and Sale of Dogs (Welfare) Act 1999	29.	Power to license premises for the breeding of dogs	Assistant Director - Environment & Enforcement
S 1 Pet Animals Act 1951; S 1 Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; S 1 Breeding of Dogs Act 1973, and Ss 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999	30.	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Assistant Director - Environment & Enforcement
S 1 Performing Animals (Reg) Act 1925	31.	Power to register animal trainers and exhibitors	County

Statutory Provision		Function	Who Discharges
S 1 Zoo Licensing Act 1981	32.	Power to license zoos	Licensing Committee
S 1 Dangerous Wild Animals Act 1976	33.	Power to license dangerous wild animals	Assistant Director - Environment & Enforcement
S 4 Slaughterhouses Act 1974 and Animal By-Products Order 1999.	34.	Power to license knackers' yards	Assistant Director - Environment & Enforcement
Part II Children and Young Persons Act 1933, byelaws thereunder, and Part II Children and Young Persons Act 1963	35.	Power to license the employment of children	County
S 46A Marriage Act 1949 and Marriages (Approved Premises) Reg 1995	36.	Power to approve premises for the solemnisation of marriages	County
Reg 6 Commons Registration (New Land) Reg 1969	37.	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to a) an exchange of lands effected by an Order under S.19(3) of, or paragraph 6(4) of Sched 3 to the Acquisition of Land Act 1981, or b) an Order under S.147 Enclosure Act 1845	County
Reg 29 Commons Registration (General) Reg 1966	38.	Power to register variation of rights of common	County
S 5 Police, Factories, Etc. Miscellaneous Provisions Act 1916 and S 2 House to House Collections Act 1939	39.	Power to license persons to collect for charitable and other causes	Licensing Committee
Sched 2, Noise and Statutory Nuisance Act 1993	40.	Power to grant consent for the operation of a loudspeaker	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
S 50 New Roads and Street Works Act 1991	41.	Power to grant a Street Works Licence	County
S 2 Nurses Agencies Act 1957	42.	Power to license agencies for the supply of nurses	County
Article 12 Pigs Order 1995	43.	Power to issue licences for the movement of pigs	County
Article 13 Pigs Order 1995	44.	Power to license the sale of pigs	County
Article 14 Pigs Order 1995	45.	Power to license collecting centres for the movement of pigs	County
Article 5(2) Cattle Identification Regs 1998	46.	Power to issue a licence to move cattle from a market	County
Ss 115E, 115F and 115K of the Highways Act 1980	46a	Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Assistant Director - Economy
S 139 Highways Act 1980	47.	Power to permit builder's skip on highway	County
Section 115G of the Highways Act 1980	47a	Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Assistant Director – Economy and Communities
S 142 Highways Act 1980.	48.	Power to license planting, retention and maintenance of trees, etc. in part of highway	County
S 147 Highways Act 1980.	49.	Power to authorise erection of stiles, etc. on footpaths or bridleways	County
S 169 Highways Act 1980.	50.	Power to license works in relation to buildings, etc. which obstruct the highway	County
S 171 Highways Act 1980.	51.	Power to consent to temporary deposits or excavations in streets	County
S 172 Highways Act 1980.	52.	Power to dispense with obligation to erect hoarding or fence	County
S 178 Highways Act 1980.	53.	Power to restrict the placing of rails, beams, etc. over highways	County
S 179 Highways Act 1980	54.	Power to consent to construction of cellars, etc. under streets	County
S 180 Highways Act 1980.	55.	Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators	County

Statutory Provision		Function	Who Discharges
S 1 Celluloid and Cinematograph Film Act 1922	56.	Power to sanction use of parts of buildings for storage of celluloid	County
Regs. 4 and 5 Meat Products (Hygiene) Regs. 1994	57.	Power to approve meat product premises	Assistant Director - Environment & Enforcement
Reg 4 Minced Meat and Meat Preparations (Hygiene) Regs 1995	58.	Power to approve premises for the production of minced meat or meat preparations	Assistant Director - Environment & Enforcement
Regs. 6 and 7 Dairy Products (Hygiene) Regs 1995	59.	Power to approve dairy establishments	Assistant Director - Environment & Enforcement
Reg 5 Egg Products Reg 1993	60.	Power to approve egg product establishments	Assistant Director - Environment & Enforcement
Schedule 1A to the Food Safety (General Food Hygiene) Regs 1995	61.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998	62.	Power to approve fish products premises	Assistant Director - Environment & Enforcement
Reg 11 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	63.	Power to approve dispatch or purification centres	Assistant Director - Environment & Enforcement
Reg 21 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	64.	Power to register fishing vessels on board which shrimps or molluscs are cooked	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	65.	Power to approve factory vessels and fishery product establishments	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
Reg 26 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	66.	Power to register auction and wholesale markets	Assistant Director - Environment & Enforcement
Reg 5 Food Premises (Registration) Regs 1991	67.	Duty to keep register of food business premises	Assistant Director - Environment & Enforcement
Reg 9 Food Premises (Registration) Regs 1991	68.	Power to register food business premises	Assistant Director - Environment & Enforcement
Ss. 16 to 19 and 21 London Local Authorities Act 1995	69.	Power to issue Near Beer Licence	n/a
S.28 Greater London Council (General Powers) Act 1984	70.	Power to register premises or stalls for the sale of goods by way of competitive bidding	n/a
Part 1 of the Vehicles (Crime) Act 2001	71.	Power to register motor salvage operators	Assistant Director - Environment & Enforcement
Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regs 2008	72.	Functions relating to the registration of common land and town or village greens	n/a
C. Functions Relating to Health and Safety at Work			

Statutory Provision		Function	Who Discharges
Part I Health and Safety at Work Etc. Act 1974		Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer	Assistant Director - Environment & Enforcement
D. Functions Relating to Elections			
S 8(2) RPA 1983	1.	Duty to appoint an Electoral Registration Officer	Full Council
S 52(4) RPA 1983	2.	Power to assign officers in relation to requisitions of the Registration Officer	Full Council
Part II Local Government and Rating Act 1997 and subordinate legislation under that Part	3.	Functions in relation to parishes and parish councils	Full Council
S 10 LGA 1972	4.	Power to dissolve small parish councils	Full Council
S 11 LGA 1972	5.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Full Council
S 35 RPA 1983	6.	Duty to appoint Returning Officer for Local Government Elections	Full Council
S 18A to 18E of, and Sched A1 to RPA 1983	8.	Duty to divide constituency into polling districts	Full Council
S 31 RPA 1983	9.	Power to divide electoral divisions into polling districts at Local Government Elections	Full Council
S 39(4) RPA 1983	10.	Powers in respect of holding of elections	Full Council
S 54 RPA 1983	11.	Power to pay expenses properly incurred by Electoral Registration Officers	Full Council
S 21 RPA 1985	12.	Power to fill vacancies in the event of insufficient nominations	Full Council
S 86 LGA 1972	13.	Duty to declare vacancy in office in certain cases	Head of Paid Service Monitoring Officer
S 87 LGA 1972	14.	Duty to give public notice of a casual vacancy	Head of Paid Service Monitoring Officer

Statutory Provision		Function	Who Discharges
S 91 LGA1972	15.	Power to make temporary appointments to parish Councils	Full Council
S 10 RPA 2000	16...		Full Council
S 10 of the Representation of the People Act 2000	17.	Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Full Council
LGPIH Ss 33(2), 38(2) and 40(2) of the 2007 Act	18.	Duty to consult on change of scheme for elections	Full Council
Ss 35, 41 and 52 of the 2007 Act	19.	Duties relating to publicity	Head of Paid Service Monitoring Officer
Ss 36 and 42 of the 2007 Act	20.	Duties relating to notice to Electoral Commission	Head of Paid Service Monitoring Officer
S 53 of the 2007 Act	21.	Power to alter years of ordinary elections of parish councillors	Full Council
S 59 of the 2007 Act	22.	Functions relating to change of name of electoral area	Full Council
E. Functions Relating to Name and Status of Areas and Individuals			
S 74 LGA 1972	1.	Power to change the name of a county, district or London Borough	Full Council
S 75 LGA 1972	2.	Power to change the name of a parish	Full Council
S 249 LGA 1972	3.	Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman	Full Council
S 245b LGA 1972	4.	Power to petition for a charter to confer Borough status	Full Council
EA. Functions Relating to Changing Governance Arrangements			
EB. Functions Relating to Community Governance			
S 79 of the 2007 Act	1.	Duties relating to community governance reviews	Full Council
Ss 80, 83 to 85 of the 2007 Act	2.	Functions relating to community governance petitions	Full Council
Ss 81(4) to (6)	3.	Functions relating to terms of reference of review	Full Council
S 82 of the 2007 Act	4.	Power to undertake a community governance review	Full Council

Statutory Provision	Function	Who Discharges
Ss 87 to 92 of the 2007 Act	5. Functions relating to making of recommendations	Full Council
S 93 to 95 of the 2007 Act	6. Duties when undertaking review	Full Council
S 96 of the 2007 Act	7. Duty to publicise outcome of review	Head of Paid Service Monitoring Officer
S 98(1) of the 2007 Act	8. Duty to send two copies of Order to Secretary of State and Electoral Commission	Full Council
S 99 of the 2007 Act	9. Power to make agreements about incidental matters	Full Council
F. Power to Make, Amend, Revoke, Re-Enact or Enforce Byelaws		
Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Power to make, amend, revoke or re-enact byelaws	Full Council
FA. Functions Relating to Smoke-Free Premises etc.		
S 10(3) of the 2006 Act	1. Duty to enforce Chapter 1 and regulations made under it	Assistant Director - Environment & Enforcement
S 10(5) of, and para 1 of Sched 2 to, the 2006 Act	2. Power to authorise officers	Assistant Director - Environment & Enforcement
Paras 13, 15 and 16 of Sched 1 to the 2006 Act Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007 (SI 2006/760)	3. Functions relating to Fixed Penalty Notices	Assistant Director - Environment & Enforcement
Smoke-free (Premises and Enforcement) Regs 2006 (SI 2006/3368)	4. Power to transfer enforcement functions to another enforcement authority	Assistant Director - Environment & Enforcement
G. Power to promote or oppose local or personal Bills		
S 239 LGA 1972	Power to promote or oppose local or personal Bills	Full Council
H. Functions Relating to Pensions etc		

Statutory Provision		Function	Who Discharges
Regs under S 7, 12 or 24 Superannuation Act 1972	1.	Functions relating to Local Government pensions, etc.	County
Ss 34 and 36 of the Fire and Rescue Services Act 2004	2.	Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to S 1 of the Fire and Rescue Services Act 2004	County
I. Miscellaneous Functions		**Part I: Functions Relating to Public Rights of Way**	
S. 25 Highways Act 1980	1.	Power to create footpath [bridleway or restricted byway] by agreement	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S. 26 Highways Act 1980.	2.	Power to create footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S.31A Highways Act 1980.	3.	Duty to keep register of information with respect to maps, statements and declarations	County
S.118 Highways Act 1980.	4.	Power to stop up footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
Ss. 118ZA and 118C(2) Highways Act 1980.	5. Power to determine application for Public Path Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S. 118A Highways Act 1980.	6. Power to make a Rail Crossing Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S. 118B Highways Act 1980.	7. Power to make a Special Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S. 119 Highways Act 1980.	8. Power to divert footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
Ss. 119ZA and 119C(4) Highways Act 1980.	9. Power to make a Public Path Diversion Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S. 119A Highways Act 1980.	10. Power to make a Rail Crossing Diversion Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S. 119B Highways Act 1980.	11. Power to make a Special Diversion Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S. 119C(3) Highways Act 1980.	12. Power to require applicant for Order to enter into Agreement	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
S. 119D Highways Act 1980.	13. Power to make an SSSI Diversion Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S. 121B Highways Act 1980.	14. Duty to keep Register with respect to applications under ss. 118ZA, 118C, 119ZA and 119C Highways Act 1980	Assistant Director - Planning
S. 121C Highways Act 1980.	15. Power to decline to determine certain applications	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S. 130 Highways Act 1980.	16. Duty to assert and protect the rights of the public to use and enjoyment of highways	County
S.130A Highways Act 1980.	17. Duty to serve Notice of Proposed Action in relation to obstruction	County
S.130B(7) Highways Act 1980.	18. Power to apply for variation of Order under S.130B Highways Act 1980	County
S.135 Highways Act 1980.	19. Power to authorise temporary disturbance of surface of footpath [bridleway or restricted byway]	County
S.135A Highways Act 1980.	20. Power temporarily to divert footpath [bridleway or restricted byway]	County
S.135B Highways Act 1980.	21. Functions relating to the making good of damage and the removal of obstructions	County
S.149 Highways Act 1980.	22. Powers relating to the removal of things so deposited on highways as to be a nuisance	County
S.32 Acquisition of Land Act 1981	23. Power to extinguish certain public rights of way	Full Council
S.53 Wildlife and Countryside Act 1981	24. Duty to keep definitive map and statement under review	County

Statutory Provision	Function	Who Discharges
S.53A Wildlife and Countryside Act 1981.	25. Power to include modifications in other Orders	County
S.53B Wildlife and Countryside Act 1981.	26. Duty to keep Register of prescribed information with respect to applications under S. 53(5) of the Wildlife and Countryside Act 1981	County
S.54 Wildlife and Countryside Act 1981	27. Duty to reclassify roads used as public paths	County
S.57A Wildlife and Countryside Act 1981.	28. Power to prepare map and statement by way of consolidation of definitive map and statement	County
S.3 Cycle Tracks Act 1984	29. Power to designate footpath as cycle track	County
S.294 Housing Act 1981	30. Power to extinguish public right of way over land acquired for clearance	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S.247 of the Town and Country Planning Act 1990	30a. Power to authorise stopping up or diversion of highway	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~
S.257 TCPA90.	31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides~~Planning Applications Committee~~

Statutory Provision	Function	Who Discharges
S.258 TCPA90.	32. Power to extinguish public rights of way over land held for planning purposes	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
S.35 Countryside and Rights of Way Act 2000	33. Power to enter into agreements with respect to means of access	County
S.37 Countryside and Rights of Way Act 2000.	34. Power to provide access in absence of agreement	County
	Part II: Other Miscellaneous Functions	
Ss.1, 2, 10 and 19 Sea Fisheries Reg Act 1966	35. Functions relating to sea fisheries	County
S.106 of, and Para. 42 of Sched. 12 to, the LGA 1972	36. Power to make Standing Orders	Full Council
S.112 LGA 1972.	37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Full Council, Head of Paid Service
S.135 LGA 1972.	38. Power to make standing orders as to contracts	Full Council
S.151 LGA1972.	39. Duty to make arrangements for proper administration of financial affairs etc.	Full Council
S.270(3) LGA 1972.	40. Power to appoint officers for particular purposes (appointment of "proper officers")	Full Council
S.34(2) Wildlife and Countryside Act 1981.	41. Power to make Limestone Pavement Order	County
S.4 LGMPA 1982	42. Power to make Closing Order with respect to take-away food shops	Assistant Director - Environment & Enforcement
S.4(1) Local Government and Housing Act 1989	43. Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc.	Full Council
S.5(1) Local Government and Housing Act 1989.	44. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	Full Council

Statutory Provision	Function		Who Discharges
S82A(4) and (5) of the Local Government Act 2000	44a	Duty to provide staff, etc, to person nominated by Monitoring Officer	Full Council
Para 12 and 14 of Sched 3 to the Local Government Act 2000	44b	Powers relating to Overview & Scrutiny Committees (voting rights of co-opted members)	Full Council
The Accounts and Audit Regs 1996	45.	Duty to approve Authority's Statement of Accounts, Income and Expenditure and Balance Sheet, or record of payments and receipts (as the case may be)	Full Council
The Hedgerows Regs 1997	46.	Powers relating to the protection of important hedgerows	Assistant Director - Planning
Ss.197 to 214D TCPA90, and the Trees Regs 1999	47.	Powers relating to the preservation of trees	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides~~Planning Applications Committee~~
Part 8 of the Anti-Social Behaviour Act 2003	47a.	Powers relating to complaints about high hedges	Assistant Director - Planning
S.92 LGA 2000	48.	Power to make payments or provide other benefits in cases of maladministration, etc.	Full Council
S13(2) of the Criminal Justice and Police Act 2001	49.	Power to make an Order identifying a place as a designated public place for the purposes of Police powers in relation to alcohol consumption	Full Council
S.16 of the Violent Crime Reduction Act 2006 (c 38)	50.	Power to make or revoke an Order designating a locality as an alcohol disorder zone	Full Council
S.41 of the Commons Act 2006	51	Power to apply for an Enforcement Order against unlawful works on common land	Full Council
S.45(2) of the Commons Act 2006	52.	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Full Council

Statutory Provision	Function		Who Discharges
S.45(2)(b) of the Commons Act 2006	53.	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Full Council

3B RESPONSIBILITY FOR COUNCIL FUNCTIONS

List of functions which cannot be discharged by the Executive

N.B. Where appropriate, functions in this table include the imposition of conditions, limitations, restrictions or other terms on any approval, consent, licence, permission or registration; amending, deleting and revoking the same; and dealing with enforcement of such functions.

NB

"TCPA90"	=	Town and Country Planning Act 1990
“TCPA26”	=	Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
“PCPA04”	=	Planning and Compulsory Purchase Act 2004
“PA08”	=	Planning Act 2008
“CILR10”	=	Community Infrastructure Levy Regulations 2010 (as amended)
"LBA90"	=	Planning (Listed Buildings and Conservation Areas) Act 1990
"TCP"	=	Town and Country Planning
"LGA"	=	Local Government Act
"LAFRER"	=	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
"LGMPA"	=	Local Government (Miscellaneous Provisions) Act
"Pigs Order"	=	Pigs (Records, Identification and Movement) Order 1995 (si 1995/11)
"RPA"	=	Representation of the People Act.
“LGPIH”	=	Local Government and Public Involvement in Health Act 2007

Statutory Provision	Function	Who Discharges
S.18 Local Government and Housing Act 1989	Making, amending, revoking or replacing a scheme for Members allowances and fixing the rate of allowances thereunder.	Full Council
Ss.3(5), 5(4), 173, 175 LGA '72	Determining miscellaneous Member allowances.	Full Council
Reg 2(5) LAFRER	Whether and what amount of charge should be made for any approval, consent, licence, permit or registration which is not an Executive function	The relevant body or person according to the function involved
S.102 LGA 1972	Appointments to Committees	Full Council

Statutory Provision		Function	Who Discharges
Reg 2(11) LAFRER		Any function of a Local Authority expressed in previous legislation as being only by an authority	Full Council
The Gambling Act 2005		Final approval of three year Licensing Policy	Full Council
		Policy not to permit casinos	Full Council
A. Functions Relating to Town and Country Planning and Development Control			
S 70(1)(a) and (b) and S 72, TCPA90(c8)	1.	Power to determine application for planning permission	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 73, TCPA90.	2.	Power to determine applications to develop land without compliance with conditions previously attached	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 73A, TCPA90.	3.	Power to grant planning permission for development already carried out	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 70A, TCPA90.	4.	Power to decline to determine application for planning permission	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Ss 69, 76 and 92, TCPA90 and Articles 8, 10 to 13, 15 to 22 and 25 and 26, TCP (General Development Procedure) Order 1995 and directions thereunder.	5.	Duties relating to the making of determinations of planning applications	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides

Statutory Provision		Function	Who Discharges
S 316, TCPA90 and TCP General Regulations 1992.	6.	Power to determine application for planning permission made by a Local Authority, alone or jointly with another person	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Sched 2 to the TCP (General Permitted Development) Order 1995.	7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 106, TCPA90.	8	Power to enter into agreement regulating development or use of land	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Ss 191(4) and 192(2), TCPA90	9.	Power to issue a certificate of existing or proposed lawful use or development	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 94(2), TCPA90.	10.	Power to serve a Completion Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992.	11.	Power to grant consent for the display of advertisements	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides

Statutory Provision		Function	Who Discharges
S 196A, TCPA90.	12.	Power to authorise entry onto land	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 102, TCPA90.	13.	Power to require the discontinuance of a use of land	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Ss 171C, 187A and 183(1) TCPA90.	14.	Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Section 171E, TCPA90	15a	Power to issue a temporary Stop Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 172, TCPA90.	16.	Power to issue an Enforcement Notice	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 187B, TCPA90	17.	Power to apply for an injunction restraining a breach of planning control	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides

Statutory Provision		Function	Who Discharges
Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.	18.	Power to determine applications for hazardous substances consent, and related powers	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Para. 2(6)(a) of, and Sched 2 to the Planning and Compensation Act 1991, para. 9(6) of Sched 13, Environment Act 1995 and para 6(5) of Sched 14 to that Act.	19.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 215(1), TCPA90.	20.	Power to require proper maintenance of land	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Ss 16(1) and (2), 17, ... and 33(1), LBA90	21.	Power to determine application for Listed Building Consent, and related powers	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 16(1), LBA90, as applied by S74(3) of that Act	22.	Power to determine applications for Conservation Area Consent	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides

Statutory Provision		Function	Who Discharges
S13(1) and 14(1) and (4) of the LBA90 and Reg 3 to 6 and 13, of the Planning (Listed Buildings and Conservation Areas) Reg 1990 (SI 1990/1519) and para 8, 15 and 26 Department of the Environment, Transport and the Regions Circular 01/01.	23.	Duties relating to applications for Listed Building Consent and Conservation Area Consent	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
Ss 3(1) and 4(1), LBA90.	24.	Power to serve a Building Preservation Notice, and related powers	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S 38, LBA90	25.	Power to issue an Enforcement Notice in relation to demolition of a [listed] building in conservation area	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
Ss 47 and 48, LBA90	26.	Powers to acquire a listed building in need of repair and to serve a Repairs Notice	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S 44A, LBA90	27.	Power to apply for an injunction in relation to a listed building	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides

Statutory Provision	Function	Who Discharges
S 54, LBA90	28. Power to execute urgent works	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 17 - S20 PCPA04	29. To submit a Development Plan Document for examination 30. To adopt a Development Plan Document	Full Council
S212 and S213 PA08	31. To submit a draft Charging Schedule for examination 32. To approve or withdraw a Charging Schedule	Full Council
B. Licensing and Registration Functions		
S 3(3) Caravan Sites and Control of Development Act 1960	1. Power to issue licences authorising the use of land as a caravan site (“site licences”)	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S 269(1) Public Health Act 1936	2. Power to license the use of moveable dwellings and camping sites	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
14. as to Hackney Carriages, the Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875, and S.15 Transport Act 1985 and Ss. 47, 57, 58, 60 and 79 LGMPA 1976; (b) as to Private Hire Vehicles, Ss. 48, 57, 58, 60 and 79, LGMPA1976.	3. Power to license Hackney Carriages and Private Hire Vehicles	Licensing Committee

Statutory Provision		Function	Who Discharges
Ss 51, 53, 54, 59, 61 and 79, LGMPA 1976.	4.	Power to license drivers of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 55 to 58, 62 and 79, LGMPA 1976.	5.	Power to license operators of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Sched 2, Betting, Gaming and Lotteries Act 1963	6.	Power to register pool promoters	Licensing Committee
Sched 3, Betting, Gaming and Lotteries Act 1963	7.	Power to grant track betting licences	Licensing Committee
Sched 5ZA, Betting, Gaming and Lotteries Act 1963	8.	Power to license inter-track betting schemes	Licensing Committee
Sched 9, Gaming Act 1968	9.	Power to grant permits in respect of premises with amusement machines	Licensing Committee
Sched 1, Lotteries and Amusements Act 1976	10.	Power to register societies wishing to promote lotteries	Licensing Committee
Sched 3, Lotteries and Amusements Act 1976	11.	Power to grant permits in respect of premises where amusements with prizes are provided	Licensing Committee
S 1 Cinema Act 1985	12.	Power to issue Cinema and Cinema Club Licences	Licensing Committee
Ss 12 to 14 Theatres Act 1968	13.	Power to issue Theatre Licences	Licensing Committee

Statutory Provision		Function	Who Discharges
S 12 of the Children and Young Persons Act 1933 (c 12), S 52 of, and Sched 12 to, the London Government Act 1963 (c 33), S 79 of the Licensing Act 1964 (c 26), S 1 to 5 and 7 of, and Parts I and II of the Sched to, the Private Places of Entertainment (Licensing) Act 1967 (c 19) and Part I of, and Sched 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c 30)	14.	Power to issue Entertainments Licences.	Licensing Committee
S.5 to 8 of the Licensing Act 2003	14a	Functions relating to licensing	Licensing Committee
S.29 of the Gambling 2005 Act	14aa	Duty to comply with requirements to provide information to Gambling Commission	Licensing Committee
S.30 of the 2005 Act	14ab	Functions relating to exchange of information	Licensing Committee
S.39 of the 2005 Act	14ac	Functions relating to Occasional Use Notices	Licensing Committee
S.166 of the 2005 Act	14b	Power to resolve not to issue a Casino Premises Licence	Licensing Committee
S.304 of the 2005 Act	14c	Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Licensing Committee
S.284 of the 2005 Act	14ca	Power to make Order disapplying S.279 or 282(1) of the 2005 Act in relation to specified premises	
S.346 of the 2005 Act	14d	Power to institute criminal proceedings	Licensing Committee
S.350 of the 2005 Act	14e	Power to exchange information	Licensing Committee

Statutory Provision		Function	Who Discharges
The Gambling Act (Premises Licence Fees) (England and Wales) Reg 2007	14f	Functions relating to the determination of fees for Premises Licences	Licensing Committee
Part 5 of Sched 11 to the 2005 Act	14g	Functions relating to the registration and regulation of small society lotteries	Licensing Committee
The Gambling Act 2005	14h	Determination of application for a variation to a Licence where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14i	Determination of application for a transfer of a Licence where representations have been received from the Commission	Licensing Committee
The Gambling Act 2005	14j	Determination of application for a provisional Statement where representations have been received and not withdrawn	Licensing Committee
The Gambling Act 2005	14k	Review of a Premises Licence	Licensing Committee
The Gambling Act 2005	14l	Application for Club Gaming/Club Machine Permits where objections have been made and not withdrawn	Licensing Committee
The Gambling Act 2005	14m	Cancellation of Club Gaming/Club Machine Permits	Licensing Committee
The Gambling Act 2005	14n	Decision to give a counter notice to a Temporary Use Notice	Licensing Committee
The LGMPA 1982, S.2 and Sched 3.	15.	Power to license sex shops and sex cinemas	Licensing Committee
The Hypnotism Act 1952	16.	Power to license performances of hypnotism	Licensing Committee
Ss.13 to 17, LGMPA 1982	17.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Assistant Director - Environment & Enforcement
S.94 Public Health Acts Amendment Act 1907	18.	Power to license pleasure boats and pleasure vessels	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
Paras 1(2) and 9 of Sched 12 to the London Govt Act 1963 and Part V of London Local Authorities Act 1995	19.	Power to register door staff	N/a
Part III of, and Sched 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c vii) and S.6 of the London Local Authorities Act 1994 (c xii)	20.	Power to license market and street trading	Full Council
S.2 of the Late Night Refreshment Houses Act 1969 (c 53), Part II of the London Local Authorities Act 1990 and S.5 of the London Local Authorities Act 1994	21.	Power to license night cafes and take-away food shops	Assistant Director - Environment & Enforcement
Ss. 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972	22.	Duty to keep list of persons entitled to sell non-medicinal poisons	County
Ss.5, 6, 17, 18 and 21 to 23 Game Act 1831, Ss.2 to 16, Game Licensing Act 1860, S 4 Customs and Inland Revenue Act 1883, Ss.12(3) and 27 LGA 1874 and S.213 LGA 1972	23.	Power to license dealers in game and the killing and selling of game	Assistant Director - Environment & Enforcement
S 19 Food Safety Act 1990	24.	Power to register and license premises for the preparation of food	Assistant Director - Environment & Enforcement
S 1 Scrap Metal Dealers Act 1964	25.	Power to license scrap yards	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
The Safety of Sports Grounds Act 1975	26.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	County
Part III, Fire Safety and Safety of Places of Sport Act 1987	27.	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	County
S 5 Fire Precautions Act 1971	28.	Power to issue fire certificates	County
S 1 Breeding of Dogs Act 1973 and S 1 Breeding and Sale of Dogs (Welfare) Act 1999	29.	Power to license premises for the breeding of dogs	Assistant Director - Environment & Enforcement
S 1 Pet Animals Act 1951; S 1 Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; S 1 Breeding of Dogs Act 1973, and Ss 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999	30.	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Assistant Director - Environment & Enforcement
S 1 Performing Animals (Reg) Act 1925	31.	Power to register animal trainers and exhibitors	County
S 1 Zoo Licensing Act 1981	32.	Power to license zoos	Licensing Committee
S 1 Dangerous Wild Animals Act 1976	33.	Power to license dangerous wild animals	Assistant Director - Environment & Enforcement
S 4 Slaughterhouses Act 1974 and Animal By-Products Order 1999.	34.	Power to license knackers' yards	Assistant Director - Environment & Enforcement
Part II Children and Young Persons Act 1933, byelaws thereunder, and Part II Children and Young Persons Act 1963	35.	Power to license the employment of children	County

Statutory Provision		Function	Who Discharges
S 46A Marriage Act 1949 and Marriages (Approved Premises) Reg 1995	36.	Power to approve premises for the solemnisation of marriages	County
Reg 6 Commons Registration (New Land) Reg 1969	37.	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to a) an exchange of lands effected by an Order under S.19(3) of, or paragraph 6(4) of Sched 3 to the Acquisition of Land Act 1981, or b) an Order under S.147 Enclosure Act 1845	County
Reg 29 Commons Registration (General) Reg 1966	38.	Power to register variation of rights of common	County
S 5 Police, Factories, Etc. Miscellaneous Provisions Act 1916 and S 2 House to House Collections Act 1939	39.	Power to license persons to collect for charitable and other causes	Licensing Committee
Sched 2, Noise and Statutory Nuisance Act 1993	40.	Power to grant consent for the operation of a loudspeaker	Assistant Director - Environment & Enforcement
S 50 New Roads and Street Works Act 1991	41.	Power to grant a Street Works Licence	County
S 2 Nurses Agencies Act 1957	42.	Power to license agencies for the supply of nurses	County
Article 12 Pigs Order 1995	43.	Power to issue licences for the movement of pigs	County
Article 13 Pigs Order 1995	44.	Power to license the sale of pigs	County
Article 14 Pigs Order 1995	45.	Power to license collecting centres for the movement of pigs	County
Article 5(2) Cattle Identification Regs 1998	46.	Power to issue a licence to move cattle from a market	County

Statutory Provision		Function	Who Discharges
Ss 115E, 115F and 115K of the Highways Act 1980	46a	Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Assistant Director - Economy
S 139 Highways Act 1980	47.	Power to permit builder's skip on highway	County
Section 115G of the Highways Act 1980	47a	Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Assistant Director – Economy and Communities
S 142 Highways Act 1980.	48.	Power to license planting, retention and maintenance of trees, etc. in part of highway	County
S 147 Highways Act 1980.	49.	Power to authorise erection of stiles, etc. on footpaths or bridleways	County
S 169 Highways Act 1980.	50.	Power to license works in relation to buildings, etc. which obstruct the highway	County
S 171 Highways Act 1980.	51.	Power to consent to temporary deposits or excavations in streets	County
S 172 Highways Act 1980.	52.	Power to dispense with obligation to erect hoarding or fence	County
S 178 Highways Act 1980.	53.	Power to restrict the placing of rails, beams, etc. over highways	County
S 179 Highways Act 1980	54.	Power to consent to construction of cellars, etc. under streets	County
S 180 Highways Act 1980.	55.	Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators	County
S 1 Celluloid and Cinematograph Film Act 1922	56.	Power to sanction use of parts of buildings for storage of celluloid	County
Regs. 4 and 5 Meat Products (Hygiene) Regs. 1994	57.	Power to approve meat product premises	Assistant Director - Environment & Enforcement
Reg 4 Minced Meat and Meat Preparations (Hygiene) Regs 1995	58.	Power to approve premises for the production of minced meat or meat preparations	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
Regs. 6 and 7 Dairy Products (Hygiene) Regs 1995	59.	Power to approve dairy establishments	Assistant Director - Environment & Enforcement
Reg 5 Egg Products Reg 1993	60.	Power to approve egg product establishments	Assistant Director - Environment & Enforcement
Schedule 1A to the Food Safety (General Food Hygiene) Regs 1995	61.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998	62.	Power to approve fish products premises	Assistant Director - Environment & Enforcement
Reg 11 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	63.	Power to approve dispatch or purification centres	Assistant Director - Environment & Enforcement
Reg 21 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	64.	Power to register fishing vessels on board which shrimps or molluscs are cooked	Assistant Director - Environment & Enforcement
Reg 24 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	65.	Power to approve factory vessels and fishery product establishments	Assistant Director - Environment & Enforcement
Reg 26 Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs 1998.	66.	Power to register auction and wholesale markets	Assistant Director - Environment & Enforcement
Reg 5 Food Premises (Registration) Regs 1991	67.	Duty to keep register of food business premises	Assistant Director - Environment & Enforcement
Reg 9 Food Premises (Registration) Regs 1991	68.	Power to register food business premises	Assistant Director - Environment & Enforcement

Statutory Provision		Function	Who Discharges
Ss. 16 to 19 and 21 London Local Authorities Act 1995	69.	Power to issue Near Beer Licence	n/a
S.28 Greater London Council (General Powers) Act 1984	70.	Power to register premises or stalls for the sale of goods by way of competitive bidding	n/a
Part 1 of the Vehicles (Crime) Act 2001	71.	Power to register motor salvage operators	Assistant Director - Environment & Enforcement
Part I of the Commons Act 2006 (c 26) and the Commons Registration (England) Regs 2008	72.	Functions relating to the registration of common land and town or village greens	n/a
C. Functions Relating to Health and Safety at Work			
Part I Health and Safety at Work Etc. Act 1974		Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer	Assistant Director - Environment & Enforcement
D. Functions Relating to Elections			
S 8(2) RPA 1983	1.	Duty to appoint an Electoral Registration Officer	Full Council
S 52(4) RPA 1983	2.	Power to assign officers in relation to requisitions of the Registration Officer	Full Council

Statutory Provision		Function	Who Discharges
Part II Local Government and Rating Act 1997 and subordinate legislation under that Part	3.	Functions in relation to parishes and parish councils	Full Council
S 10 LGA 1972	4.	Power to dissolve small parish councils	Full Council
S 11 LGA 1972	5.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Full Council
S 35 RPA 1983	6.	Duty to appoint Returning Officer for Local Government Elections	Full Council
S 18A to 18E of, and Sched A1 to RPA 1983	8.	Duty to divide constituency into polling districts	Full Council
S 31 RPA 1983	9.	Power to divide electoral divisions into polling districts at Local Government Elections	Full Council
S 39(4) RPA 1983	10.	Powers in respect of holding of elections	Full Council
S 54 RPA 1983	11.	Power to pay expenses properly incurred by Electoral Registration Officers	Full Council
S 21 RPA 1985	12.	Power to fill vacancies in the event of insufficient nominations	Full Council
S 86 LGA 1972	13.	Duty to declare vacancy in office in certain cases	Head of Paid Service Monitoring Officer
S 87 LGA 1972	14.	Duty to give public notice of a casual vacancy	Head of Paid Service Monitoring Officer
S 91 LGA1972	15.	Power to make temporary appointments to parish Councils	Full Council
S 10 RPA 2000	16...		Full Council
S 10 of the Representation of the People Act 2000	17.	Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Full Council
LGPIH Ss 33(2), 38(2) and 40(2) of the 2007 Act	18.	Duty to consult on change of scheme for elections	Full Council
Ss 35, 41 and 52 of the 2007 Act	19.	Duties relating to publicity	Head of Paid Service Monitoring Officer

Statutory Provision		Function	Who Discharges
Ss 36 and 42 of the 2007 Act	20.	Duties relating to notice to Electoral Commission	Head of Paid Service Monitoring Officer
S 53 of the 2007 Act	21.	Power to alter years of ordinary elections of parish councillors	Full Council
S 59 of the 2007 Act	22.	Functions relating to change of name of electoral area	Full Council
E. Functions Relating to Name and Status of Areas and Individuals			
S 74 LGA 1972	1.	Power to change the name of a county, district or London Borough	Full Council
S 75 LGA 1972	2.	Power to change the name of a parish	Full Council
S 249 LGA 1972	3.	Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman	Full Council
S 245b LGA 1972	4.	Power to petition for a charter to confer Borough status	Full Council
EA. Functions Relating to Changing Governance Arrangements			
EB. Functions Relating to Community Governance			
S 79 of the 2007 Act	1.	Duties relating to community governance reviews	Full Council
Ss 80, 83 to 85 of the 2007 Act	2.	Functions relating to community governance petitions	Full Council
Ss 81(4) to (6)	3.	Functions relating to terms of reference of review	Full Council
S 82 of the 2007 Act	4.	Power to undertake a community governance review	Full Council
Ss 87 to 92 of the 2007 Act	5.	Functions relating to making of recommendations	Full Council
S 93 to 95 of the 2007 Act	6.	Duties when undertaking review	Full Council
S 96 of the 2007 Act	7.	Duty to publicise outcome of review	Head of Paid Service Monitoring Officer
S 98(1) of the 2007 Act	8.	Duty to send two copies of Order to Secretary of State and Electoral Commission	Full Council
S 99 of the 2007 Act	9.	Power to make agreements about incidental matters	Full Council
F. Power to Make, Amend, Revoke, Re-Enact or Enforce Byelaws			

Statutory Provision	Function	Who Discharges
Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978	Power to make, amend, revoke or re-enact byelaws	Full Council
FA. Functions Relating to Smoke-Free Premises etc.		
S 10(3) of the 2006 Act	1. Duty to enforce Chapter 1 and regulations made under it	Assistant Director - Environment & Enforcement
S 10(5) of, and para 1 of Sched 2 to, the 2006 Act	2. Power to authorise officers	Assistant Director - Environment & Enforcement
Paras 13, 15 and 16 of Sched 1 to the 2006 Act Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007 (SI 2006/760)	3. Functions relating to Fixed Penalty Notices	Assistant Director - Environment & Enforcement
Smoke-free (Premises and Enforcement) Regs 2006 (SI 2006/3368)	4. Power to transfer enforcement functions to another enforcement authority	Assistant Director - Environment & Enforcement
G. Power to promote or oppose local or personal Bills		
S 239 LGA 1972	Power to promote or oppose local or personal Bills	Full Council
H. Functions Relating to Pensions etc		
Regs under S 7, 12 or 24 Superannuation Act 1972	1. Functions relating to Local Government pensions, etc.	County
Ss 34 and 36 of the Fire and Rescue Services Act 2004	2. Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to S 1 of the Fire and Rescue Services Act 2004	County
I. Miscellaneous Functions	**Part I: Functions Relating to Public Rights of Way**	

Statutory Provision		Function	Who Discharges
S. 25 Highways Act 1980	1.	Power to create footpath [bridleway or restricted byway] by agreement	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S. 26 Highways Act 1980.	2.	Power to create footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S.31A Highways Act 1980.	3.	Duty to keep register of information with respect to maps, statements and declarations	County
S.118 Highways Act 1980.	4.	Power to stop up footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
Ss. 118ZA and 118C(2) Highways Act 1980.	5.	Power to determine application for Public Path Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S. 118A Highways Act 1980.	6.	Power to make a Rail Crossing Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S. 118B Highways Act 1980.	7.	Power to make a Special Extinguishment Order	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides

Statutory Provision	Function		Who Discharges
S. 119 Highways Act 1980.	8.	Power to divert footpaths [bridleways and restricted byways]	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Ss. 119ZA and 119C(4) Highways Act 1980.	9.	Power to make a Public Path Diversion Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 119A Highways Act 1980.	10.	Power to make a Rail Crossing Diversion Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 119B Highways Act 1980.	11.	Power to make a Special Diversion Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 119C(3) Highways Act 1980.	12.	Power to require applicant for Order to enter into Agreement	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 119D Highways Act 1980.	13.	Power to make an SSSI Diversion Order	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 121B Highways Act 1980.	14.	Duty to keep Register with respect to applications under ss. 118ZA, 118C, 119ZA and 119C Highways Act 1980	Assistant Director - Planning

Statutory Provision		Function	Who Discharges
S. 121C Highways Act 1980.	15.	Power to decline to determine certain applications	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
S. 130 Highways Act 1980.	16.	Duty to assert and protect the rights of the public to use and enjoyment of highways	County
S.130A Highways Act 1980.	17.	Duty to serve Notice of Proposed Action in relation to obstruction	County
S.130B(7) Highways Act 1980.	18.	Power to apply for variation of Order under S.130B Highways Act 1980	County
S.135 Highways Act 1980.	19.	Power to authorise temporary disturbance of surface of footpath [bridleway or restricted byway]	County
S.135A Highways Act 1980.	20.	Power temporarily to divert footpath [bridleway or restricted byway]	County
S.135B Highways Act 1980.	21.	Functions relating to the making good of damage and the removal of obstructions	County
S.149 Highways Act 1980.	22.	Powers relating to the removal of things so deposited on highways as to be a nuisance	County
S.32 Acquisition of Land Act 1981	23.	Power to extinguish certain public rights of way	Full Council
S.53 Wildlife and Countryside Act 1981	24.	Duty to keep definitive map and statement under review	County
S.53A Wildlife and Countryside Act 1981.	25.	Power to include modifications in other Orders	County
S.53B Wildlife and Countryside Act 1981.	26.	Duty to keep Register of prescribed information with respect to applications under S. 53(5) of the Wildlife and Countryside Act 1981	County
S.54 Wildlife and Countryside Act 1981	27.	Duty to reclassify roads used as public paths	County
S.57A Wildlife and Countryside Act 1981.	28.	Power to prepare map and statement by way of consolidation of definitive map and statement	County
S.3 Cycle Tracks Act 1984	29.	Power to designate footpath as cycle track	County

Statutory Provision	Function	Who Discharges
S.294 Housing Act 1981	30. Power to extinguish public right of way over land acquired for clearance	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S.247 of the Town and Country Planning Act 1990	30a. Power to authorise stopping up or diversion of highway	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S.257 TCPA90.	31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S.258 TCPA90.	32. Power to extinguish public rights of way over land held for planning purposes	Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides
S.35 Countryside and Rights of Way Act 2000	33. Power to enter into agreements with respect to means of access	County
S.37 Countryside and Rights of Way Act 2000.	34. Power to provide access in absence of agreement	County
	Part II: Other Miscellaneous Functions	
Ss.1, 2, 10 and 19 Sea Fisheries Reg Act 1966	35. Functions relating to sea fisheries	County
S.106 of, and Para. 42 of Sched. 12 to, the LGA 1972	36. Power to make Standing Orders	Full Council
S.112 LGA 1972.	37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Full Council, Head of Paid Service

Statutory Provision	Function	Who Discharges
S.135 LGA 1972.	38. Power to make standing orders as to contracts	Full Council
S.151 LGA1972.	39. Duty to make arrangements for proper administration of financial affairs etc.	Full Council
S.270(3) LGA 1972.	40. Power to appoint officers for particular purposes (appointment of “proper officers”)	Full Council
S.34(2) Wildlife and Countryside Act 1981.	41. Power to make Limestone Pavement Order	County
S.4 LGMPA 1982	42. Power to make Closing Order with respect to take-away food shops	Assistant Director - Environment & Enforcement
S.4(1) Local Government and Housing Act 1989	43. Duty to designate officer as the Head of the Authority’s Paid Service, and to provide staff, etc.	Full Council
S.5(1) Local Government and Housing Act 1989.	44. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	Full Council
S82A(4) and (5) of the Local Government Act 2000	44a Duty to provide staff, etc, to person nominated by Monitoring Officer	Full Council
Para 12 and 14 of Sched 3 to the Local Government Act 2000	44b Powers relating to Overview & Scrutiny Committees (voting rights of co-opted members)	Full Council
The Accounts and Audit Regs 1996	45. Duty to approve Authority's Statement of Accounts, Income and Expenditure and Balance Sheet, or record of payments and receipts (as the case may be)	Full Council
The Hedgerows Regs 1997	46. Powers relating to the protection of important hedgerows	Assistant Director - Planning
Ss.197 to 214D TCPA90, and the Trees Regs 1999	47. Powers relating to the preservation of trees	Planning Applications Committee unless National Schedule of Delegation (“TCPA26”) overrides
Part 8 of the Anti-Social Behaviour Act 2003	47a. Powers relating to complaints about high hedges	Assistant Director - Planning
S.92 LGA 2000	48. Power to make payments or provide other benefits in cases of maladministration, etc.	Full Council

Statutory Provision		Function	Who Discharges
S13(2) of the Criminal Justice and Police Act 2001	49.	Power to make an Order identifying a place as a designated public place for the purposes of Police powers in relation to alcohol consumption	Full Council
S.16 of the Violent Crime Reduction Act 2006 (c 38)	50.	Power to make or revoke an Order designating a locality as an alcohol disorder zone	Full Council
S.41 of the Commons Act 2006	51	Power to apply for an Enforcement Order against unlawful works on common land	Full Council
S.45(2) of the Commons Act 2006	52.	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Full Council
S.45(2)(b) of the Commons Act 2006	53.	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Full Council

5D CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

5D.1 INTRODUCTION

a) The Council is the Local Planning Authority for Nuneaton and Bedworth.

b) Reference to Regulations in this document is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

c) For the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:

  i. the nominated officer and/or Chief Planning Officer will be the Assistant Director for Planning and the nominated deputy being the Planning Manager (Development Control).
  ii. the nominated member will be the Chair of the Planning Applications Committee and the nominated deputy being the Vice Chair of the Planning Applications Committee.

d) The Chief Planning Officer shall maintain a document (called the Planning Scheme of Management) for the purposes of Regulation 3 that clearly sets out:

  i. the member of the Council who acts as the Nominated Member;
  ii. one or more members of the Council who act as a substitute for the Nominated Member;
  iii. the Officer of the Council who acts as the Nominated Officer; and
  iv. one or more officers of the Council who act as a substitute for the Nominated Officer.

The Planning Scheme of Management should also set out:

  v. the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
  vi. the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
  vii. the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
  viii. the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

~~i.~~

e) The Council's planning decisions must be taken with regard to policies contained in its Development Plan, legislation noting recent legislation such as the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and any supplementary planning guidance, unless material considerations justify a departure.

f) All planning matters and functions that the Council as Local Planning Authority are responsible for are delegated to the Chief Planning Officer except where the decision on a matter or function is reserved to the following bodies:

- Full Council;
- The Cabinet; or
- The Planning Applications Committee.

~~b) The Council's planning decisions must be taken with regard to policies contained in its Development Plan, and any supplementary planning guidance, unless material considerations justify a departure.~~

g) Following the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the Council will be required to operate to the National Scheme of Delegation which is covered in two parts, to be known as Schedule 1 (Tier A) and Schedule 2 (Tier B). This ultimately means certain types of applications must in all circumstances be delegated to officers and in other cases, certain types of applications may be referred to the Planning Applications Committee.

h) Schedule 1 (Tier A) mandates the following types of applications that must in all circumstances be delegated to the Chief Planning Officer:

- Householder development;
- Minor residential;
- Minor commercial development;
- Discharge of conditions;
- Variation of conditions (where the previous planning permission was a Schedule 1 planning permission);
- Reserved matter approvals (other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more);
- Lawful development certificates (existing and proposed);
- Lawful development certificates (proposed works to listed buildings);
- Prior approval or determination as to whether prior approval is required;
- Permission in principle;
- Non-material amendments;
- Certificates of Appropriate Alternative Development;
- Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and
- The submission of a biodiversity gain plan.

i) Schedule 2 (Tier B) outlines the types of applications that may be referred to the Planning Applications Committee where criteria set out in

Regulation 5 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 is met. This could include:

- Applications for planning permission which are not householder, minor commercial or minor residential applications;
- Applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- Applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission ;
- Reserved matters approvals where it relates to a large outline permission;
- Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 2 application);
- Retrospective applications (under S73A);
- Modification of a S106 where it's connected to a Schedule 2 application;
- Listed building consent or a variation or discharge of conditions of listed building consent (section 19(1)) or any application for planning permission that is connected to that application;
- Tree preservation order consent; and
- Advertisement consent.

For the avoidance of doubt, where the criteria set out in Regulation 5 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 is not met, the application will be delegated via the National Scheme of Delegation to the nominated officer / Chief Planning Officer.
~~Many minor applications are dealt with by officers under Delegated Authority, as provided for under the Constitution.~~

~~c) Major applications involving Council owned land, those raising substantial objections, and those as requested by Members are determined by the Planning Applications Committee.~~

j) An Own-Interest Application that is not of a major nature (criteria 5D.7 a)) may be referred to the Planning Applications Committee by the Nominated Officer and Nominated Member, having regard to statutory planning guidance. For these purposes, an Own-Interest Application is defined by in the Regulations. Where no referral is made to the Planning Applications Committee, the application must be determined by the Assistant Director – Planning under delegated powers as the Chief Planning Officer.

k) This Code of Practice for Planning Matters sets out the rules and procedures for determining planning applications and enforcement actions.

~~d)~~

~~e)~~l) The Members' Code of Conduct requires Members to:

"e. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a councillor. This includes not accepting gifts or hospitality which could give rise to a perception of influence over the way I perform my duties [: and]

f. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit."

~~f)~~m) The law relating to the planning process obliges Members to act in a quasi-judicial and independent manner.

~~g)~~n) The key objectives of this Code, therefore, are:

i. to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge, and

ii. to ensure that the role of officers, developers and applicants/members of the public are understood.

5D.2 **TRAINING**

~~a)~~ The planning process requires Members to take decisions within a legal framework which is evolving continuously through legislation and case law.

a)

b) Councillors may not participate in decision making at meetings of the Council's Planning Applications Committee unless they have attended mandatory training. This will be provided by the Council's Planning team and will cover the principles of planning and probity in planning.

c) All Planning Applications Committee Councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend and deepen their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role.

d) Training provided on planning related matters, whilst aimed at Planning Applications Committee Councillors, is open to any Councillor with an interest to attend.

~~b) Therefore, only Members who have either received accredited training in planning procedures and planning law in the preceding two years or, in the case of new Members, received in-house training within two months of the Annual Council Meeting or until such training is received shall be eligible to serve on the Planning Applications Committee. A Member who has not received the required training will not be permitted to serve on the Committee until such time as the training requirements are fulfilled.~~

~~c)~~e) Members considering membership of the Planning Applications Committee should carefully consider the potential for conflict of interest. For example, Members who may be, or are closely associated with, local builders, estate agents, land owners or other people likely to be interested in the use or development of land will need to consider whether they can effectively perform their role in the light of such interests.

5D.3 **REGISTRATION AND DECLARATION OF INTERESTS**

a) **Registration of Interests**

The Code of Conduct requires Members to register and declare their interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests may be sought from the Council's Monitoring Officer. Ultimate responsibility for fulfilling the requirements rests individually with each Member.

A Register of Members' Interests is maintained by the Council's Monitoring Officer, and is available for public inspection. Members must provide the Monitoring Officer with written details of relevant interests within 28 days of his/her election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

b) **Declaration of Interests**

i. **Disclosable Pecuniary Interests**

The Code of Conduct defines a Disclosable Pecuniary Interest in any matter under discussion as:

1. any matter relating to an interest in respect of which the Member has given notice in the statutory Register of Members' Interests; and

2. if a decision upon it might reasonably be regarded as affecting the well-being or financial position of themselves or their spouse, or

   - any employment or business carried on by such persons;
   - any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
   - any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;

Where a Member considers they have such an interest in a matter, they must always declare it, but **it does not then necessarily follow that the interest debars the Member from participation in the discussion.**

Members who have a Disclosable Pecuniary Interest may seek a dispensation from the Council's Audit and Standards Committee to speak and/or vote on a matter. Subject to satisfying the requirements of the legislation, a dispensation is likely to be given unless the interest is one that is likely to be regarded as impeding the Member's ability to judge the public interest in an application.

Where a Member has a Disclosable Pecuniary Interest, Audit and Standards Committee has granted a dispensation to all Members to speak at Planning Applications Committee, according them the same rights as members of the public.

ii. **Other Interests**

The Member may need to consider whether the interest is an Other Interest as defined by the Code.

Other interests now only arise if a matter affects a Member's family (but not their spouse) or close associates in a way which:

1. relates to their finances or wellbeing; or
2. concerns a regulatory function including planning and licensing

where a reasonable member of the public with knowledge of the facts would believe their ability to judge the public interest would be impaired.

iii. Members have the same rights to speak to meetings as members of the public even in circumstances where they have an Other Interest.

Accordingly, it is now possible for a Member who has a Disclosable Pecuniary Interest with a dispensation to attend a meeting of Planning Applications Committee to speak (and if a specific dispensation has been granted, to vote) and if the interest is an Other Interest, to attend such as for the purpose of making representations, answering questions or giving evidence in the same way that the public is able to do so.

However, once a Member has spoken (unless a dispensation to vote has been given), he or she must leave the meeting room, as previously required and cannot remain in the public gallery to observe the vote on the matter.

5D.4 **BIAS AND PREDETERMINATION**

a) There are other situations where Members should not participate in deciding a particular application. This is mainly when there is the possibility of bias being alleged. This may occur as a result of lobbying (see 5D.7). It could occur if a Member expresses a firm view during a site visit which they also make clear will not change in any circumstances (in other words they have a closed mind on the matter) and this is clearly seen during the course of the debate at the meeting.

If a Member has any uncertainty on a particular application, he or she should consult the Council's Monitoring Officer for advice.

b) Members must not fetter their discretion or restrict their freedom of choice. Whilst they must keep an open mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Planning Authority hearing the officer's presentation and evidence and arguments on both sides, they are permitted to express a preliminary view to local electors on the matter if they wish. If they do, they should make it clear that this predisposition to a particular view of the matter might change, dependent upon other information coming to light, most notably through the course of the debate at the meeting itself.

c) Having a closed mind and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits. The decision could, in such circumstances be set aside by the courts.

d) Members should consider themselves able to take part in the debate on a proposal when acting as part of a consultee body where they are also a Member of the consulting Council, for example, or both a Borough and County Member), provided:

i. the proposal does not substantially effect the wellbeing or financial standing of the consultee body:

ii. they make it clear to the consultee:

- their views are expressed on the limited information;
- they have reserved judgement until they hear all of the relevant information;
- they have not in any way committed themselves as to how they may vote when the proposal comes before the Committee; and

iii. they disclose the personal interest regarding their membership or role when the Committee comes to consider the proposal.

e) Members should not speak and vote on a proposal where they have fettered their discretion of they are pre-determined. They do not also have to withdraw, but they may prefer to do so for the sake of appearance.

f) Members should explain that they do not intend to speak and vote because they have or they could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.

g) Members should take the opportunity to exercise their separate speaking rights as a representative of local electors where they wish to support those electors regardless of the merits of the case. If they do they should;-

i. advise the Chair that they wish to speak in this capacity before commencement of the item;

ii. remove themselves from the member seating area for the duration of that item; and

iii. ensure that their actions are recorded.

5D.6 **PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE**

a) The Council operates a system of public speaking at all of its Committees. Planning Applications Committee is no exception. However, by necessity, the number of speakers is limited and the time allowed for speeches is limited to three minutes per speaker. In operating the system, it is the role of the Chair to ensure that all speakers are dealt with fairly and equally. To assist with this process, those allowed to speak at the Planning Applications Committee and the order of speakers is as follows:

~~i)~~ i. Members on Planning Applications Committee who have declared a Disclosable or Deemed Disclosable Interest or who have indicated that they have a predetermined view of the matter under consideration;

~~j)~~ ii. Ward Members of specific applications who are not members of the Committee; and

~~a)~~iii. Two speakers against and two for the proposal. In allocating speaking rights, priority will be given to those speakers who are, in the Assistant Director – Planning's opinion, directly affected by the proposal, irrespective of when the request to speak is received. If there are vacant speaking slots, these will be allocated to those not directly affected who wish to speak, on a first come, first served basis.

b) A Ward Member of a specific application, where there is no Ward Member representative on the Planning Applications Committee, will be allowed to participate during consideration of that item but will not be allowed to vote.

c) Speaking Rights at Adjourned Meetings

i. Where an item is on an agenda and it has been deferred from a previous meeting, speaking will only be allowed in the following circumstances:

- Where substantive new material is being considered by the committee. Substantive new material is defined as material where officers have decided that consultation with the public on it is necessary.
- Where the matter is to be reconsidered for any other reason.

ii. Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

iii. For the avoidance of doubt, an item that has been deferred because members were minded to go against the officer recommendation and the Chief Planning Officer was unable to advise on grounds in the meeting or the decision constitutes a Departure and is therefore bringing a further report to the next available Committee setting out their advice, does not require a second round of public speaking because this does not constitute substantive new material.

d) Varying Speaking Rights

i. At the discretion of the chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant must be offered the same time to speak as the time offered collectively to Objectors.

5D.7 OWN-INTEREST PLANNING APPLICATIONS ~~SUBMITTED BY MEMBERS AND OFFICERS AND DEVELOPMENT BY THE COUNCIL~~

a) Further to paragraph 5D.1(j), Own-interest applications that are not of a major nature (criteria below) may be referred to the Planning Applications Committee by the Nominated Officer and Nominated Member, having regard to statutory planning guidance. For these purposes, an own-interest application is an application made by the Council, a Member of the Council, an Officer of the Council, or an application in which the nominated officer and nominated member consider that the Council, any Member, or any Officer has an interest. Where no referral is made to the Planning Applications Committee, the application must be determined by the Assistant Director – Planning under delegated powers.

All own-interest major planning applications (as defined below) will be determined by Planning Applications Committee. A major planning application is defined as:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- Residential development of 10 or more residential dwellings;
- Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e. for outline applications);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or~~.~~
- development carried out on a site having an area of 1 hectare or more.

~~a)~~b) ~~All planning applications by Members and Officers and all major planning applications (as defined in statistical returns to the Government) by the Council itself will be determined by Planning Applications Committee, regardless of any Scheme of Delegation in force at the time.~~ Where applicable, ~~A~~a Member or an O~~o~~fficer who has submitted a planning application will take no part in the determination of that application or the decision-making process leading to the determination of that application.

~~b)~~c) Members and Officers who submit a planning application or who have an application submitted on their behalf shall notify the –Assistant Director – Planning or the Planning Manager (Development Control) in their absence in writing of that submission.

~~c)~~d) All personal planning applications by Members or Officers will be designated in such a way that outlines it's a 'Own-interest application' only for the purposes of the agenda and report pack. ~~as such on the face of the agenda, including Officer's job titles.~~

~~d)~~e) Members who act as agents for people pursuing a planning matter with the Council shall take no part in the processing or determination of that application.

f) All applications submitted on behalf of the Council shall have both the officer name and their job title on the face of the agenda.

Applications submitted by Councillors or Officers

g) It is perfectly legitimate for planning applications to be submitted by Councillors and members of staff. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination. If a councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing. The Planning Scheme of Delegation sets out the circumstances when applications submitted by councillors and officers must be determined by Committee. The procedures to be followed in Committee when determining such applications are as follows:

- The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary Interest for that Councillor and they will need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Code of Conduct for Members.
- If such a Councillor does not have a Disclosable Pecuniary Interest, they may address the Committee as the applicant in accordance with the Council's public speaking procedures.
- If such a Councillor has a Disclosable Pecuniary Interest, they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf, unless they have received a specific dispensation for this purpose from the Monitoring Officer.
- The Planning Applications Committee Councillor must consider whether the nature of any relationship means that they have a Disclosable Pecuniary

Interest in relation to the matter and if so, they may not participate in the consideration of that matter.

h) The principle in the final bullet point also applies to an application submitted by a member of staff when it is considered in Committee.

Applications submitted by the Council

i) It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.

j) The Planning Scheme of Delegation sets out the circumstances when applications submitted by the Council must be determined by Committee.

k) Certain Councillors may, through their other roles outside of Planning Applications Committee (e.g. a Portfolio Holder), have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Planning Applications Committee, the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rights rules in the Planning Applications Committee Procedures) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

~~e)~~

5D.8 **LOBBYING**

~~a)~~ The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.~~Lobbying, or seeking to influence a decision, is a normal part of the political process. Members should, however, be aware that any attempt to influence their decision by way of lobbying could call their impartiality into question. Members should at all times follow the guidelines set out below. There is always a clear need for Members of the Planning Applications Committee to declare at the appropriate meeting when lobbying or an attempt at lobbying has taken place on an item.~~

a)

~~b)~~ Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

b)

c) The following points are offered as guidance:

~~b) **Lobbying of Members**~~

i. Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it might prejudice your impartiality and therefore your ability to participate in the Committee's decision making if you express an intention to vote one way or another, or to express such a firm point of view that it amounts to the same thing.

ii. Do remember that your overriding duty is to the whole community, not just to the people in your Ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

~~iii.~~ Do not accept gifts or hospitality from any person involved in or affected by a planning proposal. This might be construed as a bribe for the purposes of the Bribery Act 2010, which is a serious criminal offence.~~.~~

iii.

iv. Do copy or pass on any lobbying correspondence you receive to the Assistant Director at the earliest opportunity. Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments. The distribution of such material should be done in advance of the meeting by either supplying it to the [Planning Service], if it is written material and can be included in the Addendum Report, or otherwise by sending it direct to Councillors in advance of the meeting.

~~iv.~~

~~v.~~

~~vi.~~ Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

v.

~~vii.~~

~~c) Lobbying of Members~~

~~viii.~~vi. Do not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you may be viewed as having a biased or predetermined view of the matter and are likely to have a Deemed Disclosable Pecuniary Interest.

~~ix.~~vii. Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Campaign to Protect Rural England, Ramblers Association or a local Civic Society, but disclose an Other Interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

~~x.~~viii. Do not lobby Members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

~~xi.~~ix. Do not decide or discuss how to vote on any application at any sort of Political Group meeting, or lobby any other Member to do so.

5D.9 **PRE-APPLICATION DISCUSSIONS**

a) Local planning authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to continue after an application has been submitted. Such discussions can often be interpreted by the public, and especially objectors, as prejudicing the planning decision making process.

b) In order to allay such perceptions, pre-application discussions should take place within clear guidelines as follows;-

i. pre-application discussions should normally be conducted at officer level. In some cases pre-application presentations may be made to all Members to enable large strategic schemes to be considered generally before the application comes to Committee. Such presentations are a form of lobbying and Members must not express any strong views or state how they or other Members might vote;

ii. pre-application discussions should make clear at the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are provisional. By the very nature of such meetings not all relevant information will be to hand, neither will formal consultations with interested parties have taken place;

iii. advice should be consistent and based upon the Development Plan, Supplementary Planning documents and material considerations. In addition, all officers taking part in such discussions will make their decision-making role clear; and

iv. an Officer shall take a written note of all meetings.

5D.10 POST-SUBMISSION DISCUSSIONS

a) A Planning Applications Committee Councillor should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

b) There are limited circumstances when Planning Applications Committee Councillors may legitimately engage in post-submission discussions. An example would be in the case of a very large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers as a Technical Briefing and run under the procedures set out in the Planning Applications Committee Procedures.

c) If a Planning Applications Committee Councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Chief Planning Officer any significant contact with the applicant or other parties, explaining the nature and purpose of the contact and their involvement, so that it can be recorded on the planning file. Any material received by a Councillor from an applicant, their agent or objectors in relation to an application should be passed onto the Chief Planning Officer so that it can be taken into account in the determination of the application. In the interests of transparency, any such contact should be declared at the subsequent committee meeting that considers the application.

d) Planning Applications Committee Councillors should not attend post-submission meetings that are not organised through officers.

5D.11 DECISION MAKING

e) Not withstanding Article 4A Council Procedure Rules, where a decision is to be made on an agenda item, in order to be able to vote, a Member of the Committee must not be conflicted by any procedure rule applicable to voting and must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. This also applies when a matter is considered across two or more meetings because of a deferment, unless a decision is made to start the consideration of the matter afresh. Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of debate by the Committee.

f) Decisions Contrary to the Recommendation

i. A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded going against their recommendation and can prepare their advice accordingly.

ii. When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Chief Planning Officer as to what form a new motion should take. That advice will be based upon the development plan, the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.

iii. The legal representative advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.

iv. Once the Committee has received the advice of the Chief Planning Officer they can proceed to a vote. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law, must be clear and convincing. The decision should take the form, 'That authority is delegated to the [Chief Planning Officer] to refuse planning permission for the following summary reasons:'

v. If the Chief Planning Officer considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee setting out their advice.

vi. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

g) Decisions Contrary to the Development Plan

i. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application must be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Minister for Housing, Communities and Local Government (National Planning Casework Unit). Such a decision is referred to as a Departure.

ii. If the recommendation in the officer report constitutes a Departure, the justification will be included in that report, and the necessary advertisement would have been undertaken.

iii. If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the [Chief Planning Officer]) would constitute a Departure, the Chief Planning Officer shall so inform the committee. Further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee detailing the planning issues raised by such a decision. Any necessary advertisement of the application will also be undertaken.

iv. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

v. If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law, must be clear and convincing.

h) Deferred Decisions

i. If the Committee decides to defer consideration of an item to a later meeting the following procedures shall apply depending on the reason for the deferment. At the time of deferral the Chair shall identify which procedure is likely to be followed at the deferred meeting.

ii. If the Committee defers making a decision for further information (such as a site visit or for clarification of or further advice on a matter) or a minor change to the proposal (defined as a change that officers decide that consultation with the public on it is not necessary) then at the deferred meeting members of the Committee will effectively continue their consideration of the item. This means that:

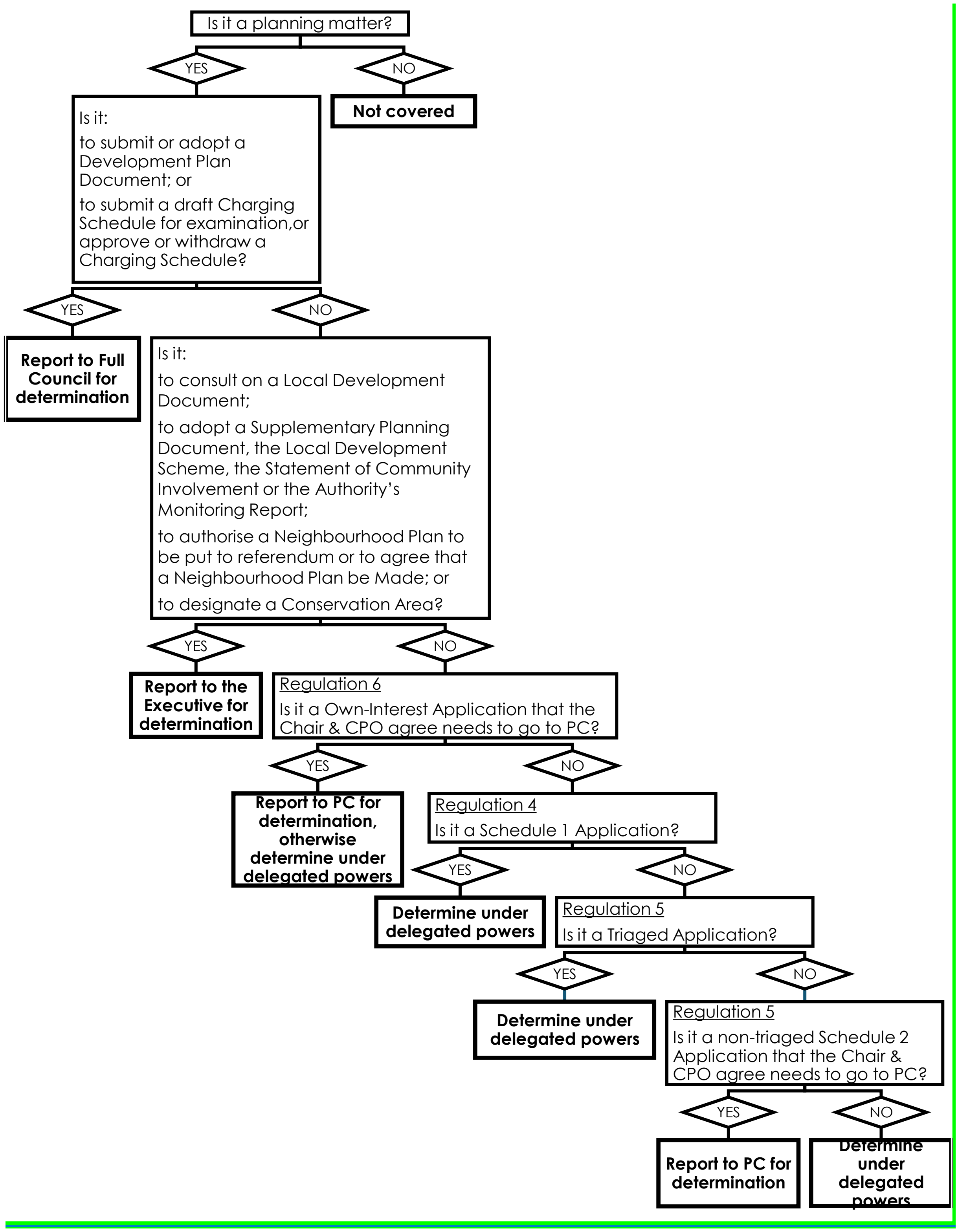
a. Only those Members present at the meeting when the matter was first considered, and at the deferred meeting may vote on the matter; and

b. in line with the Public Speaking Rights set out above (5.D6 c), a further round of public speaking will not be permitted at the deferred meeting.

iii. If the limitations set out above result in the Committee not being quorate, then the procedures set out in the next paragraph shall apply.

iv. If the Committee defers making a decision in order to seek substantive new material or a material change to the proposal (both defined as an addition or change that officers decide that consultation with the public on it is necessary) the Committee shall consider the item afresh at the deferred meeting. Officers will present the item in full, including the new material. Public speaking will be permitted in line with the Public Speaking Rights set out above (5D.6 c). All Members present at the deferred meeting when the item is reconsidered may vote on it.

Part A – Planning Scheme of Delegation Flow Diagram



Part B – Site Visit Procedures

Section A – General

1. Site visits are for Members of the Planning Applications Committee to observe the site and gain a better understanding of the impact of the development. They are intended to:
    - be a fact-finding exercise;
    - let Members consider the proposed development in the context of the site;
    - allow Members to ask officers questions of clarification about the development; and
    - enable officers to point out relevant features and factors for consideration at the committee.
2. The merits or otherwise of the development must not be discussed at a site visit.
3. The decision whether to have a site visit is made at a meeting when the applications is considered. A member of the committee must first move and seek a seconder for a site visit to be arranged. If the Planning Applications Committee vote and it is agreed to hold a site visit, the application will be deferred. The application shall then follow the deferred process for the purposes of reconsidering the application at a future committee.
4. Subject to 3, the site visit will take place the afternoon of the date of the Planning Applications Committee meeting.

Section B – Attendance at the site visit

1. A site visit is not a part of the formal determination of the planning application and therefore the public attendance and speaking rights of the formal Planning Applications Committee do not apply. Site visits should only be attended by Members of the Planning Applications Committee and officers. The arrangements for site visits will not normally be publicised. The applicant, their agent(s) and third parties are not expected to be present. If such parties are present and they are interfering with the site visit process, the Chair in consultation with the Chief Planning Officer, shall decide how best to deal with the breach of procedures, including abandoning the site visit.
2. Where permission is needed to go onto private land, contact will be made by officers with the owner to facilitate access. The owner or their representative will only facilitate access and shall play no further role in the site visit.

Section C – Conduct Of The Site Visit

1. The purpose, format, issues for consideration and standards of conduct should be made clear by the Chair or officer present at the outset and adhered to throughout the visit.
2. All Members attending the site visit should remain together as a group to ensure that they all receive the same information.
3. Members should not hear representations by any party at the site visit. Where a Member is approached by the applicant or a third party, the party should be

advised that they should make representations in writing to the authority and direct them to or inform the officer present.

Section D – Reporting On The Site Visit

1. An Officer shall make a record of the site visit, which should include:

    - The date and time of the visit.
    - The names of all present.
    - A summary note of any questions asked by Members and the responses provided by officers (or others) during the visit so that all Members have the same information.

Part C – Vexatious Customer Procedure

This Part contains the procedure to deal with planning related complaints that are unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures.

1. Introduction

a) This procedure is designed to deal with lobbying, representations, complaints and similar submissions to the Planning Service where the complainant is unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures. These will be referred to collectively as vexatious complaints in these procedures.

b) Whilst not specifically covered by these procedures, the Council does not expect staff to tolerate behaviour that is abusive, offensive or threatening and will take action to protect staff from such situations.

2. Reasons for the procedure

a) Planning decisions are based on balancing competing interests and making an informed judgement against a national, regional and local policy framework on what can be controversial proposals. One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

b) Whilst Councillors and officers must take account of these views, they cannot favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that Councils make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

c) Whilst it is legitimate that people affected by planning proposals express their views on them so that they may be considered, they must respect the Council's members and officers and not subject them to unacceptable behaviour. The purpose of this procedure is to identify such behaviour; explain why it is unacceptable; and set out procedures to deal with it when it occurs persistently.

3. Potential problems

a) Dealing with complaints, representations and enquires from the public is generally a straightforward process. In a small number of cases, people pursue them in a way which can either impede dealing with the matter or can have significant resource implications for the Council. This can happen either while the matter is being investigated, or once the Council has finished dealing with it. It is important to distinguish between people who make several complaints because they genuinely think things have gone wrong and people who make unreasonably persistent complaints, representations or enquiries.

b) The aim of these procedures is to contribute to the Council's overall aim of dealing with all customers in ways which are consistent and equitable. It sets out how the Council will decide which customers will be treated as vexatious, and what the Council will do in those circumstances. This guidance runs alongside existing corporate policies and guidance relating to equalities, health and safety, and dignity and respect at work. It should only be pursued where necessary.

c) What follows are the three most common examples of behaviours that would be covered by these procedures.

4. National Scheme of Delegation

a) The Government have introduced a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This means that there are only certain circumstances when a planning application can be referred to committee for determination. The old practices of a specific quantity of objections triggering that or referral by a ward member, no longer apply.

b) The decision on whether a matter is determined by members in committee, cabinet or full council is specified by the Regulations or the Constitution. Where there is discretion, it is generally a decision between the Chair of Planning Applications Committee and the Chief Planning Officer. There are statutory provisions governing how they should do this, and lobbying is not a matter that can be considered. Because of this risk that they will be put under pressure to use their powers in a particular way, the Constitution prohibits the lobbying of these members and officers in these circumstances.

c) Any such lobbying should be reported to the Monitoring Officer, who will deal with it under these procedures.

5. Representations on Planning Applications

a) The public have the right to comment on a planning application. It is the substance of what has been said that is material, not how often it has been repeated or who said it. A planning decision is not a local plebiscite and voluminous, repetitive objection or support campaigns add nothing to the decision-making process, other than unnecessarily increasing the workload of the [Planning Service] as they must be processed.

b) Councils have always had to deal with such repeat representations, but a new trend is emerging where AI is used to generate this material. The result can be excessive both in the number of objections generated and in the length of individual objections. These can often be highly inaccurate. Along with the right to make a representation, there is a duty to ensure that it is accurate. Again, excessively long and inaccurate representations add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be checked.

c) Any such excessively voluminous representations or where there is evidence of the unreasonable use of AI, should be reported to the Corporate Support & Data Compliance Manager, who will deal with it under these procedures.

6. Vexations complaints

a) The final category is wider than representations on planning applications and can occur with other planning activities such as enforcement complaints and policy matters. Again people have the right to make complaints or other representations, but they also have a responsibility to be reasonable and not submit excessive quantities of correspondence and be unreasonably persistent.

b) The Council defines unreasonable behaviour in these cases as those who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints/enquiries. Customers who are displaying unreasonable behaviours, may have justified complaints or grievances but are pursuing them in inappropriate ways. They may not be seeking to resolve a dispute between themselves and the Council but are seeking to cause unnecessary aggravation or annoyance to the Council. Alternatively, they may be intent on pursuing complaints or enquiries which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

c) Any such behaviours that reach the vexatious threshold should be reported to the Corporate Support & Data Compliance Manager, who will deal with it under these procedures.

7. Principles

The key principle behind these procedures is the need to balance the rights of the public to correspond with the Council with their responsibility to do so in a way that is proportionate and reasonable. The procedures are not intended to be used to restrict customers in contacting the [Planning Service], however the Council has a duty to ensure that it provides value for money for all its residents and customers. It is those customers who are placing heavy demands on staff time that is unjustified and unreasonable who will potentially be subject to these procedures.

8. Procedure And Sanctions

Where the Chief Planning Officer considers that a customer is in breach of these procedures they will refer the matter to the Corporate Support & Data Compliance Manager. If the Corporate Support & Data Compliance Manager agrees that the thresholds in these procedures have been reached, they will contact the customer. There are three stages to the process.

8.1. Stage 1

The infringement of these procedures will be explained to the customer. They will be advised not to repeat their actions and the potential consequences of ignoring the advice will be set out.

8.2. Stage 2

If there is a further infringement, that fact will be pointed out to the customer. They will be advised that this is their final warning and if they repeat their actions, they will be treated as a vexatious complainant as previously set out.

8.3. Stage 3

a) Following a third infringement, they will be treated as a vexatious complainant and informed of the actions the Council is putting in place. This would usually mean that they must submit any representations or other communication with the Planning Service through either:

   a. An appropriate professional person; or

   b. the customer's ward member.

b) The professional person should be operating in the field of planning or a closely related professional area and would include a RTPI planning consultant, RICS surveyor, an RIBA architect or similar. These professions have professional codes which prescribe the behaviour of their members thereby enabling the Council to manage, through their respective institutes, any problems that might arise. The professional person must therefore be endorsed by the Chief Planning Officer and their decision on this would be final.

c) If the customer is unable or unwilling to use a professional person, then the only way to submit material on planning matters to the Planning Service is through their ward member. The ward member would have to comply with the Council's rules in doing this, including the expectations around proportionality and reasonableness.

d) Further sanctions may be considered depending on the circumstances of a particular case. These could include:

   c. Named Point of Contact: Requiring the complainant to only contact one named staff member.

   d. Refusing New Complaints: Refusing to process further complaints about the same matter.

   e. Banning Access: Banning the individual from council premises, except by appointment.

   f. Termination of Contact: In extreme cases, stopping all communication with the complainant.

e) The restrictions would normally continue for a year. The sanctions will then be reviewed by the Corporate Support & Data Compliance Manager, in consultation with the Chief Planning Officer, to judge whether they can be lifted. This decision will be based on whether the customer has displayed reformed behaviour. The sanctions should remain in place until such time as it is considered that they have.

f) If sanctions are removed but the customer renews their previously identified behaviour, the sanctions can be reimposed without any further warning.

8.4. Appeal

The decision to treat a customer as vexatious and impose sanctions can be appealed through the Monitoring Officer. This must be received by the Council within 28 days of the date of its decision. If the customer is dissatisfied with the outcome, the Chief Executive Officer can be asked to review the decision. That request must also be made within 28 days and the decision will be final.

Part D – Use of Delegated Powers

1. When using delegated powers or referring a matter to committee for a determination, the Nominated Officer and the Nominated Member, when involved, and an officer of the LPA must make sure that they take such decisions in the appropriate way and that they are recorded. This should be captured in the associated delegated or committee report with respective sections titled:

    - Reason for determining under delegated powers
    - Reason for referral to Committee

2. These reasons should be succinct but clear.

Schedule 1

3. These applications must always be determined under delegated powers and cannot be referred to committee for determination. The associated delegated report should therefore state:

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.

Schedule 2

4. Triaged Applications

4.1. Some categories of application in Schedule 2 have been identified in the Scheme of Delegation as Triage Applications and should be determined under delegated powers. The other categories of application in Schedule 2 can be treated as a Triaged Application by officers if they consider that, in the context of a particular application, the criteria in the Gateway Test (see below) are clearly not engaged. In both cases, the associated delegated report should state:

This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.

5. Gateway Test Applications

5.1. The Regulations make provision, in Regulation 5(3), for the matters that must be considered by the Nominated Member and Nominated Officer when they agree whether or not to refer a proposal to determine a Schedule 2 Application to committee. They are known as the Gateway Test and are that the proposal raises:

i) one or more issues of economic, social or environmental significance to the local area; or

j) one or more significant planning matters having regard to the development plan and any other material considerations.

5.2. If it is agreed to refer an application to committee, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report as follows:

This is a Schedule 2 Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated Officer agree that it is necessary because [it raises one or more issues of economic, social or environmental significance to the local area] [and] [it raises one or more significant planning matters having regard to the development plan and any other material considerations].

5.3. If it remains a delegated decision, the associated delegated report should state:

This is a Schedule 2 application. By virtue of Regulation 5, it is being dealt with under delegated powers because the Nominated Member and Nominated Officer do not agree that the Gateway Test is engaged because it does not raise any issues of economic, social or environmental significance to the local area and nor does it raise any significant planning matters having regard to the development plan and any other material considerations.

6. Triage Process For Own-Interest Applications

6.1. These are applications made by or on behalf of:

a) the Council;
b) a member of the Council;
c) an officer of the Council; or
d) the Council or any of its members or officers otherwise has an interest in the application.

6.2. The decision-making process for these applications should be one of ensuring openness and transparency. In deciding whether to refer to committee, the Nominated Member and Officer should ensure that, because of the nature of the applicant, there is not a real (or reasonably perceived) risk of bias by determining the application under delegated powers and secondly that, because of the nature of the development, there is a good reason to refer it to Committee.

7. Own-Interest Applications: Applicant Considerations

7.1. In this context, category (c) Own-interest application should normally be narrowed to only apply to:

i. a Senior Officer of the Council; or
ii. an 'officer of the Local Planning Authority'.

7.2. The first would be defined as Service Head level and above.

7.3. The second, would be defined as an officer within the Council who, in the opinion of the Chief Planning Officer, is closely involved in the day-to-day work of the Council's planning function.

7.4. It is reasonable to conclude that other officers of the Council would probably not be known to the planning service and therefore the risk of bias is not engaged. Such applications should be determined in the same way that any other application in that Schedule would be determined. The details of the Own-Interest applicant status should be recorded in the respective committee or delegated report with the following introduction:

This is an Own-Interest Application because the applicant is an officer of the Council, but as they are not a senior officer nor closely involved in the day-to-day work of the Council's planning function it has not been reported to committee for that reason. [This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.] [This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.].

Own-Interest Applications: Development Considerations

7.5. For any application:

g. caught by the above category (c) 'Own-Interest applicant status' criteria; or
h. an Own-Interest Application in categories (a), (b) and (d);

with respect to whether there is a good reason to refer that application to committee because of the nature of the development, the following criteria should be used:

Such an Own-Interest Application should only be considered by the Nominated Member and Nominated Officer for referral to and determination by committee if one of the following criteria applies:

i. the proposal has been advertised under Article 15 of the DMPO because it does not accord with the provisions of the development plan; or
j. one or more material planning considerations are raised that have the potential to have a significant impact.

7.6. This allows the circumstances of each application to be assessed and if it is for a development that complies with policy and there is not considered to be a material planning objection, it can be dealt with under delegated powers, with the reason recoded in the delegated report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is not being reported to committee because it has not been advertised under Article 15 of the GMPO as a departure and nor is there considered to be a material planning objection.

7.7. Where either of these criteria applies, the Nominated Member and Nominated Officer must agree that it is necessary for the planning application to be referred to and determined by committee and this should be recorded in the normal way in the associated committee report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated Officer agree that it is necessary because [it has been advertised under Article 15 of the GMPO as a departure] [and] [there is considered to be a material planning objection].

7.8. Limitations should be set on the receipt of material planning considerations by the Planning Service to ensure that these matters can be safely administered, and the risk of fraudulent objections is minimised:

A material planning consideration must have been made in writing in response to the publicity/advertisement/notification of the application, be from a person with an address within the LPA area and be received within the specified deadline.

7.9. With these safeguards in place, such applications will be put to committee where that serves a legitimate purpose but can be dealt with under delegated powers where committee involvement is not necessary.

7.10. Under Regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

8. Officer's Discretion To Use Delegated Powers

8.1. With respect to planning applications covered by the Regulations, officers do not have discretion to decide to report a matter to committee. Only the nominated member and officer can jointly take that decision.

8.2. With respect to any other planning matter that is capable of being dealt with under delegated powers, an officer does have the ability, in their absolute discretion, to decide that it is not appropriate in the circumstances of a particular case to exercise those powers with respect to that planning matter and therefore report it to members (Full Council, the Executive or [Planning Committee] as appropriate) for determination. Again, it is not possible to advise further on this because these are essentially exceptional circumstances.

8.3. In both cases, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report, as follows:

This is [describe the planning matter]. It is being reported to [Council] [Cabinet] [Committee] because the [Chief Planning Officer] considers that it is necessary because […].

9. Lobbying

9.1. The Council's Scheme of Delegation prohibits the Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and the Scheme of Delegation, being lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

9.2. The Constitution requires that any such lobbying that is received should be reported to the Monitoring Officer, who must develop and publish procedures to deal with these issues and other vexatious planning complaints.

Contents

5D CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

5D.1 INTRODUCTION

a) The Council is the Local Planning Authority for Nuneaton and Bedworth.

b) Reference to Regulations in this document is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

c) For the purposes of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:

i. the nominated officer and/or Chief Planning Officer will be the Assistant Director for Planning and the nominated deputy being the Planning Manager (Development Control).
ii. the nominated member will be the Chair of the Planning Applications Committee and the nominated deputy being the Vice Chair of the Planning Applications Committee.

d) The Chief Planning Officer shall maintain a document (called the Planning Scheme of Management) for the purposes of Regulation 3 that clearly sets out:

i. the member of the Council who acts as the Nominated Member;
ii. one or more members of the Council who act as a substitute for the Nominated Member;
iii. the Officer of the Council who acts as the Nominated Officer; and
iv. one or more officers of the Council who act as a substitute for the Nominated Officer.

The Planning Scheme of Management should also set out:

v. the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
vi. the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
vii. the officer(s) of the authority who have delegated powers to determine an Own-Interest Application (Regulation 6); and
viii. the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

e) The Council's planning decisions must be taken with regard to policies contained in its Development Plan, legislation noting recent legislation such as the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 and any supplementary planning guidance, unless material considerations justify a departure.

f) All planning matters and functions that the Council as Local Planning Authority are responsible for are delegated to the Chief Planning Officer except where the decision on a matter or function is reserved to the following bodies:

- Full Council;
- The Cabinet; or
- The Planning Applications Committee.

g) Following the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, the Council will be required to operate to the National Scheme of Delegation which is covered in two parts, to be known as Schedule 1 (Tier A) and Schedule 2 (Tier B). This ultimately means certain types of applications must in all circumstances be delegated to officers and in other cases, certain types of applications may be referred to the Planning Applications Committee.

h) Schedule 1 (Tier A) mandates the following types of applications that must in all circumstances be delegated to the Chief Planning Officer:

- Householder development;
- Minor residential;
- Minor commercial development;
- Discharge of conditions;
- Variation of conditions (where the previous planning permission was a Schedule 1 planning permission);
- Reserved matter approvals (other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more);
- Lawful development certificates (existing and proposed);
- Lawful development certificates (proposed works to listed buildings);
- Prior approval or determination as to whether prior approval is required;
- Permission in principle;
- Non-material amendments;
- Certificates of Appropriate Alternative Development;
- Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and
- The submission of a biodiversity gain plan.

i) Schedule 2 (Tier B) outlines the types of applications that may be referred to the Planning Applications Committee where criteria set out in Regulation 5 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 is met. This could include:

- Applications for planning permission which are not householder, minor commercial or minor residential applications;

- Applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent
- Applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission ;
- Reserved matters approvals where it relates to a large outline permission;
- Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 2 application);
- Retrospective applications (under S73A);
- Modification of a S106 where it's connected to a Schedule 2 application;
- Listed building consent or a variation or discharge of conditions of listed building consent (section 19(1)) or any application for planning permission that is connected to that application;
- Tree preservation order consent; and
- Advertisement consent.

For the avoidance of doubt, where the criteria set out in Regulation 5 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 is not met, the application will be delegated via the National Scheme of Delegation to the nominated officer / Chief Planning Officer.

j) An Own-Interest Application that is not of a major nature (criteria 5D.7 a)) may be referred to the Planning Applications Committee by the Nominated Officer and Nominated Member, having regard to statutory planning guidance. For these purposes, an Own-Interest Application is defined by in the Regulations. Where no referral is made to the Planning Applications Committee, the application must be determined by the Assistant Director – Planning under delegated powers as the Chief Planning Officer.

k) This Code of Practice for Planning Matters sets out the rules and procedures for determining planning applications and enforcement actions.

l) The Members' Code of Conduct requires Members to:

“e. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a councillor. This includes not accepting gifts or hospitality which could give rise to a perception of influence over the way I perform my duties [: and]

f. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.”

m) The law relating to the planning process obliges Members to act in a quasi-judicial and independent manner.

n) The key objectives of this Code, therefore, are:

   i. to protect the Council and individual Members from allegations of unfairness, findings of maladministration and legal challenge, and

   ii. to ensure that the role of officers, developers and applicants/members of the public are understood.

5D.2 TRAINING

a) The planning process requires Members to take decisions within a legal framework which is evolving continuously through legislation and case law.

b) Councillors may not participate in decision making at meetings of the Council's Planning Applications Committee unless they have attended mandatory training. This will be provided by the Council's Planning team and will cover the principles of planning and probity in planning.

c) All Planning Applications Committee Councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend and deepen their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role.

d) Training provided on planning related matters, whilst aimed at Planning Applications Committee Councillors, is open to any Councillor with an interest to attend.

e) Members considering membership of the Planning Applications Committee should carefully consider the potential for conflict of interest. For example, Members who may be, or are closely associated with, local builders, estate agents, land owners or other people likely to be interested in the use or development of land will need to consider whether they can effectively perform their role in the light of such interests.

5D.3 REGISTRATION AND DECLARATION OF INTERESTS

a) **Registration of Interests**

The Code of Conduct requires Members to register and declare their interests. These requirements must be followed scrupulously and Members should review their situation regularly. Guidance on the registration and declaration of interests may be sought from the Council's Monitoring Officer. Ultimate responsibility for fulfilling the requirements rests individually with each Member.

A Register of Members' Interests is maintained by the Council's Monitoring Officer, and is available for public inspection. Members must provide the Monitoring Officer with written details of relevant interests within 28 days of his/her election, or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Member becoming aware of such changes.

b) **Declaration of Interests**

i. **Disclosable Pecuniary Interests**

The Code of Conduct defines a Disclosable Pecuniary Interest in any matter under discussion as:

1. any matter relating to an interest in respect of which the Member has given notice in the statutory Register of Members' Interests; and

2. if a decision upon it might reasonably be regarded as affecting the well-being or financial position of themselves or their spouse, or

   - any employment or business carried on by such persons;
   - any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
   - any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;

   Where a Member considers they have such an interest in a matter, they must always declare it, but **it does not then necessarily follow that the interest debars the Member from participation in the discussion.**

   Members who have a Disclosable Pecuniary Interest may seek a dispensation from the Council's Audit and Standards Committee to speak and/or vote on a matter. Subject to satisfying the requirements of the legislation, a dispensation is likely to be given unless the interest is one that is likely to be regarded as impeding the Member's ability to judge the public interest in an application.

   Where a Member has a Disclosable Pecuniary Interest, Audit and Standards Committee has granted a dispensation to all Members to speak at Planning Applications Committee, according them the same rights as members of the public.

ii. **Other Interests**

The Member may need to consider whether the interest is an Other Interest as defined by the Code.

Other interests now only arise if a matter affects a Member's family (but not their spouse) or close associates in a way which:

1. relates to their finances or wellbeing; or

2. concerns a regulatory function including planning and licensing

where a reasonable member of the public with knowledge of the facts would believe their ability to judge the public interest would be impaired.

iii. Members have the same rights to speak to meetings as members of the public even in circumstances where they have an Other Interest.

Accordingly, it is now possible for a Member who has a Disclosable Pecuniary Interest with a dispensation to attend a meeting of Planning Applications Committee to speak (and if a specific dispensation has been granted, to vote) and if the interest is an Other Interest, to attend such as for the purpose of making representations, answering questions or giving evidence in the same way that the public is able to do so.

However, once a Member has spoken (unless a dispensation to vote has been given), he or she must leave the meeting room, as previously required and cannot remain in the public gallery to observe the vote on the matter.

5D.4 **BIAS AND PREDETERMINATION**

a) There are other situations where Members should not participate in deciding a particular application. This is mainly when there is the possibility of bias being alleged. This may occur as a result of lobbying (see 5D.7). It could occur if a Member expresses a firm view during a site visit which they also make clear will not change in any circumstances (in other words they have a closed mind on the matter) and this is clearly seen during the course of the debate at the meeting.

If a Member has any uncertainty on a particular application, he or she should consult the Council's Monitoring Officer for advice.

b) Members must not fetter their discretion or restrict their freedom of choice. Whilst they must keep an open mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Planning Authority hearing the officer's presentation and evidence and arguments on both sides, they are permitted to express a preliminary view to local electors on the matter if they wish. If they do, they should make it clear that this predisposition to a particular view of the matter might change, dependent upon other information coming to light, most notably through the course of the debate at the meeting itself.

c) Having a closed mind and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits. The decision could, in such circumstances be set aside by the courts.

d) Members should consider themselves able to take part in the debate on a proposal when acting as part of a consultee body where they are also a Member of the consulting Council, for example, or both a Borough and County Member), provided:

i. the proposal does not substantially effect the wellbeing or financial standing of the consultee body:

ii. they make it clear to the consultee:

- their views are expressed on the limited information;
- they have reserved judgement until they hear all of the relevant information;
- they have not in any way committed themselves as to how they may vote when the proposal comes before the Committee; and

iii. they disclose the personal interest regarding their membership or role when the Committee comes to consider the proposal.

e) Members should not speak and vote on a proposal where they have fettered their discretion of they are pre-determined. They do not also have to withdraw, but they may prefer to do so for the sake of appearance.

f) Members should explain that they do not intend to speak and vote because they have or they could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.

g) Members should take the opportunity to exercise their separate speaking rights as a representative of local electors where they wish to support those electors regardless of the merits of the case. If they do they should;-

i. advise the Chair that they wish to speak in this capacity before commencement of the item;

ii. remove themselves from the member seating area for the duration of that item; and

iii. ensure that their actions are recorded.

5D.6 PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE

a) The Council operates a system of public speaking at all of its Committees. Planning Applications Committee is no exception. However, by necessity, the number of speakers is limited and the time allowed for speeches is limited to three minutes per speaker. In operating the system, it is the role of the Chair to ensure that all speakers are dealt with fairly and equally. To assist with this process, those allowed to speak at the Planning Applications Committee and the order of speakers is as follows:

i. Members on Planning Applications Committee who have declared a Disclosable or Deemed Disclosable Interest or who have indicated that they have a predetermined view of the matter under consideration;
ii. Ward Members of specific applications who are not members of the Committee; and
iii. Two speakers against and two for the proposal. In allocating speaking rights, priority will be given to those speakers who are, in the Assistant Director – Planning's opinion, directly affected by the proposal, irrespective of when the request to speak is received. If there are vacant speaking slots, these will be allocated to those not directly affected who wish to speak, on a first come, first served basis.

b) A Ward Member of a specific application, where there is no Ward Member representative on the Planning Applications Committee, will be allowed to participate during consideration of that item but will not be allowed to vote.

c) Speaking Rights at Adjourned Meetings

i. Where an item is on an agenda and it has been deferred from a previous meeting, speaking will only be allowed in the following circumstances:

- Where substantive new material is being considered by the committee. Substantive new material is defined as material where officers have decided that consultation with the public on it is necessary.
- Where the matter is to be reconsidered for any other reason.

ii. Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

iii. For the avoidance of doubt, an item that has been deferred because members were minded to go against the officer recommendation and the Chief Planning Officer was unable to advise on grounds in the meeting or the decision constitutes a Departure and is therefore bringing a further report to the next available Committee setting out their advice, does not require a second round of public speaking because this does not constitute substantive new material.

d) Varying Speaking Rights

i. At the discretion of the chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant must be offered the same time to speak as the time offered collectively to Objectors.

5D.7 OWN-INTEREST PLANNING APPLICATIONS

a) Further to paragraph 5D.1(j), Own-interest applications that are not of a major nature (criteria below) may be referred to the Planning Applications Committee by the Nominated Officer and Nominated Member, having regard to statutory planning guidance. For these purposes, an own-interest application is an application made by the Council, a Member of the Council, an Officer of the Council, or an application in which the nominated officer and nominated member consider that the Council, any Member, or any Officer has an interest. Where no referral is made to the Planning Applications Committee, the application must be determined by the Assistant Director – Planning under delegated powers.

All own-interest major planning applications (as defined below) will be determined by Planning Applications Committee. A major planning application is defined as:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- Residential development of 10 or more residential dwellings;
- Residential development of on a site of 0.5 hectares or more (where the number of residential units is not yet known i.e. for outline applications);
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- development carried out on a site having an area of 1 hectare or more.

b) Where applicable, a Member or an Officer who has submitted a planning application will take no part in the determination of that application or the decision-making process leading to the determination of that application.

c) Members and Officers who submit a planning application or who have an application submitted on their behalf shall notify the Assistant Director – Planning or the Planning Manager (Development Control) in their absence in writing of that submission.

d) All personal planning applications by Members or Officers will be designated in such a way that outlines it's a 'Own-interest application' only for the purposes of the agenda and report pack.

e) Members who act as agents for people pursuing a planning matter with the Council shall take no part in the processing or determination of that application.

f) All applications submitted on behalf of the Council shall have both the officer name and their job title on the face of the agenda.

Applications submitted by Councillors or Officers

g) It is perfectly legitimate for planning applications to be submitted by Councillors and members of staff. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination. If a councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing. The Planning Scheme of Delegation sets out the circumstances when applications submitted by councillors and officers must be determined by Committee. The procedures to be followed in Committee when determining such applications are as follows:

- The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary Interest for that Councillor and they will need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Code of Conduct for Members.
- If such a Councillor does not have a Disclosable Pecuniary Interest, they may address the Committee as the applicant in accordance with the Council's public speaking procedures.
- If such a Councillor has a Disclosable Pecuniary Interest, they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf, unless they have received a specific dispensation for this purpose from the Monitoring Officer.
- The Planning Applications Committee Councillor must consider whether the nature of any relationship means that they have a Disclosable Pecuniary Interest in relation to the matter and if so, they may not participate in the consideration of that matter.

h) The principle in the final bullet point also applies to an application submitted by a member of staff when it is considered in Committee.

Applications submitted by the Council

i) It is perfectly legitimate for such proposals to be submitted to and determined by the Council. Proposals for a Council's own development will be treated no differently from any other application.

j) The Planning Scheme of Delegation sets out the circumstances when applications submitted by the Council must be determined by Committee.

k) Certain Councillors may, through their other roles outside of Planning Applications Committee (e.g. a Portfolio Holder), have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Planning Applications Committee, the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rights rules in the Planning Applications Committee Procedures) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

5D.8 **LOBBYING**

a) The Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and this Scheme of Delegation, shall not be lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

b) Any such lobbying that is received should be reported to the Monitoring Officer, who will deal with it as appropriate. The Monitoring Officer shall develop and publish procedures to deal with these issues and other vexatious planning complaints.

c) The following points are offered as guidance:

   i. Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it might prejudice your impartiality and therefore your ability to participate in the Committee's decision making if you express an intention to vote one way or another, or to express such a firm point of view that it amounts to the same thing.

   ii. Do remember that your overriding duty is to the whole community, not just to the people in your Ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

iii. Do not accept gifts or hospitality from any person involved in or affected by a planning proposal. This might be construed as a bribe for the purposes of the Bribery Act 2010, which is a serious criminal offence.

iv. Do copy or pass on any lobbying correspondence you receive to the Assistant Director at the earliest opportunity. Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments. The distribution of such material should be done in advance of the meeting by either supplying it to the [Planning Service], if it is written material and can be included in the Addendum Report, or otherwise by sending it direct to Councillors in advance of the meeting.

v. Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

vi. Do not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you may be viewed as having a biased or predetermined view of the matter and are likely to have a Deemed Disclosable Pecuniary Interest.

vii. Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, Campaign to Protect Rural England, Ramblers Association or a local Civic Society, but disclose an Other Interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

viii. Do not lobby Members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

ix. Do not decide or discuss how to vote on any application at any sort of Political Group meeting, or lobby any other Member to do so.

5D.9 **PRE-APPLICATION DISCUSSIONS**

a) Local planning authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to continue after an application has been submitted. Such discussions can often be interpreted by the public, and especially objectors, as prejudicing the planning decision making process.

b) In order to allay such perceptions, pre-application discussions should take place within clear guidelines as follows;-

   i. pre-application discussions should normally be conducted at officer level. In some cases pre-application presentations may be made to all Members to enable large strategic schemes to be considered generally before the application comes to Committee. Such presentations are a form of lobbying and Members must not express any strong views or state how they or other Members might vote;

   ii. pre-application discussions should make clear at the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are provisional. By the very nature of such meetings not all relevant information will be to hand, neither will formal consultations with interested parties have taken place;

   iii. advice should be consistent and based upon the Development Plan, Supplementary Planning documents and material considerations. In addition, all officers taking part in such discussions will make their decision-making role clear; and

   iv. an Officer shall take a written note of all meetings.

5D.10 **POST-SUBMISSION DISCUSSIONS**

a) A Planning Applications Committee Councillor should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

b) There are limited circumstances when Planning Applications Committee Councillors may legitimately engage in post-submission discussions. An example would be in the case of a very large-scale development, where it is desirable for there to be a full understanding of the Council’s planning and economic objectives. Such meetings will be organised by officers as a Technical Briefing and run under the procedures set out in the Planning Applications Committee Procedures.

c) If a Planning Applications Committee Councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Chief Planning Officer any significant contact with the applicant or other parties, explaining the nature and purpose of the contact and their involvement, so that it can be recorded on the planning file. Any material received by a Councillor from an applicant, their agent or objectors in relation to an application should be passed onto the Chief Planning Officer so that it can be taken into account in the determination of the application. In the interests of transparency, any such contact should be declared at the subsequent committee meeting that considers the application.

d) Planning Applications Committee Councillors should not attend post-submission meetings that are not organised through officers.

5D.11 **DECISION MAKING**

e) Not withstanding Article 4A Council Procedure Rules, where a decision is to be made on an agenda item, in order to be able to vote, a Member of the Committee must not be conflicted by any procedure rule applicable to voting and must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking. This also applies when a matter is considered across two or more meetings because of a deferment, unless a decision is made to start the consideration of the matter afresh. Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of debate by the Committee.

f) Decisions Contrary to the Recommendation

i. A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded going against their recommendation and can prepare their advice accordingly.

ii. When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Chief Planning Officer as to what form a new motion should take. That advice will be based upon the development plan, the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.

iii. The legal representative advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.

iv. Once the Committee has received the advice of the Chief Planning Officer they can proceed to a vote. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law, must be clear and convincing. The decision should take the form, ‘That authority is delegated to the [Chief Planning Officer] to refuse planning permission for the following summary reasons:’

v. If the Chief Planning Officer considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee setting out their advice.

vi. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

g) Decisions Contrary to the Development Plan

i. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application must be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Minister for Housing, Communities and Local Government (National Planning Casework Unit). Such a decision is referred to as a Departure.

ii. If the recommendation in the officer report constitutes a Departure, the justification will be included in that report, and the necessary advertisement would have been undertaken.

iii. If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the [Chief Planning Officer]) would constitute a Departure, the Chief Planning Officer shall so inform the committee. Further consideration of the matter will be suspended, and the agenda item will be deferred so that the Chief Planning Officer can bring a further report to the next available Committee detailing the planning issues raised by such a decision. Any necessary advertisement of the application will also be undertaken.

iv. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee.

v. If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development

Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law, must be clear and convincing.

h) Deferred Decisions

i. If the Committee decides to defer consideration of an item to a later meeting the following procedures shall apply depending on the reason for the deferment. At the time of deferral the Chair shall identify which procedure is likely to be followed at the deferred meeting.

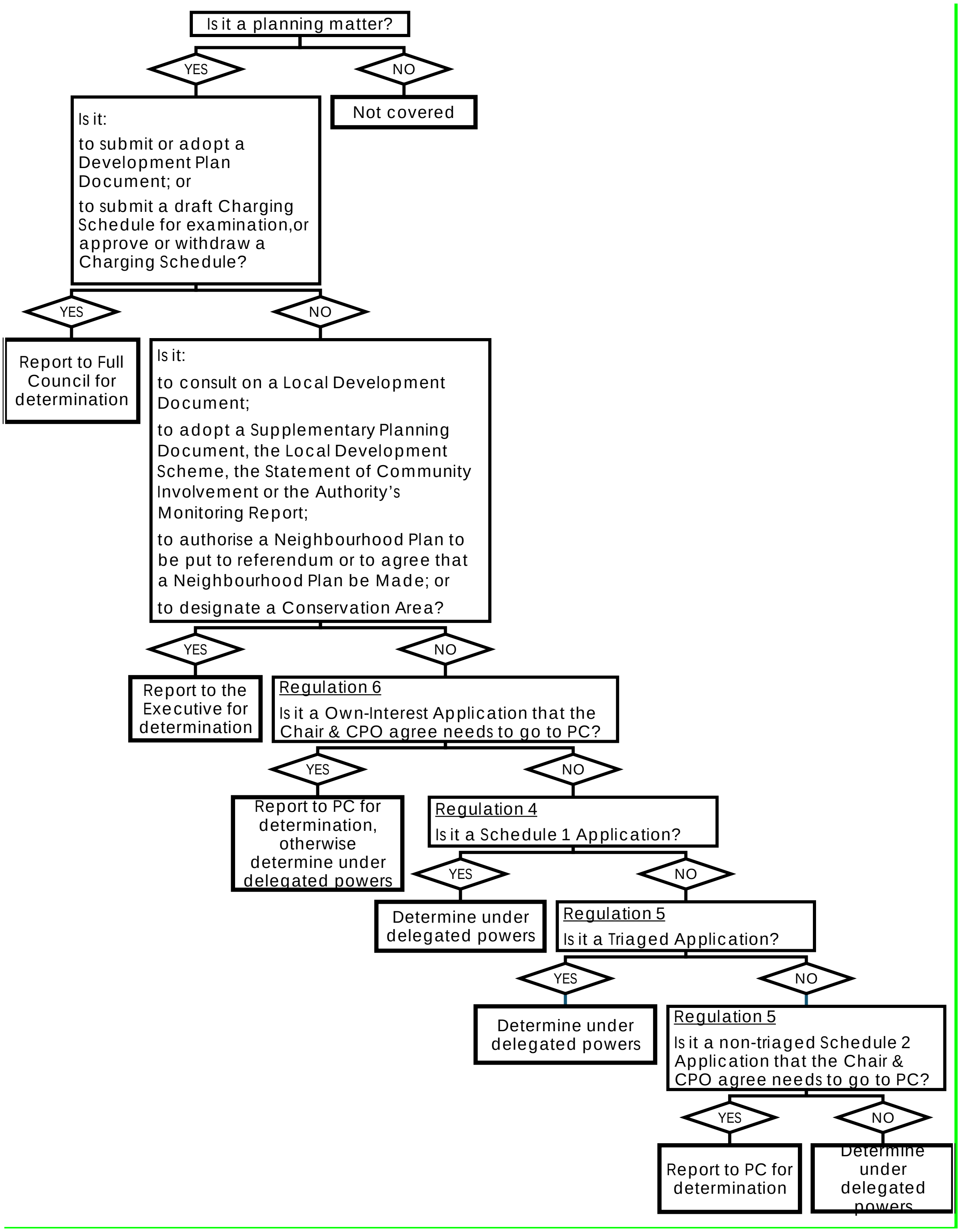
ii. If the Committee defers making a decision for further information (such as a site visit or for clarification of or further advice on a matter) or a minor change to the proposal (defined as a change that officers decide that consultation with the public on it is not necessary) then at the deferred meeting members of the Committee will effectively continue their consideration of the item. This means that:

a. Only those Members present at the meeting when the matter was first considered, and at the deferred meeting may vote on the matter; and
b. in line with the Public Speaking Rights set out above (5.D6 c), a further round of public speaking will not be permitted at the deferred meeting.

iii. If the limitations set out above result in the Committee not being quorate, then the procedures set out in the next paragraph shall apply.

iv. If the Committee defers making a decision in order to seek substantive new material or a material change to the proposal (both defined as an addition or change that officers decide that consultation with the public on it is necessary) the Committee shall consider the item afresh at the deferred meeting. Officers will present the item in full, including the new material. Public speaking will be permitted in line with the Public Speaking Rights set out above (5D.6 c). All Members present at the deferred meeting when the item is reconsidered may vote on it.

Part A – Planning Scheme of Delegation Flow Diagram



Part B – Site Visit Procedures

Section A – General

1. Site visits are for Members of the Planning Applications Committee to observe the site and gain a better understanding of the impact of the development. They are intended to:
   - be a fact-finding exercise;
   - let Members consider the proposed development in the context of the site;
   - allow Members to ask officers questions of clarification about the development; and
   - enable officers to point out relevant features and factors for consideration at the committee.

2. The merits or otherwise of the development must not be discussed at a site visit.
3. The decision whether to have a site visit is made at a meeting when the applications is considered. A member of the committee must first move and seek a seconder for a site visit to be arranged. If the Planning Applications Committee vote and it is agreed to hold a site visit, the application will be deferred. The application shall then follow the deferred process for the purposes of reconsidering the application at a future committee.
4. Subject to 3, the site visit will take place the afternoon of the date of the Planning Applications Committee meeting.

Section B – Attendance at the site visit

1. A site visit is not a part of the formal determination of the planning application and therefore the public attendance and speaking rights of the formal Planning Applications Committee do not apply. Site visits should only be attended by Members of the Planning Applications Committee and officers. The arrangements for site visits will not normally be publicised. The applicant, their agent(s) and third parties are not expected to be present. If such parties are present and they are interfering with the site visit process, the Chair in consultation with the Chief Planning Officer, shall decide how best to deal with the breach of procedures, including abandoning the site visit.
2. Where permission is needed to go onto private land, contact will be made by officers with the owner to facilitate access. The owner or their representative will only facilitate access and shall play no further role in the site visit.

Section C – Conduct Of The Site Visit

1. The purpose, format, issues for consideration and standards of conduct should be made clear by the Chair or officer present at the outset and adhered to throughout the visit.
2. All Members attending the site visit should remain together as a group to ensure that they all receive the same information.
3. Members should not hear representations by any party at the site visit. Where a Member is approached by the applicant or a third party, the party should be

advised that they should make representations in writing to the authority and direct them to or inform the officer present.

Section D – Reporting On The Site Visit

1. An Officer shall make a record of the site visit, which should include:
    - The date and time of the visit.
    - The names of all present.
    - A summary note of any questions asked by Members and the responses provided by officers (or others) during the visit so that all Members have the same information.

Part C – Vexatious Customer Procedure

This Part contains the procedure to deal with planning related complaints that are unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures.

1. Introduction

a) This procedure is designed to deal with lobbying, representations, complaints and similar submissions to the Planning Service where the complainant is unreasonably persistent, malicious and/or vexatious or flagrantly in breach of rules or procedures. These will be referred to collectively as vexatious complaints in these procedures.

b) Whilst not specifically covered by these procedures, the Council does not expect staff to tolerate behaviour that is abusive, offensive or threatening and will take action to protect staff from such situations.

2. Reasons for the procedure

a) Planning decisions are based on balancing competing interests and making an informed judgement against a national, regional and local policy framework on what can be controversial proposals. One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved.

b) Whilst Councillors and officers must take account of these views, they cannot favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that Councils make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

c) Whilst it is legitimate that people affected by planning proposals express their views on them so that they may be considered, they must respect the Council’s members and officers and not subject them to unacceptable behaviour. The purpose of this procedure is to identify such behaviour; explain why it is unacceptable; and set out procedures to deal with it when it occurs persistently.

3. Potential problems

a) Dealing with complaints, representations and enquires from the public is generally a straightforward process. In a small number of cases, people pursue them in a way which can either impede dealing with the matter or can have significant resource implications for the Council. This can happen either while the matter is being investigated, or once the Council has finished dealing with it. It is important to distinguish between people who make several complaints because they genuinely think things have gone wrong and people who make unreasonably persistent complaints, representations or enquiries.

b) The aim of these procedures is to contribute to the Council's overall aim of dealing with all customers in ways which are consistent and equitable. It sets out how the Council will decide which customers will be treated as vexatious, and what the Council will do in those circumstances. This guidance runs alongside existing corporate policies and guidance relating to equalities, health and safety, and dignity and respect at work. It should only be pursued where necessary.

c) What follows are the three most common examples of behaviours that would be covered by these procedures.

4. National Scheme of Delegation

a) The Government have introduced a National Scheme of Delegation through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. This means that there are only certain circumstances when a planning application can be referred to committee for determination. The old practices of a specific quantity of objections triggering that or referral by a ward member, no longer apply.

b) The decision on whether a matter is determined by members in committee, cabinet or full council is specified by the Regulations or the Constitution. Where there is discretion, it is generally a decision between the Chair of Planning Applications Committee and the Chief Planning Officer. There are statutory provisions governing how they should do this, and lobbying is not a matter that can be considered. Because of this risk that they will be put under pressure to use their powers in a particular way, the Constitution prohibits the lobbying of these members and officers in these circumstances.

c) Any such lobbying should be reported to the Monitoring Officer, who will deal with it under these procedures.

5. Representations on Planning Applications

a) The public have the right to comment on a planning application. It is the substance of what has been said that is material, not how often it has been repeated or who said it. A planning decision is not a local plebiscite and voluminous, repetitive objection or support campaigns add nothing to the decision-making process, other than unnecessarily increasing the workload of the [Planning Service] as they must be processed.

b) Councils have always had to deal with such repeat representations, but a new trend is emerging where AI is used to generate this material. The result can be excessive both in the number of objections generated and in the length of individual objections. These can often be highly inaccurate. Along with the right to make a representation, there is a duty to ensure that it is accurate. Again, excessively long and inaccurate representations add nothing to the decision-making process, other than unnecessarily increasing the workload of the Planning Service as they must be checked.

c) Any such excessively voluminous representations or where there is evidence of the unreasonable use of AI, should be reported to the Corporate Support & Data Compliance Manager, who will deal with it under these procedures.

6. Vexations complaints

a) The final category is wider than representations on planning applications and can occur with other planning activities such as enforcement complaints and policy matters. Again people have the right to make complaints or other representations, but they also have a responsibility to be reasonable and not submit excessive quantities of correspondence and be unreasonably persistent.

b) The Council defines unreasonable behaviour in these cases as those who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints/enquiries. Customers who are displaying unreasonable behaviours, may have justified complaints or grievances but are pursuing them in inappropriate ways. They may not be seeking to resolve a dispute between themselves and the Council but are seeking to cause unnecessary aggravation or annoyance to the Council. Alternatively, they may be intent on pursuing complaints or enquiries which appear to have no substance, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

c) Any such behaviours that reach the vexatious threshold should be reported to the Corporate Support & Data Compliance Manager, who will deal with it under these procedures.

7. Principles

The key principle behind these procedures is the need to balance the rights of the public to correspond with the Council with their responsibility to do so in a way that is proportionate and reasonable. The procedures are not intended to be used to restrict customers in contacting the [Planning Service], however the Council has a duty to ensure that it provides value for money for all its residents and customers. It is those customers who are placing heavy demands on staff time that is unjustified and unreasonable who will potentially be subject to these procedures.

8. Procedure And Sanctions

Where the Chief Planning Officer considers that a customer is in breach of these procedures they will refer the matter to the Corporate Support & Data Compliance Manager. If the Corporate Support & Data Compliance Manager agrees that the thresholds in these procedures have been reached, they will contact the customer. There are three stages to the process.

8.1. Stage 1

The infringement of these procedures will be explained to the customer. They will be advised not to repeat their actions and the potential consequences of ignoring the advice will be set out.

8.2. Stage 2

If there is a further infringement, that fact will be pointed out to the customer. They will be advised that this is their final warning and if they repeat their actions, they will be treated as a vexatious complainant as previously set out.

8.3. Stage 3

a) Following a third infringement, they will be treated as a vexatious complainant and informed of the actions the Council is putting in place. This would usually mean that they must submit any representations or other communication with the Planning Service through either:

   a. An appropriate professional person; or

   b. the customer's ward member.

b) The professional person should be operating in the field of planning or a closely related professional area and would include a RTPI planning consultant, RICS surveyor, an RIBA architect or similar. These professions have professional codes which prescribe the behaviour of their members thereby enabling the Council to manage, through their respective institutes, any problems that might arise. The professional person must therefore be endorsed by the Chief Planning Officer and their decision on this would be final.

c) If the customer is unable or unwilling to use a professional person, then the only way to submit material on planning matters to the Planning Service is through their ward member. The ward member would have to comply with the Council's rules in doing this, including the expectations around proportionality and reasonableness.

d) Further sanctions may be considered depending on the circumstances of a particular case. These could include:

   c. Named Point of Contact: Requiring the complainant to only contact one named staff member.

   d. Refusing New Complaints: Refusing to process further complaints about the same matter.

   e. Banning Access: Banning the individual from council premises, except by appointment.

   f. Termination of Contact: In extreme cases, stopping all communication with the complainant.

e) The restrictions would normally continue for a year. The sanctions will then be reviewed by the Corporate Support & Data Compliance Manager, in consultation with the Chief Planning Officer, to judge whether they can be lifted. This decision will be based on whether the customer has displayed reformed behaviour. The sanctions should remain in place until such time as it is considered that they have.

f) If sanctions are removed but the customer renews their previously identified behaviour, the sanctions can be reimposed without any further warning.

8.4. Appeal

The decision to treat a customer as vexatious and impose sanctions can be appealed through the Monitoring Officer. This must be received by the Council within 28 days of the date of its decision. If the customer is dissatisfied with the outcome, the Chief Executive Officer can be asked to review the decision. That request must also be made within 28 days and the decision will be final.

Part D – Use of Delegated Powers

1. When using delegated powers or referring a matter to committee for a determination, the Nominated Officer and the Nominated Member, when involved, and an officer of the LPA must make sure that they take such decisions in the appropriate way and that they are recorded. This should be captured in the associated delegated or committee report with respective sections titled:

    - Reason for determining under delegated powers
    - Reason for referral to Committee

2. These reasons should be succinct but clear.

Schedule 1

3. These applications must always be determined under delegated powers and cannot be referred to committee for determination. The associated delegated report should therefore state:

This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.

Schedule 2

4. Triaged Applications

4.1. Some categories of application in Schedule 2 have been identified in the Scheme of Delegation as Triage Applications and should be determined under delegated powers. The other categories of application in Schedule 2 can be treated as a Triaged Application by officers if they consider that, in the context of a particular application, the criteria in the Gateway Test (see below) are clearly not engaged. In both cases, the associated delegated report should state:

This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.

5. Gateway Test Applications

5.1. The Regulations make provision, in Regulation 5(3), for the matters that must be considered by the Nominated Member and Nominated Officer when they agree whether or not to refer a proposal to determine a Schedule 2 Application to committee. They are known as the Gateway Test and are that the proposal raises:

i) one or more issues of economic, social or environmental significance to the local area; or

j) one or more significant planning matters having regard to the development plan and any other material considerations.

5.2. If it is agreed to refer an application to committee, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report as follows:

This is a Schedule 2 Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated Officer agree that it is necessary because [it raises one or more issues of economic, social or environmental significance to the local area] [and] [it raises one or more significant planning matters having regard to the development plan and any other material considerations].

5.3. If it remains a delegated decision, the associated delegated report should state:

This is a Schedule 2 application. By virtue of Regulation 5, it is being dealt with under delegated powers because the Nominated Member and Nominated Officer do not agree that the Gateway Test is engaged because it does not raise any issues of economic, social or environmental significance to the local area and nor does it raise any significant planning matters having regard to the development plan and any other material considerations.

6. Triage Process For Own-Interest Applications

6.1. These are applications made by or on behalf of:

a) the Council;
b) a member of the Council;
c) an officer of the Council; or
d) the Council or any of its members or officers otherwise has an interest in the application.

6.2. The decision-making process for these applications should be one of ensuring openness and transparency. In deciding whether to refer to committee, the Nominated Member and Officer should ensure that, because of the nature of the applicant, there is not a real (or reasonably perceived) risk of bias by determining the application under delegated powers and secondly that, because of the nature of the development, there is a good reason to refer it to Committee.

7. Own-Interest Applications: Applicant Considerations

7.1. In this context, category (c) Own-interest application should normally be narrowed to only apply to:

i. a Senior Officer of the Council; or
ii. an ‘officer of the Local Planning Authority’.

7.2. The first would be defined as Service Head level and above.

7.3. The second, would be defined as an officer within the Council who, in the opinion of the Chief Planning Officer, is closely involved in the day-to-day work of the Council's planning function.

7.4. It is reasonable to conclude that other officers of the Council would probably not be known to the planning service and therefore the risk of bias is not engaged. Such applications should be determined in the same way that any other application in that Schedule would be determined. The details of the Own-Interest applicant status should be recorded in the respective committee or delegated report with the following introduction:

This is an Own-Interest Application because the applicant is an officer of the Council, but as they are not a senior officer nor closely involved in the day-to-day work of the Council's planning function it has not been reported to committee for that reason. [This is a Schedule 1 Application. By virtue of Regulation 4, it must be dealt with under delegated powers.] [This is a Schedule 2 Application. By virtue of Regulation 5, it should be dealt with under delegated powers because the Gateway Test is not engaged.].

Own-Interest Applications: Development Considerations

7.5. For any application:

g. caught by the above category (c) 'Own-Interest applicant status' criteria; or
h. an Own-Interest Application in categories (a), (b) and (d);

with respect to whether there is a good reason to refer that application to committee because of the nature of the development, the following criteria should be used:

Such an Own-Interest Application should only be considered by the Nominated Member and Nominated Officer for referral to and determination by committee if one of the following criteria applies:

i. the proposal has been advertised under Article 15 of the DMPO because it does not accord with the provisions of the development plan; or
j. one or more material planning considerations are raised that have the potential to have a significant impact.

7.6. This allows the circumstances of each application to be assessed and if it is for a development that complies with policy and there is not considered to be a material planning objection, it can be dealt with under delegated powers, with the reason recoded in the delegated report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is not being reported to committee because it has not been advertised under Article 15 of the GMPO as a departure and nor is there considered to be a material planning objection.

7.7. Where either of these criteria applies, the Nominated Member and Nominated Officer must agree that it is necessary for the planning application to be referred to and determined by committee and this should be recorded in the normal way in the associated committee report as follows:

This is an Own-Interest Application. By virtue of Regulation 5, it is being reported to Committee because the Nominated Member and Nominated Officer agree that it is necessary because [it has been advertised under Article 15 of the GMPO as a departure] [and] [there is considered to be a material planning objection].

7.8. Limitations should be set on the receipt of material planning considerations by the Planning Service to ensure that these matters can be safely administered, and the risk of fraudulent objections is minimised:

A material planning consideration must have been made in writing in response to the publicity/advertisement/notification of the application, be from a person with an address within the LPA area and be received within the specified deadline.

7.9. With these safeguards in place, such applications will be put to committee where that serves a legitimate purpose but can be dealt with under delegated powers where committee involvement is not necessary.

7.10. Under Regulation 10 of the Town and Country Planning General Regulations 1992, where a local planning authority is determining its own application for planning permission, it must not be determined by a committee, sub-committee or officer responsible for the management of the building or land to which the application relates. In addition to this restriction, where a planning application is made by or on behalf of a nominated officer or member or an entity owned or controlled (whether wholly or partly) by a member or officer (including jointly with another person), in the interests of propriety, they should not be involved in the decision on whether to refer it to committee or not.

8. Officer’s Discretion To Use Delegated Powers

8.1. With respect to planning applications covered by the Regulations, officers do not have discretion to decide to report a matter to committee. Only the nominated member and officer can jointly take that decision.

8.2. With respect to any other planning matter that is capable of being dealt with under delegated powers, an officer does have the ability, in their absolute discretion, to decide that it is not appropriate in the circumstances of a particular case to exercise those powers with respect to that planning matter and therefore report it to members (Full Council, the Executive or [Planning Committee] as appropriate) for determination. Again, it is not possible to advise further on this because these are essentially exceptional circumstances.

8.3. In both cases, that decision and the reasons for it should be set out succinctly and clearly in the associated committee report, as follows:

This is [describe the planning matter]. It is being reported to [Council] [Cabinet] [Committee] because the [Chief Planning Officer] considers that it is necessary because […].

9. Lobbying

9.1. The Council's Scheme of Delegation prohibits the Nominated Member or the Nominated Officer or any other officer of the authority, when exercising their powers under Regulations 4, 5 or 6 and the Scheme of Delegation, being lobbied or otherwise contacted by any person or organisation, including by members or officers of the relevant authority, to use their power in a particular way.

9.2. The Constitution requires that any such lobbying that is received should be reported to the Monitoring Officer, who must develop and publish procedures to deal with these issues and other vexatious planning complaints.

3E OFFICER DELEGATIONS - Part B - Specific Delegations

3E.7 Assistant Director – Planning

a) Exercise any power, take any enforcement or other action of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Statutory Provision – Assistant Director - Planning

Statutory Provision	Brief Description
Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026	Nominated Officer further to 3 (1) (b)
Parts III, VII, VIII Town and Country Planning Act 1990	Planning enforcement and rights of entry
S.330 Town and Country Planning Act 1990	Notices requiring information
Town and Country Planning (General Development Procedure) Order 1995	Procedure for dealing with applications and appeals
S.70A Town and Country Planning Act 1990	Decline to determine planning application
Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regs 1999	Various
Housing and Planning Act 2016	Various
S137 and 139 Town and Country Planning Act 1990	Respond to all Purchase Notices
S198, 201 and 203 Town and Country Planning Act 1990	Making of Tree Preservation Orders
Part VIII Anti-Social Behaviour Act 2003	High Hedges
Planning (Listed Buildings and Conservation Areas)Act 1990 and Planning (Hazardous Substances) Act 1990	Listed buildings and conservation areas and rights of entry
Local Land Charges Act 1975	Maintenance of Local Land Charges Register
Public Health Act 1925	Street naming & Numbering

b) Further to Part D – Use of Delegated Powers of Section 5D, ~~T~~to process and make decisions on all planning applications as defined in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

c) Further to Part D – Use of Delegated Powers of Section 5D, to process and make decisions on planning applications as defined in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 where it is agreed that a decision is at Officer level.

d) Undertake functions relation to street name and numbering.

e) Administer the arrangements for the discharge of all matters relating to the Council's Local Land Charges Register.

ANNEX A Planning Scheme Of Management

Further to Part D – Use of Delegated Powers of Section 5D:

Section A - Introduction

~~b) below except in any one of the following cases:~~

~~i. Where an Environmental Impact Assessment has been submitted with a planning application.~~

~~ii. Where letters of objection that meet the criteria as set out in the table at Annex A below have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, (unless the objection does not, in the Assistant Director – Planning's opinion, relate to valid planning considerations (which are set out in the leaflet 'Having Your Say on Planning Applications') or are matters as set out in Schedule 2 below).~~

~~iii. Where the application is recommended for refusal, the ward Members will be given notice of this and allowed five working days in which they can request that the application be referred to Committee.~~

~~iv. Where letters of support that meet the criteria as set out in the table at Annex A below have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period (unless the letter of support does not, in the Assistant Director – Planning's opinion, relate to valid planning considerations (which are set out in the leaflet 'Having Your Say on Planning Applications') or are matters as set out in Schedule 2 below) and the Assistant Director - Planning is minded to refuse the application.~~

~~v. Where a Member requests and the Assistant Director - Planning agrees (having consulted the chair and vice-chair of the Planning Applications Committee that:~~

~~i. A Councillor in the case of a minor application in their ward; or~~
~~ii. in the case of a major application, any three individual Councillors request(s) and the Assistant Director - Planning agrees (having consulted the chair and vice-chair of the Planning Applications Committee),~~

~~that application be dealt with by the Planning Applications Committee.~~

~~The request(s)must be made to the Assistant Director - Planning in writing or by e-mail within 28 days of the date of the relevant weekly list of planning applications (or 14 days in the case of proposals submitted to other authorities). In both cases above, sufficient and rational reasons need to be given for the call in to be determined by Assistant Director - Planning, in consultation with the chair and vice-chair of Planning Application Committee.~~

~~vi. The Assistant Director - Planning considers the application or notified matter should be considered by the Planning Applications Committee.~~

~~vii. The terms of a legal agreement needs to be agreed other than where a contribution is in accordance with a tariff agreed in adopted Supplementary Planning Documents; or where a viability assessment submitted with the planning application has been scrutinised by an independent viability consultant instructed by the Council who has then advised that the scheme is not viable and therefore cannot make all or some of the contributions that would ordinarily be sought in accordance with a tariff agreed in adopted Supplementary Planning Documents.~~

~~viii. The proposal involves the Borough Council either as applicant or land owner, and the scheme is not of a minor nature, as defined in statistical returns to the Government.~~

~~ix. The applicant is a member or an Officer of the Council.~~

~~Schedule 1~~

~~1. Planning Permission~~
~~2. Approval of Reserved Matters~~
~~3. Minor Amendments to Approved Schemes~~
~~4. Consent to Display Advertisements~~
~~5. Listed Building Consent~~
~~6. Conservation Area Consent~~
~~7. Proposals Submitted to Other Local Authorities~~

~~Schedule 2~~

~~1. Developers/applicants' motives or morals~~
~~2. Loss of views over other people's land~~
~~3. Impact on property value~~
~~4. Impact on private rights and/or covenants~~
~~5. Boundary disputes or objections arising from disputes unrelated to the planning application.~~

c. ~~Determine applications for consent or approval required by any conditions attached to a planning permission (other than reserved matters) where indicated in the Schedule of Applications.~~

d. ~~To process and initiate enforcement procedures against breaches of planning control, and in the making of Tree Preservation Orders.~~

e. ~~Where (s)he feels urgent action is required, take any step pursuant to Town and Country Planning or related legislation.~~

f. ~~To (i) confirm Tree Preservation Orders, and (ii) grant any consent necessary for works to trees.~~

g. ~~After consultation with Ward Members, determine applications for telecommunications masts which cannot be considered by Planning Applications Committee within 56 days of receipt.~~

h. ~~Negotiate terms of S106 TCPA90 obligations.~~

i. ~~Lodge representations to the Traffic Commissioner in respect of Goods Vehicles Operators' Licence applications.~~

j. ~~Following consultation with the Chair and Vice-chair of the Planning Applications Committee, to defer applications listed on an agenda for Planning Applications Committee where there is a good reason to do so and subject to ensuring that all applicants and objectors can be notified of the deferral in advance of the meeting date.~~

k. ~~Determine applications for Non-Material Amendments~~

~~Annex A: Criteria for letters of Objection~~

1. ~~For an objection to be valid, it shall be a letter or e-mail from a single household. Multiple letters from one property address shall be treated as a single objection, unless the premises are a registered house in multiple occupation;~~
2. ~~Objectors must be aged 16 or over~~
3. ~~The number of objectors required for an application to be referred to Planning Applications Committee shall be as set out in the table below (subject to the test of planning relevance applied by the Assistant Director – Planning mentioned at b ii) above:~~

~~Scale of Application~~	~~Number of valid objections required~~
f)	
g)	
h)	
i)	
j)	
k)	
l)	
m)	
n)	

o) p) q)	
~~Non-major (residential - less than 10 dwellings, or sites of less than 0.5 hectares; non-residential, less than 1,000 sqm gross floorspace, or sites less than 1 hectare)~~	~~At least 5 valid objections~~
~~10 to 50 dwellings and commercial non-residential between 1,000 and 3,750 sqm of floorspace~~	~~At least 10 valid objections~~
~~Over 50 dwellings or more than 3,750 sqm commercial floorspace~~	~~At least 15 valid objections~~

1. Reference to Regulations in this document is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.
2. This Planning Scheme of Management allows the Chief Planning Officer to discharge their responsibilities under the Planning Scheme of Delegation in the Constitution, and for the purposes of Regulation 3 to produce a document that clearly sets out:
    - the member of the authority who acts as the Nominated Member;
    - one or more members of the authority who act as a substitute for the Nominated Member;
    - the officer of the authority who acts as the Nominated Officer;
    - one or more officers of the authority who act as a substitute for the Nominated Officer.
3. The document must also set out:
    - the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
    - the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
    - the officer(s) of the authority who have delegated powers to determine a Own-Interest Application (Regulation 6); and

- the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.

4. This document sets out the rules within the Regulations and provides additional advice on the use of delegated powers; both those powers derived from the Regulations and the powers delegated to the Chief Planning Officer in the Council's Constitution.

Section B – Nominated Members

5. Pursuant to Regulation 3(1)(a) and 3(2)(a):
   - The Nominated Member for the purposes of Regulations 5 and 6 is the Chair of Planning Applications Committee.
   - Pursuant to Regulation 3(2)(b), where the Nominated Member is unavailable for whatever reason, the substitute Nominated Member is the Vice Chair of Planning Applications Committee.

Section C – Nominated Officers

6. Pursuant to Regulation 3(1)(b) and 3(2)(a):
   - The Nominated Officer for the purposes of Regulations 5 and 6 is the Assistant Director for Planning (otherwise titled Chief Planning Officer.
   - Pursuant to Regulation 3(2)(b), where the Nominated Officer is unavailable for whatever reason, the substitute Nominated Officer is the Planning Manager (Development Control) (otherwise known as Deputy Chief Planning Officer).

Section D – Sub-Delegation

7. The Regulations and the Constitution provide that different officers can be nominated for different purposes with respect to the determination of planning applications and other planning matters.
8. Schedule 1 And Schedule 2 Triaged Applications

a) The Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the Local Planning Authority.

   a. Schedule 1 Applications (Regulation 4)

Applications that must be determined by officers.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)

Application category	Officer title	Officer title	Officer title
- Householder development; - Minor residential; - Minor commercial development; - Discharge of conditions; - Variation of conditions (where the previous planning permission was a Schedule 1 planning permission); - Reserved matter approvals (other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more); - Lawful development certificates (existing and proposed); - Lawful development certificates (proposed works to listed buildings); - Prior approval or determination as to whether prior approval is required; - Permission in principle; - Non-material amendments; - Certificates of Appropriate Alternative Development; - Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and - The submission of a biodiversity gain plan.	Planning Manager- Development Control	Principal Planning Officer	

b. Schedule 2 Triaged Applications (Regulation 5)

Triaged Applications identified in the Scheme of Delegation.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Requests to agree to modify or discharge a planning obligation - Modification of a S106 where it's connected to a Schedule 2 application - Retrospective applications (under S73A) - Tree preservation order consent - Advertisement consent	Planning Manager-Development Control	Principal Planning Officer	

c. Schedule 2 Residual Applications (Regulation 5)

Triaged Applications capable of being identified and determined by officers.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Requests to agree to modify or discharge a planning obligation - Modification of a S106 where it's connected to a Schedule 2 application - Retrospective applications (under S73A) - Tree preservation order consent - Advertisement consent	Planning Manager-Development Control	Principal Planning Officer	

9. Residual Schedule 2 And Own-Interest Application

The role of Nominated Member and Nominated Officer is to decide whether a non triaged Schedule 2 application or an Own-Interest Application is determined by committee. Where it is not to be determined by committee, the Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the LPA.

a) Schedule 2 Non-Gateway-Test Applications (Regulation 5)

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Applications for planning permission which are not householder, minor commercial or minor residential applications; - Applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent - Applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission ; - Reserved matters approvals where it relates to a large outline permission; - Listed building consent or a variation or discharge of conditions of listed building consent (section 19(1)) or any application for planning permission that is connected to that application.;	Planning Manager-Development Control	Principal Planning Officer	

b) Own-Interest Applications (Regulation 6)

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
Non-major planning applications	Planning Manager-Development Control	Principal Planning Officer	

~~c) Undertake functions relating to street name and numbering.~~

~~d) Administer the arrangements for the discharge of all matters relating to the Council's Local Land Charges Register.~~

3E OFFICER DELEGATIONS - Part B - Specific Delegations

3E.7 Assistant Director – Planning

a) Exercise any power, take any enforcement or other action of the Local Authority under the following statutory provisions o r pursuant to regulations made (now or in future) under them.

Statutory Provision – Assistant Director - Planning

Statutory Provision	Brief Description
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S.330 Town and Country Planning Act 1990	Notices requiring information
Town and Country Planning (General Development Procedure) Order 1995	Procedure for dealing with applications and appeals
S.70A Town and Country Planning Act 1990	Decline to determine planning application
Town and Country Planning (Environmental Impact Assessment)(England & Wales) Regs 1999	Various
Housing and Planning Act 2016	Various
S137 and 139 Town and Country Planning Act 1990	Respond to all Purchase Notices
S198, 201 and 203 Town and Country Planning Act 1990	Making of Tree Preservation Orders
Part VIII Anti-Social Behaviour Act 2003	High Hedges
Planning (Listed Buildings and Conservation Areas)Act 1990 and Planning (Hazardous Substances) Act 1990	Listed buildings and conservation areas and rights of entry
Local Land Charges Act 1975	Maintenance of Local Land Charges Register
Public Health Act 1925	Street naming & Numbering

b) Further to Part D – Use of Delegated Powers of Section 5D, to process and make decisions on all planning applications as defined in Schedule 1 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

c) Further to Part D – Use of Delegated Powers of Section 5D, to process and make decisions on planning applications as defined in Schedule 2 of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 where it is agreed that a decision is at Officer level.

d) Undertake functions relation to street name and numbering.

e) Administer the arrangements for the discharge of all matters relating to the Council's Local Land Charges Register.

ANNEX A Planning Scheme Of Management

Further to Part D – Use of Delegated Powers of Section 5D:

Section A - Introduction

1. Reference to Regulations in this document is a reference to the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.
2. This Planning Scheme of Management allows the Chief Planning Officer to discharge their responsibilities under the Planning Scheme of Delegation in the Constitution, and for the purposes of Regulation 3 to produce a document that clearly sets out:
    - the member of the authority who acts as the Nominated Member;
    - one or more members of the authority who act as a substitute for the Nominated Member;
    - the officer of the authority who acts as the Nominated Officer;
    - one or more officers of the authority who act as a substitute for the Nominated Officer.
3. The document must also set out:
    - the officer(s) of the authority who have delegated powers to determine a Schedule 1 planning application (Regulation 4);
    - the officer(s) of the authority who have delegated powers to determine a Schedule 2 planning application (Regulation 5);
    - the officer(s) of the authority who have delegated powers to determine a Own-Interest Application (Regulation 6); and
    - the officer(s) of the authority who have delegated powers under the Constitution to determine any other planning matter.
4. This document sets out the rules within the Regulations and provides additional advice on the use of delegated powers; both those powers derived from the Regulations and the powers delegated to the Chief Planning Officer in the Council’s Constitution.

Section B – Nominated Members

5. Pursuant to Regulation 3(1)(a) and 3(2)(a):
   - The Nominated Member for the purposes of Regulations 5 and 6 is the Chair of Planning Applications Committee.
   - Pursuant to Regulation 3(2)(b), where the Nominated Member is unavailable for whatever reason, the substitute Nominated Member is the Vice Chair of Planning Applications Committee.

Section C – Nominated Officers

6. Pursuant to Regulation 3(1)(b) and 3(2)(a):
   - The Nominated Officer for the purposes of Regulations 5 and 6 is the Assistant Director for Planning (otherwise titled Chief Planning Officer.
   - Pursuant to Regulation 3(2)(b), where the Nominated Officer is unavailable for whatever reason, the substitute Nominated Officer is the Planning Manager (Development Control) (otherwise known as Deputy Chief Planning Officer).

Section D – Sub-Delegation

7. The Regulations and the Constitution provide that different officers can be nominated for different purposes with respect to the determination of planning applications and other planning matters.
8. Schedule 1 And Schedule 2 Triaged Applications

a) The Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the Local Planning Authority.

a. Schedule 1 Applications (Regulation 4)

Applications that must be determined by officers.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Householder development; - Minor residential; - Minor commercial development; - Discharge of conditions; - Variation of conditions (where the previous planning permission was a Schedule 1 planning permission);	Planning Manager-Development Control	Principal Planning Officer	

Application category	Officer title	Officer title	Officer title
- Reserved matter approvals (other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more); - Lawful development certificates (existing and proposed); - Lawful development certificates (proposed works to listed buildings); - Prior approval or determination as to whether prior approval is required; - Permission in principle; - Non-material amendments; - Certificates of Appropriate Alternative Development; - Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and - The submission of a biodiversity gain plan.			

b. Schedule 2 Triaged Applications (Regulation 5)

Triaged Applications identified in the Scheme of Delegation.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Requests to agree to modify or discharge a planning obligation	Planning Manager-Development Control	Principal Planning Officer	

Application category	Officer title	Officer title	Officer title
- Modification of a S106 where it's connected to a Schedule 2 application - Retrospective applications (under S73A) - Tree preservation order consent - Advertisement consent			

c. Schedule 2 Residual Applications (Regulation 5)

Triaged Applications capable of being identified and determined by officers.

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Requests to agree to modify or discharge a planning obligation Modification of a S106 where it's connected to a Schedule 2 application - Retrospective applications (under S73A) - Tree preservation order consent - Advertisement consent	Planning Manager-Development Control	Principal Planning Officer	

9. Residual Schedule 2 And Own-Interest Application

The role of Nominated Member and Nominated Officer is to decide whether a non triaged Schedule 2 application or an Own-Interest Application is determined by committee. Where it is not to be determined by committee, the Chief Planning Officer has sub-delegated the task of determining the following planning application categories to the following officers of the LPA.

a) Schedule 2 Non-Gateway-Test Applications (Regulation 5)

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
- Applications for planning permission which are not householder, minor commercial or minor residential applications;	Planning Manager-Development Control	Principal Planning Officer	

Application category	Officer title	Officer title	Officer title
- Applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent - Applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission ;Reserved matters approvals where it relates to a large outline permission; - Listed building consent or a variation or discharge of conditions of listed building consent (section 19(1)) or any application for planning permission that is connected to that application.			

b) Own-Interest Applications (Regulation 6)

Application category	Officer title	Officer title	Officer title
State the category from the respective schedule	State job title(s)	State job title(s)	State job title(s)
Non-major planning applications	Planning Manager- Development Control	Principal Planning Officer	

AGENDA ITEM NO. 8

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15th September 2026
Subject:	Internal Audit Progress Report
Portfolio:	Not Applicable
Responsible Officer:	Audit Manager
Corporate Plan – Theme:	Your Council
Corporate Plan – Aim:	Strive for transparency and accountability, in all that we do. Increase public scrutiny
Ward Relevance:	All
Public or Private:	Public
Amendment to Budget:	No Council Tax Related: No

Recommendation to Council/Cabinet/Committee: No

Forward Plan:	Not applicable (not for Cabinet)
Subject to Call-in:	Not applicable (not for Cabinet)

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1. Purpose of report

1.1. To provide an update on progress against the approved Internal Audit Plan. This details the performance and activity of Internal Audit since the last Progress Report presented to this Committee.

2. Recommendations

2.1. That the report of the Audit Manager (Appendix 1) is considered, and any issues identified are subject to a follow-up report as appropriate

3. Background

3.1. The Audit & Standards Committee is responsible for:

- scrutinising the activity of the Internal Audit service,
- challenging the responses of management to recommended control improvement or lack of progress against agreed actions,
- supporting improvements in governance, risk management and internal controls.
- Ensuring Internal Audit remains independent, effective, and risk focused

4. Body of report and reason for recommendations

4.1. A report on the progress against the 2026/27 internal audit plan is attached at Appendix 1.

5. Consultation with the public, members, officers and associated stakeholders

5.1. None directly related to this report.

6. Financial Implications

6.1. None directly related to this report.

7. Legal Implications

7.1. None directly related to this report.

8. Equalities implications

8.1. None directly related to this report.

9. Health implications

9.1. None directly related to this report.

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. Not applicable to this report.

12. Risk management implications

12.1. This Internal Audit Progress Report provides assurance on the adequacy and effectiveness of the Council's governance, risk management and control arrangements. The findings and recommendations arising from completed audits highlight areas where controls can be strengthened to better manage identified risks. Implementation of agreed actions will support continuous improvement in the Council's overall risk management framework.

13. Human resources implications

13.1. No direct human resource implications have been identified.

14. Biodiversity Implications

14.1. No direct biodiversity implications have been identified.

15. Local Government Reorganisation (LGR) Implications

15.1. No direct LGR implications have been identified.

16. Options considered and reason for their rejection

16.1. Not applicable to this report.

17. Conclusion

17.1. This report demonstrates continued delivery of the approved Audit Plan and provides assurance that appropriate arrangements are in place to address identified risks and control weaknesses. The Audit & Standards Committee is invited to note the progress made, consider the outcomes of completed audits, and endorse the ongoing actions to strengthen the Council's governance, risk management and internal control environment.

18. Appendices

18.1. Please note the following appendix:

i. Appendix A – Internal Audit Progress Report

19. Background papers

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

20. Report Writer Details:

Officer Job Title: Audit Manager

Officer Name: Adrian Manifold

Officer Email Address: adrian.manifold@centralmidlandsaudit.co.uk

Nuneaton & Bedworth Borough Council – Audit Progress Report

Audit & Standards Committee: 15th September 2026

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Our Vision

To bring about improvements in the control, governance and risk management arrangements of our Partners by providing cost effective, high quality internal audit services.

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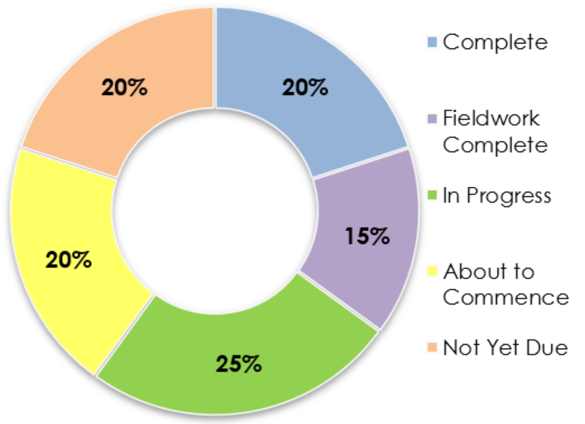
CMAP central midlands audit partnership

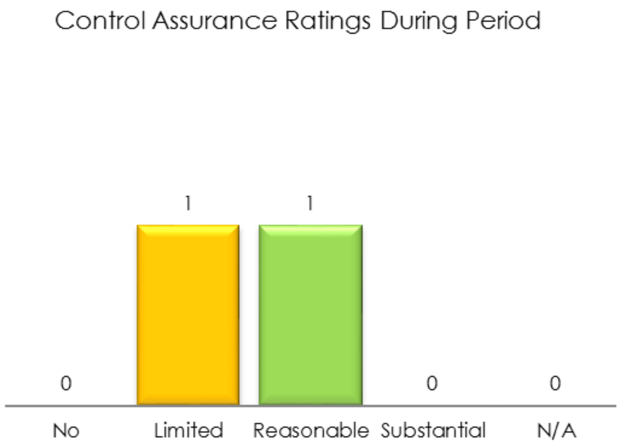
Providing Excellent Audit Services in the Public Sector

AUDIT DASHBOARD

Plan Progress



Jobs Completed in Period



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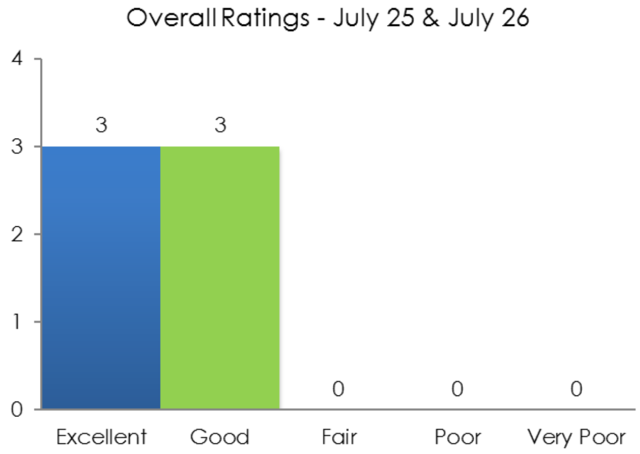
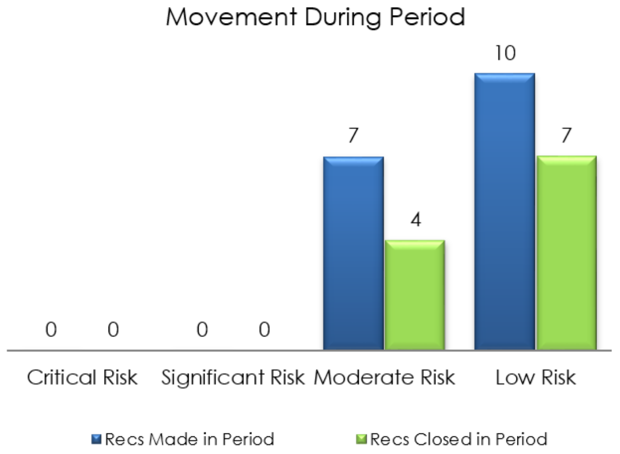


Recommendations Movement



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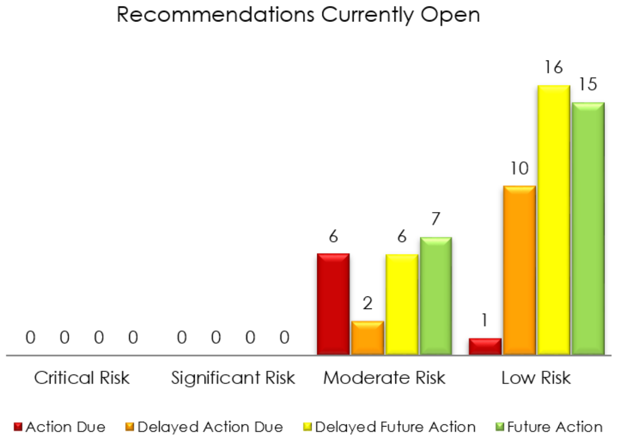
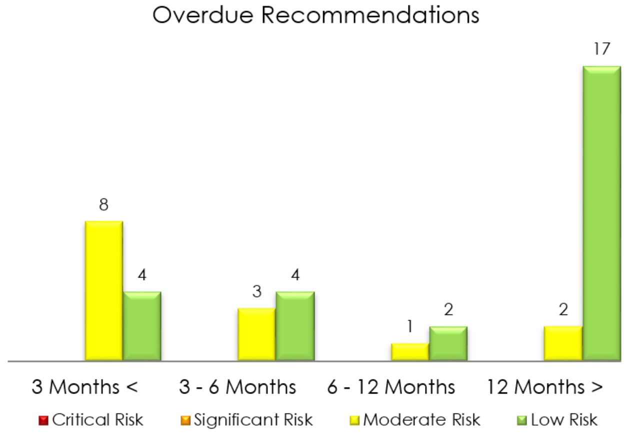


Recommendations Overdue



Nuneaton & Bedworth Borough Council – Audit Progress Report

AUDIT PLAN

Progress on Audit Assignments

The following tables provide Audit & Standards Committee with information on how audit assignments were progressing as at 3rd September 2026.

2025-26 Assignments	Status	% Complete	Assurance Rating
Cash Management	Not Allocated		
Anti-Fraud & Corruption	Not Allocated		
Customer Complaints	Allocated		
IT Infrastructure/Applications 2026-27	Not Allocated		
Emergency Planning	Allocated	15%	
Procurement (Contracts Register)	Allocated	5%	
Housing Regulation (Consumer Standards)	Not Allocated		
Health & Safety	In Progress	20%	

B/Fwd Assignments	Status	% Complete	Assurance Rating
Insurance	Draft Report	95%	
Housing Benefit & Council Tax Support	In Progress	40%	
Information Security 2025-26	In Progress	75%	
Markets & Street Trading	In Progress	80%	
Corporate Fire Risk Management	Final Report	100%	Limited
Voids Management	Fieldwork Complete	80%	
Capital Project Management	In Progress	50%	
Waste Management	Final Report	100%	Reasonable
Parks & Open Spaces	Allocated	5%	
Credit Cards	Final Report	100%	Reasonable
Housing Fire Risk Management	Fieldwork Complete	80%	
Fuel Cards	Final Report	100%	Limited

Plan Changes

None.

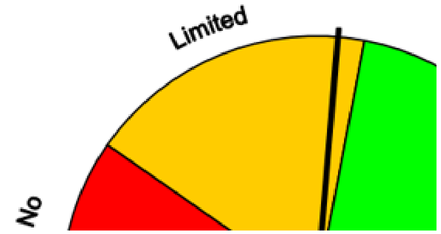
AUDIT COVERAGE

Completed Audit Assignments

Between 12th June 2025 and 3rd September 2026, the following audit assignments have been finalised.

Audit Assignments Completed in Period	Assurance Rating	Recommendations Made				% Recs Closed
		Critical Risk	Significant Risk	Moderate Risk	Low Risk	
Fuel Cards	Limited			4	6	
Waste Management	Reasonable			3	4	

Fuel Cards



Control Objectives Examined	Controls Evaluated	Adequate Controls	Partial Controls	Weak Controls
Fuel card restrictions are in place including transaction limits	1	1	0	0
Issue and use of fuel for jerry cans was appropriately authorised, recorded, and monitored	1	0	1	0
Fuel card usage is subject to regular monitoring and review.	1	0	1	0
All fuel receipts have been submitted timeously to Transport for reconciliation to the supplier invoices received.	1	1	0	0
To assess whether wildcard controls are in place to ensure accountability for wildcard usage.	2	0	2	0
To review mobile tracker reports to validate fuel consumption for hire vehicle journeys.	1	0	1	0
Fuel usage and spend is being monitored for reasonableness, and any large variances are investigated.	4	0	3	1

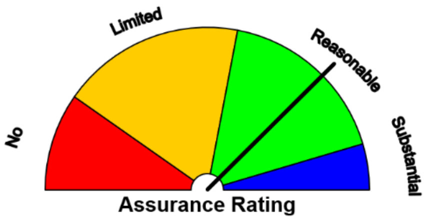
Nuneaton & Bedworth Borough Council – Audit Progress Report

MPGs are being recorded the Agresso Vehicle Asset record and the Quartix Tracker system to enable exception reports to be spooled and for variances to be investigated.	1	0	0	1
TOTALS	12	2	8	2

Rec No.	Summary of Weakness	Risk Rating	Original Action Date	Action Status	Revised Action Date
1	There was limited evidence that fuel card usage was being routinely monitored or reviewed. Reconciliation between the fuel card register and supplier fuel transaction reports identified discrepancies.	Low Risk	30/09/2026	Future Action	
2	There were weaknesses in the authorisation and reconciliation of wildcard usage, including missing supervisor approvals and unexplained variances between manual records and fuel transaction data, reducing assurance over appropriate fuel card usage.	Moderate Risk	30/09/2026	Future Action	
3	The absence of a central register detailing hire vehicles limited the oversight of hire vehicle usage, resulting in reliance on multiple systems and manual enquiries to determine hire activity and costs.	Low Risk	30/09/2026	Future Action	
4	The usage log for jerry cans had not been consistently completed and there was no dedicated fuel card assigned to refuel jerry cans.	Low Risk	30/10/2026	Future Action	
5	Mobile tracking units had been purchased to be installed in hire vehicles. However, they had not been fully deployed, and therefore not all journey data for hire vehicles was being captured to enable scrutiny of the reasonableness of journeys and associated fuel costs.	Moderate Risk	31/08/2026	Action Due	
6	The Quartix telematics system generated exception reports for out-of-boundary vehicle journeys, however the exception criteria did not include indicators such as out-of-hours and weekend journeys. In addition, existing exception reports were not being routinely reviewed, and no documented evidence was available to demonstrate that the current exceptions are reviewed to ensure compliance with HMRC 'benefit in kind' rules.	Moderate Risk	31/08/2026	Action Due	
7	The Council's Driving Policy did not clearly define the purpose, scope, lawful basis and governance arrangements for telematics exception monitoring.	Low Risk	29/01/2027	Future Action	
8	Several vehicle journeys recorded on the telematics system did not include valid driver identification through the required driver fob or named allocation. As a result, the Council cannot reliably confirm who was driving specific vehicles at certain times	Moderate Risk	29/01/2027	Future Action	
9	Some journeys were recorded as being undertaken by staff who are not included on the callout and standby staff contracts report provided by HR	Low Risk	31/07/2026	Delayed Future Action	30/09/2026
10	Fuel consumption data was not recorded or analysed, and exception reporting was not in place.	Low Risk	29/01/2027	Future Action	

Nuneaton & Bedworth Borough Council – Audit Progress Report

Waste Management



Control Objectives Examined	Controls Evaluated	Adequate Controls	Partial Controls	Weak Controls
Domestic waste collection services are delivered effectively, efficiently and consistently.	19	11	3	5
Garden waste collections are only provided to properties which have paid for the service.	2	1	1	0
The Council has effective plans, resources, governance, and controls in place to enable compliance with mandatory weekly food waste collection requirements by 31st March 2026.	4	0	0	4
TOTALS	25	12	4	9

Rec No.	Summary of Weakness	Risk Rating	Original Action Date	Action Status	Revised Action Date
1	The Council had not established arrangements to periodically review and update its waste management strategy to reflect changes in legislation and service delivery arrangements, resulting in reliance on an outdated county-wide policy.	Low Risk	02/03/2027	Future Action	
2	The Council had not established a document management framework to ensure waste management policies, operational procedures and governance records were centrally maintained, periodically reviewed and formally approved.	Low Risk	29/01/2027	Future Action	
3	The Council had not established a formal governance framework for route planning and optimisation. Consequently, there were no documented arrangements defining the methodology, approval process, performance monitoring or periodic review of route changes.	Low Risk	29/01/2027	Future Action	
4	There was inadequate review and verification of Waste Transfer Notes to ensure compliance with statutory Duty of Care requirements.	Low Risk	31/08/2026	Action Due	
5	The Council had not established adequate quality assurance arrangements over the collection, recording and reporting of waste management data. Waste data was collated through multiple manual spreadsheets without formal reconciliation or independent verification to ensure accuracy and completeness of management information and statutory reporting.	Moderate Risk	29/01/2027	Future Action	
6	The Council had not established formally defined service standards for both internally delivered and contracted waste collection services.	Moderate Risk	29/01/2027	Future Action	

7	Although Cabinet had approved the implementation of the weekly food waste collection service and procurement activity was progressing, the Council had not achieved compliance with the statutory implementation deadline. In addition, the Council had not established a formal project plan to manage implementation of the statutory waste collection service.	Moderate Risk	03/08/2026	Delayed Action Due	30/09/2026

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RECOMMENDATION TRACKING

Final Report Date	Audit Assignments with Open Recommendations	Assurance Rating	Recommendations Open			
			Action Due	Delayed Action Due	Delayed Future Action	Future Action
13-Sep-21	Land Charges				2	
13-Sep-21	Street Naming & Numbering			1		
11-Feb-22	Cemeteries & Crematorium Income			2	1	
01-Mar-22	S106 Agreements				1	
02-May-22	Emergency Planning				2	
29-Sep-22	Council Tax 2022-23				1	
29-Mar-24	HEART (Home Environment Assessment & Response Team)				2	
31-Mar-24	Leaseholder Management 2023-24				1	
29-Jul-24	Customer Feedback 2023-24			1		
22-Aug-24	Housing Rental Income 2023-24	Reasonable		3	1	1
06-Mar-25	Commercial Rental Income	Reasonable			1	
06-Mar-25	Licensing	Reasonable			4	
11-Jun-25	Grounds Maintenance 2023-24	Reasonable		2		
30-Jul-25	Risk Management 2025-26	Reasonable			1	
14-Oct-25	Corporate Governance 2025-26	Reasonable			1	1
04-Nov-25	Food Hygiene 2023-24	Reasonable		2		
14-Nov-25	Business Change & Transformation	Reasonable		1		3
28-Nov-25	Corporate Fire Risk Management	Limited	4		2	
23-Apr-26	Credit Cards	Reasonable				5
05-May-26	Fuel Cards	Limited	2		1	7
20-Jul-26	Waste Management	Reasonable	1		1	5
		TOTALS	7	12	22	22

Action Due = The agreed actions are due, but Internal Audit has been unable to ascertain any progress information from the responsible officer.

Delayed Action Due = The original action date has now passed and Internal Audit has obtained status update comments from the responsible officer and a revised action date. This revised action date has now passed, but Internal Audit has been unable to ascertain any progress information from the responsible officer.

Delayed Future Action = The original action date has now passed and Internal Audit has obtained status update comments from the responsible officer and a revised action date which is in the future.

Future Action = The agreed actions are not yet due, so Internal Audit has not followed the matter up.

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Audit Assignments with Recommendations Due	Action Due				Delayed Action Due				Delayed Future Action			
	Critical Risk	Significant Risk	Moderate Risk	Low Risk	Critical Risk	Significant Risk	Moderate Risk	Low Risk	Critical Risk	Significant Risk	Moderate Risk	Low Risk
Land Charges												2
Street Naming & Numbering								1				
Cemeteries & Crematorium Income								2			1	
S106 Agreements												1
Emergency Planning												2
Council Tax 2022-23												1
HEART												2
Leaseholder Management 2023-24												1
Customer Feedback 2023-24								1				
Housing Rental Income 2023-24								3			1	
Commercial Rental Income												1
Licensing											1	3
Grounds Maintenance 2023-24							1	1				
Risk Management 2025-26												1
Corporate Governance 2025-26											1	
Food Hygiene 2023-24							1	1				
Business Change & Transformation								1				
Corporate Fire Risk Management			4								1	1
Fuel Cards			2									1
Waste Management				1							1	
TOTALS			6	1			2	10			6	16

Nuneaton & Bedworth Borough Council – Audit Progress Report

HIGHLIGHTED RECOMMENDATIONS

Critical, Significant or Moderate Risk Recommendations Past Original Action Date

The following significant or moderate risk rated recommendations, that have not yet been implemented and have exceeded their original action date, are detailed for Committee's scrutiny.

Job Name	Cemeteries & Crematorium Income	Original Action Date	31/03/2023
Risk Rating	Moderate Risk	Revised Action Date	09/11/2026
Recommendation Number	8	Recommendation Status	Delayed Future Action

Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Lack of 2.5 years rent income for Crematorium valuing approximately £362.5k due lessee's Dignity Plc. The Council should be receiving market rent income from March 2020 onwards in line with the lease agreement though due to the COVID pandemic, there appears to be a delay on the formal valuation by the District Valuer. To enable Finance to account for an income reserve, the Head of Estates was requested to estimate a rent value, and this was confirmed as £145k per year back in 2021. Since then, there appears to be no progress made by Estates with Dignity to agree an interim rent sum, and the suggestion made by Finance to raise an invoice 'on account' for a larger value until such time as actual market rent value is determined has not been considered. At present, the Council are receiving a rent sum of £5k per annum (£1250 per quarter) based on the expired rent value, so there is a annual shortfall of approximate £140k rental income.	The Head of Estates to respond urgently on this unresolved matter to either formally claim the rent income due or enable Finance to make the appropriate provisions in the account.	Agreed	This is currently with the District Valuer who are looking to arrange a meeting with the other side this month, the issue they have had is providing evidence to support a valuation. Hopefully the meeting will help progress the situation and we will continue to chase. Lack of engagement from Dignity's agent, it is our intention to refer the matter to Arbitration.

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Job Name	Grounds Maintenance	Original Action Date	01/04/2026
Risk Rating	Moderate Risk	Revised Action Date	01/06/2026
Recommendation Number	2	Recommendation Status	Delayed Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There was no reliable evidence to confirm that checks were made to ensure that works had been completed, prior to contractor payments being made.	We recommend that the Parks Team select a random sample of scheduled jobs claimed to be completed each month and conduct a site inspection supported by photographs to provide assurance that works have been completed and quality standards are met, to substantiate contractor payments.	This will take the form of an adaptation of the current KPI sheet we currently report on, but we are looking to develop it as a tablet-based version for ease of use in the field.	Will add evidence of this once GM contract officer returns from long term sick. This is completed monthly, submission is put in pivot table and random sampling is done to check works completed.

Job Name	Licensing	Original Action Date	31/10/2025
Risk Rating	Moderate Risk	Revised Action Date	02/10/2026
Recommendation Number	9	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
The Licensing fees have not been reviewed/updated since 2019-20. A review of the Licensing budget showed the function was in budget deficit in the past three years, which could indicate that full cost recovery was not being achieved.	We recommend that the Licensing fees should be reviewed at regular intervals to ensure full cost recovery is being achieved and\compliance with the relevant fees regulations.	Environmental Health and Licensing Manager, and Licensing Team Leader. The fee review process is scheduled to commence this year, and a 1st draft document to be ready for presenting to the relevant body by October 25.	To be reviewed in line with new Licensing Policy.

Job Name	Housing Rental Income 2023-24	Original Action Date	01/09/2025
Risk Rating	Moderate Risk	Revised Action Date	31/12/2026
Recommendation Number	3	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
The monthly reconciliation of housing rents to the General Ledger are ineffective as the financial data is not being matched from two independent sources of data.	We recommend that a valid rent reconciliation is performed monthly using income reports extracted from two separate independent sources i.e. General Ledger (Agresso) and Housing rent system (CX). Also, a reconciliation statement is prepared on completion to verify the balancing with narrative for any discrepancies investigated and resolved. The document is countersigned, and the final record is saved as a PDF.	This is something that was historically done but due to capacity has fell by the waste side. This needs to be re-introduced but whether this is monthly or quarterly basis may differ.	The level of debtors and creditors are currently being investigated to understand the difference between CX information and Agresso. Once this has been completed a monthly reconciliation will be re-instated. The team are now at full capacity with a manager beginning before the end of June 2026. This is now being picked up by them and a reconciliation will be processed by the new revised action plan date.

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Job Name	Food Hygiene	Original Action Date	01/04/2026
Risk Rating	Moderate Risk	Revised Action Date	19/06/2026
Recommendation Number	3	Recommendation Status	Delayed Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There was a lack of internal performance metrics and senior management oversight for food safety inspections, resulting in minimum inspection frequencies not being met in seven out of ten cases reviewed.	We recommend that the Council ensures that it complies with the Code of Practice for Food Law in relation to the frequency of inspections.	Will establish a KPI % of inspections completed within the required timeframe and inspection due dates for each quarter.	A LAEMS (Local Authority Enforcement Monitoring System) return, as attached will be taken to the next available CET for review.

Job Name	Corporate Governance 2025-26	Original Action Date	30/04/2026
Risk Rating	Moderate Risk	Revised Action Date	31/10/2026
Recommendation Number	2	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
The absence of a formally approved and documented Freedom of Information policy and procedures, has contributed to the inconsistent handling of requests and failure to consistently meet statutory deadlines.	We recommend that management develop, formally approve, and implement a standalone Freedom of Information policy and supporting procedures and ensure that staff receive appropriate training to promote consistent, compliant, and timely handling of FOI requests.	Internal procedural document to be created and approved by Senior Leadership Team (SLT) following which, will be saved on the Intranet for staff. This is likely to include information about Subject Access Requests, Member Enquiry Forms and Freedom of Information requests.	The department advised that the action date has been revised.

Job Name	Corporate Fire Risk Management	Original Action Date	01/07/2026
Risk Rating	Moderate Risk	Revised Action Date	30/11/2026
Recommendation Number	1	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
The Council had not developed and implemented a Fire Strategy and was operating with an outdated Fire Safety Policy. In addition, there was a lack of alignment between Housing and Corporate Assets arrangements.	We recommend that the Council ensures it has a single coherent fire safety framework in place. This should include a Fire Strategy and be supported by aligned Fire Safety Policies for Housing and Corporate Assets.	Accepted. A single overarching Fire Safety Policy is currently being developed by the Senior Housing Health and Safety Officer. This will be supported by two separate fire strategies: one for corporate assets and one for housing assets. The aim is to issue a draft policy for consultation by the end of March 2026, with the final policy approved and implemented by 1 July 2026.	The consultation on the Fire Safety Policy has been delayed due to decisions needing to be made about key issues relating to ownership of the evacuation policies and procedures and identification of Building Managers. A meeting to discuss these issues is being held in August after which time the policies will progress as planned to OSP and then Cabinet sign off.

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Job Name	Corporate Fire Risk Management	Original Action Date	01/08/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	3	Recommendation Status	Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
With unclear lease or management agreements and no monitoring system there was a lack of a structured compliance framework to ensure statutory fire safety requirements and responsibilities are clearly recorded, evidenced, and monitored across corporate premises.	We recommend that the Management should review and update lease templates to explicitly define fire risk management responsibilities, including the requirements for fire risk assessments, review and frequency, and evidence provision. Where responsibility is transferred, Management should implement a formal assurance process that confirm that lessees and operators have undertaken suitable, and current fire risk assessments.	Accepted.	

Job Name	Corporate Fire Risk Management	Original Action Date	30/06/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	4	Recommendation Status	Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There was a lack of formally defined and documented governance and assurance arrangements for LATCs, as well as trading without executed shareholder agreements, which created potential legal and operational gaps in accountability.	We recommend that management formalise governance arrangements for local authority trading companies, defining fire safety roles and responsibilities, and ensure all legal processes, including Shareholder Agreements, are signed and fully executed before operations commence.	Accepted. Grayson Place Limited Shareholder Agreement has now been executed. The AD – Environment & Enforcement will liaise with the AD – Place & Economy to review the Agreement and confirm that fire safety roles and responsibilities and governance and assurance arrangements are clearly defined and will provide an update to Audit.	

Job Name	Corporate Fire Risk Management	Original Action Date	01/09/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	8	Recommendation Status	Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
Across the four corporate buildings reviewed, weaknesses were identified in emergency preparedness and evacuation arrangements. Emergency evacuation procedures were found to be either absent, inconsistent or out of date. In addition, inadequate arrangements were made for the management of Personal	We recommend that Management should strengthen emergency preparedness arrangements across all relevant corporate buildings by: • reviewing, standardising, and formally approving up-to-date emergency evacuation procedures for all sites,	Agreed All issues identified will be reviewed, and addressed as appropriate. Arrangements will also be made to ensure the appropriate training programme for fire safety personnel is implemented promptly.	

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Emergency Evacuation Plans (PEEPs), including the absence of a centralised system, reliance on individual managers to communicate requirements during evacuations, and concerns regarding the secure storage and handling of sensitive personal data. There was also no evidence of formally designated and trained evacuation personnel across the four buildings. At the time of review, the training programme for Building Evacuation Co-ordinators and Fire Marshals had not been implemented. Furthermore, fire drills were not carried out at one of the four buildings reviewed (Ropewalk Multi-storey Car Park) and were conducted infrequently at two others (Gresham Road Depot and Museum & Art Galleries), resulting in non-compliance with fire safety regulatory requirements.	particular attention given to multi-storey car parks. • implementing a centralised, secure system for the management and periodic review of PEEPs, with clear roles and responsibilities defined. • formally appointing and training Building Evacuation Co-ordinators (in locations where the arrangement is absence) and Fire Marshals, supported by a documented training programme. • establishing and monitoring a compliance fire drill schedule across all relevant corporate locations, with records retained and reviewed periodically. These measures will help ensure regulatory compliance and enhance the safety of building occupants.		

Job Name	Corporate Fire Risk Management	Original Action Date	01/09/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	9	Recommendation Status	Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There was a lack of structured and consistently implemented fire safety management framework. There was no evidence of designated and trained evacuation personnel, and no formal training programme i for Building Evacuation Co-ordinators and Fire Marshals. In addition, fire drills were either not carried out or conducted infrequently.	We recommend that management establish a formal fire safety training framework, including designation and training of evacuation personnel across all sites. A programme of regular fire drills should be implemented and recorded, with periodic reviews.	Accepted All issues identified will be reviewed, and addressed as appropriate. Arrangements will also be made to ensure the appropriate training programme for fire safety personnel is implemented promptly.	

Nuneaton & Bedworth Borough Council – Audit Progress Report

Job Name	Fuel Cards	Original Action Date	31/08/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	5	Recommendation Status	Action Due
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Mobile tracking units had been purchased to be installed in hire vehicles. However, they had not been fully deployed, and therefore not all journey data for hire vehicles was being captured to enable scrutiny of the reasonableness of journeys and associated fuel costs.	We recommend that the mobile tracking units are deployed in all the hire vehicles, and that a monitoring process is established to record when each unit is issued, activated, and returned at the end of the hire period. Regular checks should also be carried out to ensure the mobile trackers remain in use and are capturing journey data as intended.	To fit the operator's licence timescales any hire vehicle that is going to be in service for 28 days or more, we will install our tracking system into it. Any shorter period manual mileage tracking will be undertaken. This reflects the operational impact of installing and removing such systems from short term hires whilst ensuring that all hire vehicle journeys and associated fuel costs remain subject to appropriate monitoring and scrutiny.	

Job Name	Fuel Cards	Original Action Date	31/08/2026
Risk Rating	Moderate Risk	Revised Action Date	
Recommendation Number	6	Recommendation Status	Action Due
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
The Quartix telematics system generates exception reports for out-of-boundary vehicle journeys, however the exception criteria did not include indicators such as out-of-hours and weekend journeys. In addition, existing exception reports were not being routinely reviewed, and no documented evidence was available to demonstrate that the current exceptions are reviewed to ensure compliance with HMRC 'benefit in kind' rules.	We recommend that the telematics exception reporting should be enhanced to include additional indicators such as out-of-hours and weekend vehicle use. Management should also ensure that all exception reports are subject to periodic, documented review, with clear evidence retained to demonstrate oversight and compliance.	Quartix will be set up to run the reports for boundary and out of hours reports, with anomalies and queries being sent by transport and depot manager to service managers on a monthly basis.	

Job Name	Waste Management	Original Action Date	03/08/2026
Risk Rating	Moderate Risk	Revised Action Date	30/09/2026
Recommendation Number	7	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Although Cabinet had approved the implementation of the weekly food waste collection service and procurement activity was progressing, the Council had not achieved compliance with the statutory implementation	We recommend that Management develop and implement a detailed formal project plan to achieve compliance with the weekly food waste collection requirements at the earliest practical date. This should include:	Management accepts the recommendation. A project plan is being developed to support implementation, with a target implementation date of October 2026. The Council is engaging with DEFRA in relation to the transitional	The tendering process has now ended with a clear timeline for procurement established. This will allow for a detailed formal project plan to be issued.

deadline. In addition, the Council had not established a formal project plan to manage implementation of the statutory waste collection service.	• clearly defined milestones and target implementation dates. • allocation of responsible officers for each key activity. • monitoring and reporting arrangements to senior management and Members. • risk management arrangements - identification and mitigation of key risks impacting delivery. • procurement of vehicles/containers. • communications to residents. • training of relevant operational and supporting staff	arrangements and is satisfied that the proposed timescale is consistent with the flexibility available to authorities working towards full compliance. Procurement of the resources required to deliver the change is underway, and progress is being monitored to ensure delivery within the agreed timescale. Progress against the project plan will be reported to Members at regular intervals.	

Nuneaton & Bedworth Borough Council – Audit Progress Report

Low Risk Recommendations Over 36 Months Past Original Action Date

The following 12 low risk rated recommendations, that have not yet been implemented and have exceeded their original action date by more than 36 months, are also detailed for Committee's scrutiny.

Job Name	Emergency Planning	Original Action Date	31/03/2023
Risk Rating	Low Risk	Revised Action Date	30/09/2026
Recommendation Number	3	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
Emergency Planning and media training for staff and elected members remains outstanding though we appreciate that CSW is currently reviewing the Council's training needs.	Training or at least an awareness programme is delivered to both keys officers and elected members at the earliest opportunity to ensure that the Council has a coherent approach in the event of an incident.	Agreed	Unable to comment on media training as assume that is part of a wider offering. However, in relation to training on EP, colleagues at CSW are currently undertaking the 2 year review of the plan and will then role out training, this will include officers and members. Target date for completion will be March 2026. The risk regarding media training is accepted. This has been undertaken in the past but will be rolled out again during 2026/27. An Emergency Planning Officer has been recruited and is going through the checks currently. Once they start within the next 4 weeks, they will pick up training and progress so far with CSW.

Job Name	Emergency Planning	Original Action Date	31/03/2023
Risk Rating	Low Risk	Revised Action Date	30/09/2026
Recommendation Number	4	Recommendation Status	Delayed Future Action
Summary of Weakness	Recommendation	Management Response/Action Details	Status Update Comments
The approved EMP meets the framework for NBBC'S effective response to local and major incidents, however the actual testing of EMP has not been conducted. Therefore, full reliance cannot be placed on the EMP to ensure that it operates in practice, or that staff are aware of their responsibilities. This may limit the effectiveness of plans in real life events.	The functionality and effectiveness of the EMP needs to be formally tested to confirm that the EP, Major Incident Plan and the EMC work in practice to demonstrate that NBBC are ready to act as Category 1 responder.	EP is currently under review and training will then follow. However, the LRF run regular training exercises and NBBC are involved as first responder. This tests both a wider emergency response to include third parties and our own internal mechanisms. Target date for completion will be March 2026	This is in progress with the Solihull Partnership. However, alternative arrangements may be made internally with NBBC. A new post has been recruited to lead emergency planning but recruitment checks are currently underway. Once in post, they will review the EP and coordinate with CSW to ensure our plan is fit for purpose and that training is up to date.

Nuneaton & Bedworth Borough Council – Audit Progress Report

Job Name	Cemeteries & Crematorium Income	Original Action Date	31/03/2023
Risk Rating	Low Risk	Revised Action Date	01/09/2026
Recommendation Number	1	Recommendation Status	Delayed Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
An external firm has also been commissioned to digitize the cemetery plans, which will assimilate into the EPITAPH cemeteries database to enable records to be archived to its cloud memory. It understood that the first set of plans have been drafted, however remain at pending stage, as there are details on areas of the plans that require confirming by the Council	We recommend that the outstanding details are confirmed to the contractor as soon as possible. Also, the contracted project is monitored regularly to ensure that the target completion is achieved.	Subject to available resources within the Cemeteries Team, follow up the 1st draft plans with revisions/additions & get the plans formally adopted.	The digitised ledger transcriptions will be uploaded into Epitaph to help provide a more complete historical record of the data held there. This activity is not scheduled to begin until the data cleansing work is finished, there are currently no confirmed timelines for when this will take place.

Job Name	Cemeteries & Crematorium Income	Original Action Date	31/03/2023
Risk Rating	Low Risk	Revised Action Date	01/09/2026
Recommendation Number	5	Recommendation Status	Delayed Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There is concern over the accuracy and completeness of the cemetery data held on the new EPITAPH system. Although it was advised that testing was conducted on the migration process to ensure accuracy and completeness of data transfer before the new system went live, irregularities have been noted during audit review.	We recommend that:1. All reservation and repurchases records are revisited on both systems and omitting data is updated on the EPITAPH plot records.2. Further verification checks/tests need to be completed to ensure statutory records from EPILOGUE system have migrated over to the current system in the event that the unsupported EPILOGUE system becomes inaccessible. 3. A project briefing note and any lesson learns should be identified and recorded on the Project log and reported to the Corporate Asset Management Team (CAMT) to assist future projects.	This is subject to available resources within the Cemeteries Team, beyond those required for routine service delivery. This will require an officer with knowledge of the cemeteries processes, inc both the current & previous software systems & an understanding of the ledger records. There will be a salary cost implication for this piece of work, which requires further discussion between the Director Public Services & Deputy CEO. The data transferred does contain errors. Work has been underway to cross reference. With the resource available it is estimated that it could take up to approximately 4 years to complete at the current pace. Epilogue data has been exported for resilience and reference should it become inaccessible.	This will require external resources to go through backlog of data to update.

Nuneaton & Bedworth Borough Council – Audit Progress Report

Job Name	Land Charges	Original Action Date	31/03/2022
Risk Rating	Low Risk	Revised Action Date	30/10/2026
Recommendation Number	6	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
The LCC Service has been making a substantial surplus annually in the last three years (and for a number of years prior to that). This is clearly in breach of the Local Authorities (England) (Charges for Property Searches) Regulations 2008 and the Local Government Property Search Services – Costing and Charging Guidance 2009. Regulation 6 (3), states that 'A local authority must take all reasonable steps to ensure that over the course of any period of three consecutive financial years, the total income (including notional income from internal transactions) from such charges and recharges does not exceed the total costs of granting access to property records.'	The budget should be monitored, and fees and charges adjusted as appropriate, to ensure compliance with the regulations.	Agreed	A time cost analysis should be completed when the transition to HMLR has taken place. A significant piece of work is being undertaken by an external consultant to review income generation in Land Charges, Planning and Street Naming and Numbering. In respect of Planning Income Generation and Street Naming and Numbering, two Cabinet reports have been prepared, which, subject to final approval from the Finance Team and the Monitoring Officer, will be taken to Cabinet in May 2026 and to Full Council in July 2026. If the recommendations of both reports are approved, then increased Planning and Street Naming and Numbering Fees and Charges for those a range of existing and proposed discretionary services will be introduced in Autumn 2026. Price review reports would then be required to be prepared in respect of both services once time recording has been established within both teams. This process will ensure that a proper basis for fee setting is established for both service areas, and that cost recovery can be properly demonstrated in accordance with legislative requirements. In respect of Fees and Charges for the Local Land Charges Service, the setting of such fees is subject to specific legislation that the Planning and Street Naming and Numbering Services are not bound by. Upon a review of the legislative requirement, it has become evident that further support from finance in demonstrating cost recovery for the Local Land Charges service is required. The Finance Team have therefore been contacted and a request for support has been made

Nuneaton & Bedworth Borough Council – Audit Progress Report

Job Name	Land Charges	Original Action Date	31/03/2021
Risk Rating	Low Risk	Revised Action Date	23/12/2026
Recommendation Number	7	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
Section 9, of the Statutory Instrument 2008 No. 3248 (of the above regulations) requires the Council to publish annually its LLC financial statement for the previous year and estimates used to calculate the LLC Fees for the current financial year. However, the Council has not published this information since the Regulations came into force in 2010.	The LLC financial statement and estimates required under Section 9 of the Local Authorities (England) (Charges for Property Searches) Regulations 2008 should be published annually. An appropriate mechanism should be put in place to ensure that the relevant information is published annually.	Agreed	Will work with the Finance Business Partner to see what can be resolved. Finance will work with the LLC Team to ensure the statements are ready for June 2026 (Finance has already started drafting these but needs input from LLC)

Job Name	S106 Agreements	Original Action Date	31/03/2022
Risk Rating	Low Risk	Revised Action Date	18/12/2026
Recommendation Number	5	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
There were no written procedures available to assist the relevant staff (especially new starters) involved in the monitoring of s106 agreements.	The procedures for the s106 monitoring system should be formally documented, stored in a central location, maintained up to date, and made available to the relevant staff involved in administering the system.	Agreed	Many actions following the Section 106 Agreement Audit that took place in Summer 2025 are being undertaken across the Council. The Assistant Director for Planning has created a dedicated Section 106 Monitoring Officer Post and interviews are taking place in March 2026. It should also be noted that NBBC is also moving forwards with procuring S106 Monitoring software and this is expected to be rolled out in Autumn 2026. Once that post is recruited to, and progress has been made with procuring the software, this will be a sensible time to formally document the matters listed. In the meantime, and in advance of the S106 Monitoring Post starting, a how to guide will be produced of how S106 obligations are administered at NBBC, this is by way of an interim measure pending the full polices and guidance being produced later in 2026.

Nuneaton & Bedworth Borough Council – Audit Progress Report

Job Name	Street Naming & Numbering	Original Action Date	31/03/2022
Risk Rating	Low Risk	Revised Action Date	30/06/2026
Recommendation Number	3	Recommendation Status	Delayed Action Due
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
A review of the SNN budget for the past five years shows that the service has generated a profit in the first four years, though for 2020/21 there was an under-recovery of costs of approximately £1.8k. The charges should not exceed the cost of providing the service, so the Council is in breach of the regulations.	The SNN income and expenditure should be regularly monitored, and fees and charges adjusted as appropriate to ensure compliance with the regulations.	Agreed	We will look to create an income reconciliation between the Flare and General Ledger systems. The SNN fees are in the process of being reviewed.

Job Name	Council Tax 2022-23	Original Action Date	31/12/2022
Risk Rating	Low Risk	Revised Action Date	30/09/2026
Recommendation Number	3	Recommendation Status	Delayed Future Action
Summary of Weakness	**Recommendation**	**Management Response/Action Details**	**Status Update Comments**
Discounts, disregards, and exemptions appear to have been only reviewed where a change in circumstances notification has been received. With the exception of single person discounts which have been reviewed up to 2020/21 as part of the annual National Fraud Initiative (NFI) data matching exercise, a full review of discounts, disregards and exemptions did not appear to have been undertaken for some time.	It is acknowledged that in the last two years, the Team's priority has been given to ensuring that the various covid-19 government grants were distributed to the community/ businesses on time. However, formal review of discounts, disregards, and exemptions should be scheduled to ensure that relevant accounts are still eligible.	Timetable of reviews for discount disregard and exemption classes has been produced by/for Visiting Officers to mainly complete. An evaluation is currently ongoing as to the best method of reviewing SPD's	Resources on the Billing team over the last couple of years have not been sufficient to take on a full SPD review, meaning we would have to appoint an external company to carry out this work. The alternative that I am looking at is to introduce a continuous rolling SPD review for example 100 a month and this is then factored into the daily work. Changes on the team over the last few months have meant that with recruitment and training we have had not had enough trained staff to deal with the daily work alone but this situation has improved and therefore we can look to introduce a rolling SPD review but it won't be before the end of this financial year.

AGENDA ITEM NO. 9

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15th September 2026
Subject:	Treasury Management 26/27 – Quarter 1 Review
Portfolio:	Not Applicable
Responsible Officer:	Assistant Director - Finance
Corporate Plan – Theme: Your Council	
Corporate Plan – Aim:	Deliver continued forward financial planning to safeguard the finances of the Council. Strive for transparency and accountability, in all that we do.
Ward Relevance:	All
Public or Private:	Public
Subject:	Treasury Management 2026/27 – Q1 Report
Forward Plan:	Not Applicable
Subject to Call-in:	Not Applicable

1. Purpose of Report

1.1. The Council is required through the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) to report to full Council a mid-year review.

1.2. This report sets out the Council's treasury position as at 30th June 2026.

2. Recommendations

2.1. To recommend to Council that the Treasury Management Report for 2026/27 – Q1 Report be noted.

3. Background

Capital Strategy

3.1. In December 2021, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. These require all local authorities to prepare a Capital Strategy which is to provide the following: -

- a high-level overview of how capital expenditure**,** capital financing and treasury management activity contribute to the provision of services
- an overview of how the associated risk is managed
- the implications for future financial sustainability.

3.2. CIPFA is currently consulting local authorities in respect of potential changes to the Codes. Currently, the focus seems to be on the Non-Treasury investment aspects of local authority activity.

3.3. An update on any material developments/changes will be provided to the Committee when they are known.

Treasury management

3.4. The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low-risk counterparties, providing adequate liquidity initially before considering optimising investment return.

3.5. In addition, the treasury management service provides details on the funding of the Authority's capital plans. These capital plans provide a guide to the borrowing need of the Authority, essentially the longer-term cash flow planning to ensure the Authority can meet its capital spending operations.

3.6. The management of longer-term cash may involve arranging long or short-term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Authority risk or cost objectives.

3.7. Accordingly, treasury management is defined as:

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

Introduction

3.8. This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2021).

3.9. The primary requirements of the Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report (this report) and an Annual Report covering activities during the previous year. Quarterly reports are also required for the periods ending April to June and October to December and are submitted to Audit and Standards Committee.
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Authority, the delegated body is Audit and Standards Committee:

3.10. This quarterly report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first quarter of the 2026/27 financial year;
- A review of the Authority's investment portfolio for 2026/27;
- A review of the Authority's borrowing strategy for 2026/27;
- A review of any debt rescheduling undertaken during 2026/27;

4. Economic Update for Q1 of 2026/27

4.1. The Council's in-house team of qualified finance staff monitor and maintain the Council's Treasury Management activity in line with the Council's Strategy. The Council employs MUFG Group as its treasury management advisor and officers hold regular meetings with them concerning existing and future potential economic circumstances regarding both investments and short/long-term borrowing.

4.2. The first quarter of the financial year saw:

- A -0.1% month-to-month change in real GDP in April.
- The 3myy average wage growth (excluding bonuses) sticking to 3.4% in April. This is the increase of wages when you compare the average of February-April wage bill from 2025 to 2026.
- CPI inflation kept to 2.8% in May with core CPI inflation slightly increasing from 2.5% to 2.6%
- 10-year gilt yields changing between 4.69% and 5.18%, ending at 4.76% at the end of June

4.3. Alongside the above updates to the inflation figures, the Middle East conflict has increased energy costs, putting an upwards inflationary pressure which depending on the length of the war could mean higher prices for longer. The stickiness of the inflation is particularly important as the markets will build in the extra costs, and this will affect the Council's finances.

4.4. The consequence of the above is that PWLB rates (Public Works Loan Board) have risen since our last update. PWLB 5 to 50 years Maturity Rates are, generally, in the range of 5.32% to 6.18%. The PWLB rate is linked (but not directly) to the rate that similar Gilts are traded at. If the cost of Gilts increases or decreases, it will affect the PWLB rate. Reducing the Base Rate can also assist with reducing the Gilt Rate.

Monetary Policy Committee (MPC) Meetings

4.5. There were 2 Monetary Policy Committee (MPC) meetings at the Bank of England during Quarter 1. These occurred on the 30th April 2026 and the 18th June 2026.

4.6. At the start of the year the Interest Rate was 3.75%, and the Bank of England had reduced the rate from 4.50% in April 2025. Further movement wasn't expected at these meetings.

4.7. During both meetings, the Bank of England decided to keep the base rate at 3.75%, but during the 30th April meeting there was a split of 8-1 which changed to 7-2 during the 18th June meeting (with the other opinion to increase the rate to 4.0% in both meetings).

Interest Rates

4.8. The Council has appointed MUFG Group as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 base points (bps)) which has been accessible to most authorities since 1 November 2012.

4.9. MUFG's latest forecast was created on 25th March 2026 and sets out a view that short, medium and long-dated interest rates will fall back over the next year or two. This is a forecast, and will depend on gilt rates, and what the economy actually does and when the Bank of England's Base Rate reduces compared to MUFG's forecast.

4.10. MUFG's PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps, calculated as gilts plus 80bps). The HRA currently gets another 60 bps reduction on the Certainty Rate, but this can only be used for borrowing towards new builds (or externalising the debt for previous builds)

MUFG Corporate Markets Interest Rate View 25.03.26												
	Jun-26	Sep-26	Dec-26	Mar-27	Jun-27	Sep-27	Dec-27	Mar-28	Jun-28	Sep-28	Dec-28	Mar-29
BANK RATE	3.75	3.75	3.75	3.75	3.75	3.50	3.50	3.25	3.25	3.25	3.25	3.25
3 month ave earnings	4.00	3.90	3.80	3.80	3.70	3.50	3.50	3.30	3.30	3.30	3.30	3.30
6 month ave earnings	4.20	4.10	4.00	3.90	3.90	3.70	3.70	3.50	3.50	3.50	3.50	3.50
12 month ave earnings	4.60	4.50	4.40	4.20	4.20	4.00	4.00	3.80	3.80	3.80	3.80	3.80
5 yr PWLB	5.00	5.00	4.90	4.80	4.60	4.40	4.20	4.20	4.10	4.10	4.10	4.10
10 yr PWLB	5.50	5.50	5.40	5.30	5.10	4.90	4.70	4.70	4.60	4.60	4.60	4.60
25 yr PWLB	6.00	6.00	5.90	5.80	5.60	5.40	5.20	5.20	5.20	5.20	5.10	5.10
50 yr PWLB	5.80	5.80	5.70	5.50	5.40	5.20	5.00	5.00	5.00	5.00	4.90	4.90

5. The Council's Investment Portfolio as at 30th June 2026

5.1. The Treasury Management Strategy Statement (TMSS) for 2026/27, which includes the Annual Investment Strategy, was approved by the Council on 25th February 2026. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Authority's investment priorities as being:

- Security of capital
- Liquidity
- Yield

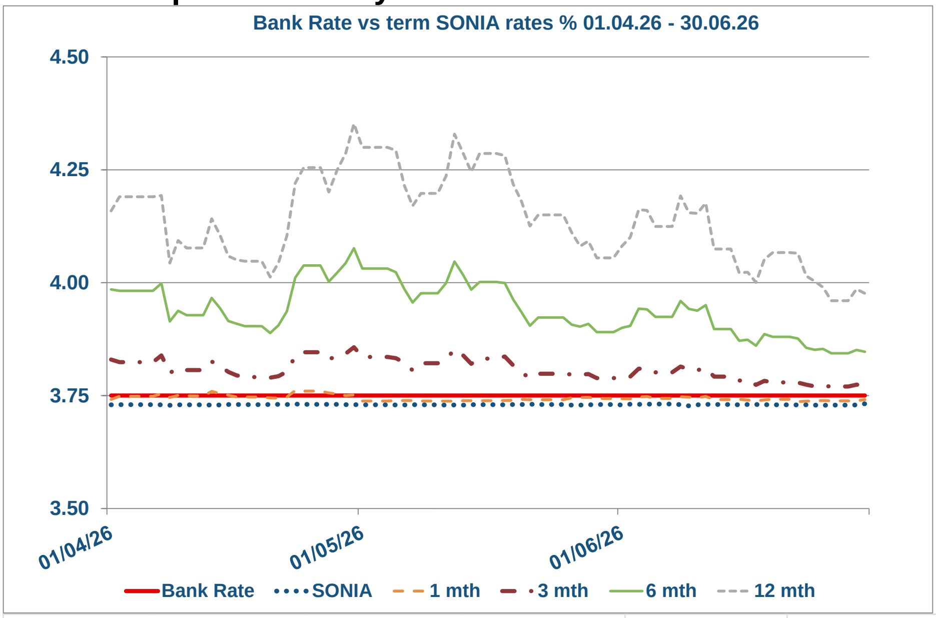
5.2. The Council aims to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit quality financial institutions, using the MUFG suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information

5.3. A list of all investments held as at 30th June 2026 is shown below:

Counterparty	Amount Invested	Deposit Period	Maturity Date	Interest Rate
Fixed Term Deposit:				
Total Fixed Term Deposits	**£0.0m**			**N/A**
Notice Accounts:				
Total Notice Accounts	**£0.0m**			**N/A**
Property Funds				
CCLA Local Authority Property Fund	£2.0m	N/A	N/A	4.59%
Total Property Funds	**£2.0m**			**4.59%**
Money Market Funds:				
Federated Prime Rate	£6.5m	N/A	N/A	3.87%
Total Money Market Funds	**£6.5m**			**3.87%**
Instant Access/Call Accounts				
Lloyds Bank (Current Account)	£1.15m	Overnight	N/A	3.65%
Total Instant Access	**£1.15m**			**3.65%**
Total Investments	**£9.65m**			**3.99%**

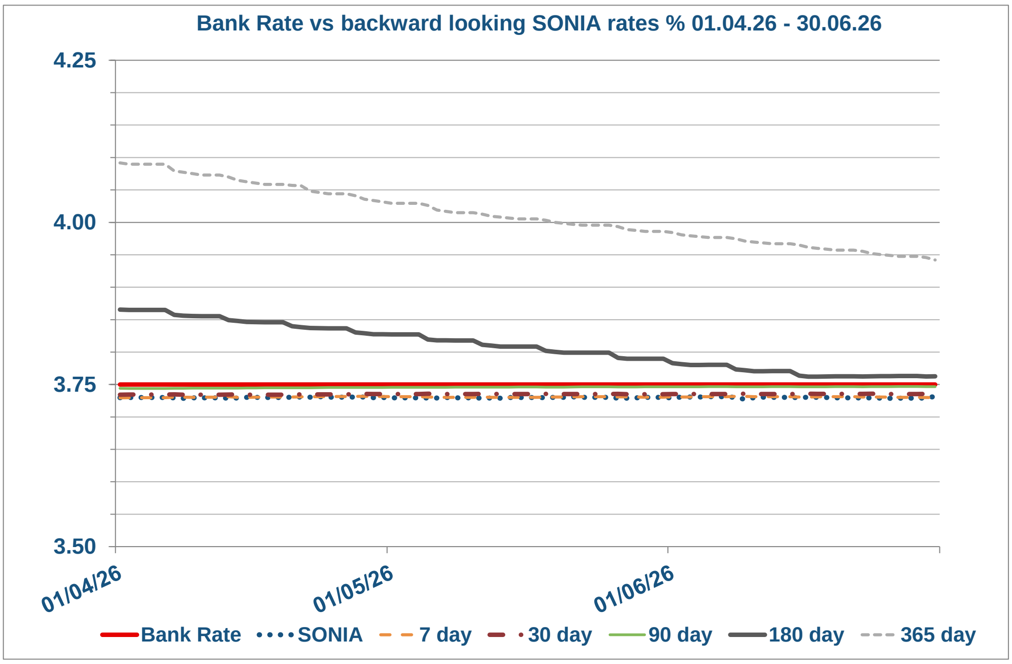
5.4. The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function, and no in year changes are required.

Investment performance year to date as of 30th June 2026



FINANCIAL YEAR TO QUARTER ENDED 30/06/2026

	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
High	3.75	3.73	3.76	3.86	4.08	4.35
High Date	01/04/2026	30/06/2026	23/04/2026	30/04/2026	30/04/2026	30/04/2026
Low	3.75	3.73	3.74	3.77	3.84	3.96
Low Date	01/04/2026	09/06/2026	22/06/2026	26/06/2026	26/06/2026	26/06/2026
Average	3.75	3.73	3.74	3.81	3.94	4.14
Spread	0.00	0.00	0.02	0.09	0.23	0.39



FINANCIAL YEAR TO QUARTER ENDED 30/06/2026							
	Bank Rate	SONIA	7 day	30 day	90 day	180 day	365 day
High	3.75	3.73	3.73	3.74	3.75	3.87	4.09
High Date	01/04/2026	30/06/2026	09/06/2026	06/05/2026	26/06/2026	01/04/2026	01/04/2026
Low	3.75	3.73	3.73	3.73	3.74	3.76	3.94
Low Date	01/04/2026	09/06/2026	01/04/2026	01/04/2026	02/04/2026	16/06/2026	30/06/2026
Average	3.75	3.73	3.73	3.74	3.75	3.81	4.01
Spread	0.00	0.00	0.00	0.00	0.00	0.10	0.15

Investment performance year to date as of 30th June 2026

7 Day SONIA Benchmark Return	NBBC Performance	Investment Interest Earned
3.73%	3.84%	£181,002

5.5. The above graphs show the SONIA rate compared to the Bank of England Base Rate and how it compares over the last quarter. The SONIA rate is the average rate banks borrow overnight without using collateral for the loan. The Term Rate is what was the borrowing rate was expected on that day, and the backwards looking SONIA rate is what the rate actually was. NBBC uses the backwards looking SONIA rates to compare what interest rates we would expect to receive and how we actually performed.

5.6. As shown, the Combined Council and HRA investment portfolio is outperforming the 7 Day Benchmark by 11 Basis Points. The 7 Day Benchmark was chosen as the average length of investments for the Council is around 7 days. The Council's combined budgeted investment return for 2026/27 is £540k, and we currently forecasting a return of around £627k for both the HRA and General Fund combined for the end of the year. This figure is then split between the General Fund and HRA based on reserves and balances at year end. General fund is currently therefore expecting a return of around £540k, with the HRA expecting a return of around £87k.

6. The Council's Debt Position as at 30th June 2026

6.1. The Council's borrowing activity for the first quarter of the financial year can be summarised as follows:

- The repayment of a Short-term Local Authority Loan of £5.0m
- £2.5m of long-term debt matured in Q1 for a total of £7.5m of debt repaid in 26/27.
- £73.205m of debt is outstanding as at 30th June 2026 at an average rate of 3.93%. There is £7.5m of debt due to be repaid in 2026/27.

6.2. Due to the high interest rates, officers are minimalising the amount of new external debt that the Council is undertaking, and are waiting for the rates to drop unless there is a cashflow reason for requiring externalising the Council's debt.

6.3. The Council's Debt Position as at 30th June 2026 is shown below:

Borrowing	**2026/27 Opening Balance £m**	**Balance as of 30th June 2026 £m**	**2026/27 Closing Forecast £m**
General Fund			
PWLB (Public Works Loan Board)	19.75	19.75	34.75
Market LOBO	2.00	2.00	2.00
LA Loan	5.00	0.00	0.00
HRA			
PWLB	53.96	51.46	53.96
Total	**80.71**	**73.21**	**90.71**

7. Debt Rescheduling

7.1. Debt rescheduling opportunities have been very limited in the current economic climate and following the various increases in the margins added to gilt yields which have impacted PWLB new borrowing rates. No debt rescheduling has therefore been undertaken to date in the current financial year.

7.2. Whilst the Council is currently within their Debt Maturity limits when the full Debt of both the General Fund and the HRA is considered, a number of limits are very close to causing a breach. This is mainly due to HRA debts that were transferred from Central Government to the Council in 2011/12 which are expecting to mature in the next 5 years.

7.3. Part of the reason for the risk of a breach has been the use of internal borrowing over the last few years. Whilst making financial sense due to the high interest rates, this has indirectly led to the breach as the council is not borrowing more long-term debt, and therefore the percentage of debt that is maturing shortly is higher. As the Capital Financing Requirement is higher than the amount of external borrowing, the Council has more capacity for external debt and therefore this is not as much a problem as if we were over-borrowed.

7.4. The Council is expecting to use external borrowing later this year, however short-term borrowing may still be used with an expectation to refinance the loan long-term once the loan is completed to minimise the effect of high interest rates. This therefore may cause a breach if the loan is not for a long enough term. If this occurs, the Finance team will inform the Council of the breach and its potential consequences.

Total Debt Maturity Profile				
Debt Maturity within	£m	% of Total Debt	% of Running Total Debt	% for Lower and Upper Limit of Debt
Under 12 months	10.00	13.66%	13.66%	0%-50.0%
Up to 2 Years	35.25	48.15%	61.81%	0%-75.0%
Up to 5 Years	19.96	27.26%	89.07%	0%-90.0%
Up to 10 Years	1.00	1.37%	90.44%	0%-92.5%
Up to 20 Years	3.00	4.10%	94.54%	0%-95.0%
Up to 30 Years	0.00	0.00%	94.54%	0%-100.0%
Up to 40 Years	2.00	2.73%	97.27%	0%-100.0%
Over 40 Years	2.00	2.73%	100.0%	0%-100.0%
Total Debt	**73.21**	**100.0%**	**100.0%**	

8. Consultation with the public, members, officers and associated stakeholders

8.1. None directly related to this report.

9. Financial Implications

9.1. Contained within the report.

10. Legal Implications

10.1. None directly related to this report.

11. Equalities implications

11.1. Not applicable to this report.

12. Health implications

12.1. Not applicable to this report.

13. Climate and environmental implications

13.1. No direct climate and/or environmental implications have been identified.

14. Section 17 Crime and Disorder Implications

14.1. Not applicable to this report.

15. Risk management implications

15.1. Treasury Management provides potential risk due to the volatile nature of interest rates and risks over the security of investments and borrowing. The Quarterly Treasury Management Report is part of the Council’s procedures to mitigate that risk.

16. Human resources implications

16.1. No direct human resource implications have been identified.

17. Conclusion

17.1. This report demonstrates the Council’s commitment to providing transparency on its investments and borrowing. The Audit & Standards Committee is invited to note the Treasury Management 2026/27 – Q1 Review.

18. Appendices

18.1. Please note there are no appendices attached to this Report

19. Background papers

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

20. Report Writer Details:

Officer Job Title: Treasury and Technical Business Partner

Officer Name: Andrew Pillow

Nuneaton & Bedworth
United to Achieve

AGENDA ITEM NO. 10

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15th September 2026
Subject:	Annual Governance Statement 2025-2026
Portfolio:	Not Applicable
Responsible Officer:	Assistant Director – Democracy & Governance
Corporate Plan – Theme:	Your Council
Corporate Plan – Aim:	Strive for transparency and accountability, in all that we do. Increase public scrutiny
Ward Relevance:	None directly
Public or Private:	Public
Amendment to Budget:	No Council Tax Related: No

Recommendation to Council/Cabinet/Committee: No

Forward Plan:	Not applicable (not for Cabinet)
Subject to Call-in:	Not applicable (not for Cabinet)

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1. Purpose of report

1.1. To seek approval of the 2025/2026 Annual Governance Statement.

2. Recommendations

2.1. To consider the review of corporate governance and internal control as set out in the Annual Governance Statement (AGS) at Appendix A to this report; and

2.2. Subject to 2.1, to approve the 2025/2026 Annual Governance Statement enclosed at Appendix A to this report.

3. Background

3.1. The production of an Annual Governance Statement (AGS) is a statutory requirement for local authorities. Regulation 6 of the Accounts and Audit (England) Regulations 2015 states that every financial year a local authority must conduct a review of the system of internal control and prepare an AGS. The AGS must be approved in advance of the relevant authority approving the Statement of Accounts.

4. Body of report and reason for recommendations

4.1. The AGS must meet the requirements of the revised 2016 Good Governance Framework. The Framework states that the AGS should be prepared in order for the local authority to report publicly on the extent to which it has complied with its own code of governance, including how it has monitored and evaluated the effectiveness of the governance arrangements in the year, and on any planned changes in the coming year. The process of preparing the AGS should itself add value to the effectiveness of the corporate governance and internal control framework.

4.2. The AGS should include:

4.2.1. An acknowledgment of responsibility for ensuring that there is a sound system of governance, incorporating the system of internal control, and reference to the Council's code of governance;

4.2.2. Reference to and assessment of the effectiveness of the key elements of the governance framework and the role of those responsible for the development and maintenance of the governance environment, such as the Management team, the Audit & Standards Committee, Internal Audit and others as appropriate;

4.2.3. An opinion on the level of assurance that the governance arrangements can provide and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework;

4.2.4. An action plan showing actions taken, or proposed, to deal with significant governance issues; reference to how issues raised in the previous year's annual governance statement have been resolved; and

4.2.5. A conclusion.

4.3. Evidence sources for collating the AGS were as follows:

4.3.1. Consultation with Corporate Governance Group (9th July 2026);

4.3.2. Consultation and approval from Senior Leadership Team (18th August 2026);

4.3.3. Work undertaken by internal audit and other inspection regimes; and

4.3.4. Review of progress against the previous year's AGS action plan.

4.4. Please note, the Action Plan will be routinely reviewed by Corporate Governance Group throughout 2026/2027.

4.5. The draft AGS has been incorporated into the Draft Statement of Accounts for the 2025/2026 financial year. If the AGS is approved by the Committee, the Audited Accounts will contain a link to the approved AGS.

5. Consultation with the public, members, officers and associated stakeholders

5.1. Please see section 4.3 of the report above.

6. Financial Implications

6.1. None directly linked to this report.

7. Legal Implications

7.1. The production of an AGS is a statutory requirement for local authorities. Regulation 6 of the Accounts and Audit (England) Regulations 2015 states that every financial year a local authority must conduct a review of the system of internal control and prepare an AGS. The AGS must be approved in advance of the relevant authority approving the Statement of Accounts.

8. Equalities implications

8.1. Not applicable to this report. It is however noted that effective systems of corporate governance provide assurance on compliance with laws, regulation, internal policies, and procedures.

9. Health implications

9.1. Not applicable to this report.

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. Failing to have an AGS in place means the Council fails to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015 and given this is a statutory document that sits alongside the Statement of Accounts, it places additional risk both reputationally and legally, regarding the conduct of the Council in its governance arrangements.

13. Human resources implications

13.1. No direct human resource implications have been identified.

14. Biodiversity Implications

14.1. No direct biodiversity implications have been identified.

15. Local Government Reorganisation (LGR) Implications

15.1. No direct LGR implications have been identified.

16. Options considered and reason for their rejection

16.1. In formulating this report and recommendations, the following other options were identified. Reasons for their rejection or why the option and recommendation proposed in section 2 of the report has been selected are outlined below.

Option Ref	Option Title	Reason for rejection or why the option and recommendation proposed in section 2 of the report has been selected
A	Do nothing	This would result in the Council being unable to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015 and as per 12.1 of the report, it places additional risk for the Statement of Accounts given the Statement of Accounts relies upon the AGS for the governance framework. It must also be noted that the AGS have been consulted on and therefore addresses amendments and comments raised both internally from Officers and Elected Members at the previous Audit and Standards Committee.

17. Conclusion

17.1. Having considered the content of the Annual Governance Statement and the assurances provided through the Council's governance framework, internal control environment, and assurance processes, the Audit and Standards Committee shall consider whether the Statement presents a fair and balanced reflection of the authority's governance arrangements during the year. The Committee notes the progress made in addressing governance issues identified in previous years and is assured that appropriate actions have been identified to address the significant governance matters highlighted within the Statement.

17.2. Accordingly, the Committee is recommended to approve the Annual Governance Statement and is satisfied that it demonstrates the Council's continued commitment to maintaining high standards of governance, accountability, transparency, and continuous improvement.

18. Appendices

18.1. Please note the following appendix:

i. Appendix A – Annual Governance Statement 2025-2026

19. Background papers

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

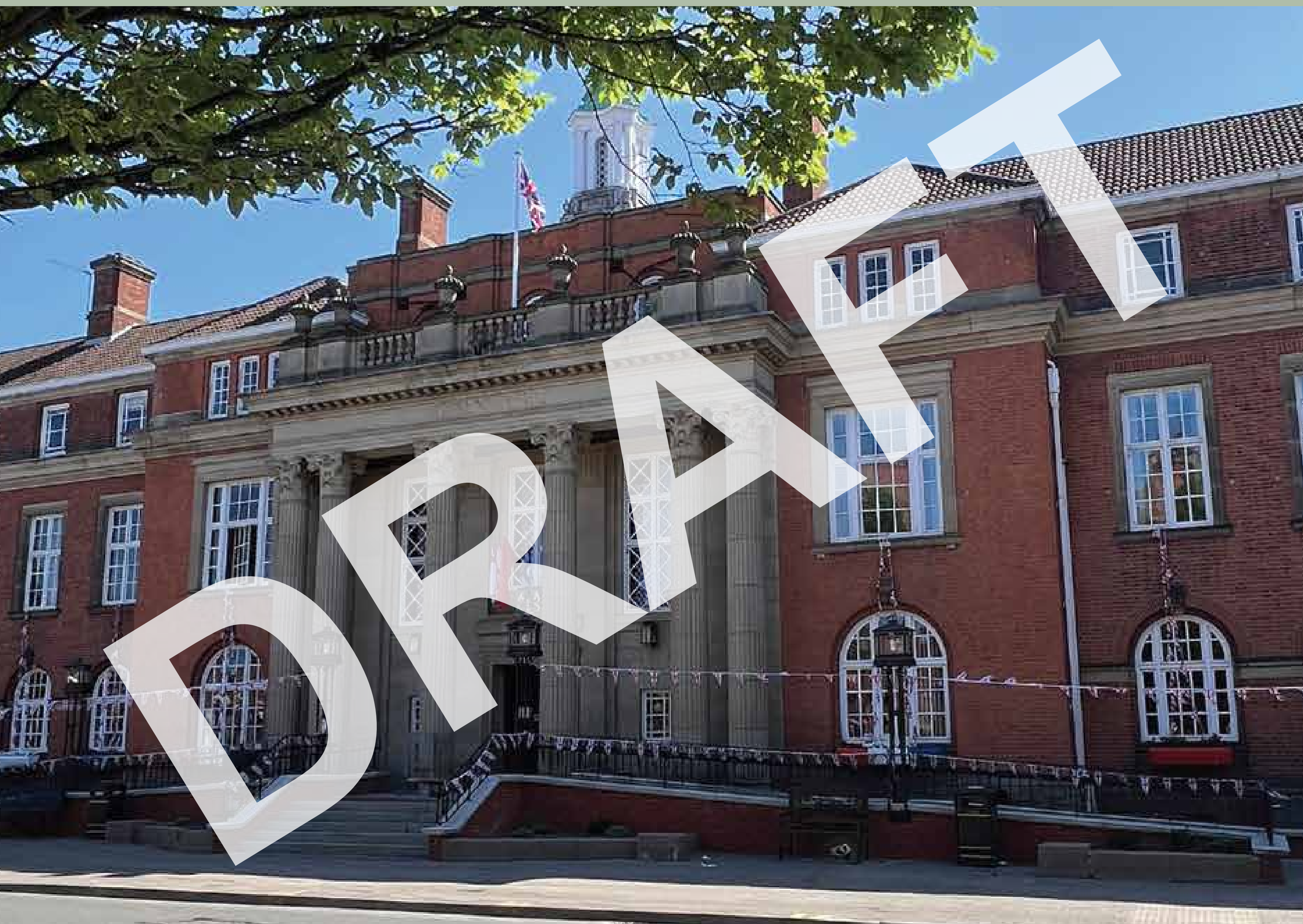
20. Report Writer Details:

Officer Job Title: Assistant Director – Democracy and Governance

Officer Name: Matthew Wallbank

Annual Governance Statement

For the period 1 April 2025 to 31 March 2026



Nuneaton & Bedworth

United to Achieve

Contents

1. Introduction

1.1. The Accounts and Audit Regulations 2015 require the Council to prepare an annual governance statement which is ratified by senior management and then approved by the Audit and Standards Committee, as those charged with governance.

1.2. Governance is about how an organisation is directed and controlled to achieve its objectives. It therefore comprises the systems, structures, and values that an organisation has in place to achieve those objectives.

1.3. Good governance:

a) requires that objectives be achieved not only efficiently and effectively but also ethically and in compliance with laws and recognised standards of conduct;

b) ensures that there is a sound system of internal control which facilitates the effective exercise of its functions, and which includes arrangements for the management of risk; and

c) comprises robust systems and sound structures together with effective leadership and high standards of behaviour.

1.4. Key Priorities:

United in Achievement

Place and Prosperity
Nuneaton and Bedworth, located in the heart of Warwickshire, is poised for growth. Its excellent transport connectivity, including easy access to major road networks and rail services, makes it great place to live and an attractive destination for businesses, investors. The borough has a great history, including the home of George Eliot and growing cultural offer, leading to a strengthening visitor economy. The Council will build on this rich heritage and opportunity, to deliver a thriving economy, with a diverse range of sectors contributing to the prosperity of the borough.

Housing, Health and Communities
Nuneaton and Bedworth is committed to improving housing standards, promoting sustainable development, and ensuring that the communities of the borough, are healthy, safe and thriving

Green Spaces and Environment
Nuneaton and Bedworth Borough Council is dedicated to preserving and enhancing its green spaces and natural environment, reducing the environmental impact of business activity. The council is actively working with partners to protect and enhance green spaces and biodiversity, improve air quality, and promote sustainable practices, to create a greener and cleaner future for the borough's forthcoming generations.

Your Council
Nuneaton and Bedworth Borough Council is committed to delivering efficient and effective services to residents, while ensuring value for money for taxpayers. The council will review its processes and operations to identify areas for improvement and reduce costs. Through initiatives such as digital transformation, and collaborative partnerships, the council aims to streamline its services, enhance customer satisfaction, and maximise the use of resources.

1.4.1. Whilst the Council had the key priorities as set out in its corporate plan (1.4), the Council has to deliver and provide statutory services to local residents and constituents. Examples of statutory services include but are not limited to:

- Rubbish collection
- Recycling
- Council tax and business rate collection
- Housing
- Planning applications and local plans
- Licensing (such as venues, premises and taxi license matters)
- Environmental health provision
- Leisure centre provision
- Electoral registration office.

Further information regarding the Council and Borough can be found in the Statement of Accounts which shall be located on the Council website: Financial information 2025 to 2026 | Nuneaton and Bedworth Borough Council

1.5. Delivering the key priorities requires good governance - for our residents, employees, businesses, service users and councillors. Our Corporate Plan provides the building blocks to our success. Supporting the Plan are number of strategies and policies showing how we will deliver our ambitions, and our 'Local Code of Governance' sets out the seven principles of good governance. The Local Code of Corporate Governance is consistent with the principles of the Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives and Senior Managers (CIPFA/SOLACE) joint framework for delivering good governance in local government.

- Behaving with integrity and in accordance with our core values.
- Being open and ensuring effective engagement takes place.
- Working together to achieve our intended outcomes.
- Setting goals for economic, social, and environmental benefits and reaching them.
- Growing our capacity – including our leadership and the people who work with us.
- Managing risks and performance through robust internal control and strong financial management.
- Implementing good practice in transparency, reporting and audit – delivering effective waccountability.

1.6. With ongoing global emergencies and conflicts, persistent inflation, cost of living pressures and continued increased demand on our services, this has been an incredibly challenging year for Nuneaton and Bedworth Borough Council. Along with other councils up and down the country, we have been operating in an extremely difficult economic environment which has forced us to take some tough decisions with regards to ensuring our financial sustainability.

1.7. Despite these undoubted challenges, we have demonstrated our commitment improve the borough and the services provided by the Council. Please see Section 5 - Effectiveness of our governance in 2025/2026 – an Overview

1.8. This is the second iteration of the Annual Governance Statement in this style and format. Following the 2024/2025 Annual Governance Statement, this format provides a level of detail which is relevant and is set out in a clear way to assist any reader, whether that be a resident, tenant, a 3rd party to review and understand.

2. Opinion - Annual Governance Statement 2025/2026

We are satisfied that the Council's governance arrangements for 2025/2026 were effective and operated as intended during the year. They have been subject to ongoing review and, where appropriate, updated to ensure they remain fit for purpose in supporting the Council's priorities and addressing the challenges it faces.

Following the Local Borough Elections in May 2026, Councillor George Finch was elected as Leader at the Annual Council meeting on 20 May 2026, and is therefore the Leader at the point of signing this Statement. Councillor Finch was not in post for the period to which this Statement relates.

Notwithstanding this, the Leader has taken assurance on the content of the Statement and the underlying governance framework, including the conclusions drawn through the work and oversight of the Audit and Standards Committee.

The Leader confirms that the Statement presents a fair and accurate reflection of the Council's governance arrangements during 2025/2026 and is committed to ensuring that the identified areas for improvement are addressed through the delivery of the associated action plan.

Councillor George Finch

Leader

Tom Shardlow

Chief Executive Officer

3. Governance at Nuneaton and Bedworth Borough Council

Governance is defined[1] as the framework by which organisations are directed and controlled. It identifies who can make decisions, who has the authority to act on behalf of the organisation and who is accountable for how an organisation and its people behave and perform. It comprises of the systems and processes for the direction and control of the organisation and its activities through which it accounts to, engages with, and leads the community. It enables the organisation to monitor the achievements of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Nuneaton and Bedworth Borough Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively, and economically.

We have a duty under the Local Government Act 1999 to improve the delivery of local government services and to make arrangements to secure continuous improvement in the way their functions are exercised, having regard to a combination of economy, efficiency, and effectiveness.

The governance framework set out below has been in place at Nuneaton and Bedworth Borough Council for the year ending 31st March 2026.

1 Source: Chartered Governance Institute – UK & Ireland

3.1. Essential elements of governance

1. **Decision Making**
2. **Scrutiny and Accountability**
3. **Financial Management and external audit**
4. **Managing risks through internal control and internal audit**
5. **Senior Officers and Statutory Officers**
6. **Member and Employee Code of Conduct**

1. Decision Making

The Local Government Act 2000 changes the basis of decision making in local authorities fundamentally. It requires the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public. The Council sets the budget and policy framework and the Executive, through the Cabinet, takes the key decisions within that framework unless reserved to a Committee or Officer.

Some decisions are for the Council to make or to delegate. The Council can delegate to Committees, Sub-Committees and officers, or to joint Committees, joint arrangements or other authorities. Those delegations must be recorded in the Council's Constitution which must be kept up to date.

Other decisions are for the Cabinet to make, and it is for the Cabinet to decide whether to delegate the power to make any of those decisions. Only the Cabinet may decide to delegate executive functions to Area Committees, joint arrangements or other local authorities. Where it does so, those delegations must also be recorded in the Cabinet's Scheme of Delegations in Part 3 of the Constitution. Though changes to the Constitution must be made by the Council, changes to the Scheme of Delegations are for the Leader and Cabinet to decide, and must be reported to the Full Council.

Where the power to take decisions is delegated by the Cabinet, the extent of the delegation must be recorded, as must any limitations on the delegated power. Details of the person, body or forum to which the decision is delegated must be recorded, as must the extent of delegation on to others from them.

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of the Constitution.

2. Scrutiny and Accountability

Scrutiny provides the legal power for elected members to look into issues of concern for residents or poor performance, holding decision-makers to account for the decisions they are making. Scrutiny is not decision making but acts as a check and balance to the executive, which takes the majority of key decisions on behalf of the Council. The Overview and Scrutiny Panels exist (see Governance Structure – Political Management Arrangements) to scrutinise, monitor and review performance as well as policy, Corporate Plan, Forward Plan, the Council's Strategic Risk Register and the development of the Council's annual budget and reviews.

From an internal perspective, the mechanisms in place as set out in Governance Structure – Internal Organisation Governance, provide means for internal organisation scrutiny and accountability.

3. Financial Management and external audit

Strong financial management is critical to ensuring the financial sustainability and future prosperity of the Council. The Constitution contains the Financial Procedure Rules which set the principles for managing the Council's financial affairs. A set of strategic documents form the second level of financial governance, with a third tier represented by detailed financial instructions to provide clear guidance on the operation of key financial processes. All documents are regularly reviewed and updated to ensure they remain current and fit for purpose, reflecting changes in the external environment and also in the Council itself.

Strategic Documents include:

- Treasury Management Strategy
- Budget for the General Fund and Housing Revenue Account
- Capital Budget
- Medium Term Financial Strategy
- Statement of Accounts

It is clear that not only is Local Government under significant pressure, the UK business and financial industry is as well. The impact of Covid, War in Ukraine, tensions in the Middle East, interest rates, national insurance rises and cuts to funding and international political uncertainty to name a few, are all challenges faced across the Local Government landscape. This has led to major failings in other councils widely known across the United Kingdom which presents an uncertain future.

The External Auditor is legally required to satisfy themselves that the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. They would report to the Council, and specifically the Audit and Standards Committee, if any significant matters came to their attention.

4. Managing risks and internal audit

Nuneaton and Bedworth Borough Council (NBBC) recognises that it has a responsibility to manage risks, both internal and external. It is therefore committed to maintaining robust risk management and business continuity arrangements that make a positive contribution towards the achievement of the Council's corporate aims and priorities and maximise the opportunities to achieve its vision.

The Council's aims with respect to risk management are as follows:-

- To embed risk management into the culture of the Council
- To adopt an effective and transparent corporate approach to risk management, which also applies to the Council's work with external partners and contractors
- To work with partners and stakeholders to identify and exploit opportunities that will contribute to corporate aims and priorities
- To integrate risk management into the operational and management practices of the Council
- To promote risk awareness throughout the Council and among our contractors and key partners
- To be responsive to changing social, environmental and legislative requirements, whilst effectively managing the related risks and opportunities.
- To undertake an annual review of the effectiveness of the risk management arrangements to support the Council's Annual Governance Statement.
- To promote risk awareness throughout the Council and among our contractors and key partners
- To be responsive to changing social, environmental and legislative requirements, whilst effectively managing the related risks and opportunities.
- To undertake an annual review of the effectiveness of the risk management arrangements to support the Council's Annual Governance Statement.

The Council has an adopted Risk Management Policy & Strategy which forms part of the Constitution. Central Midlands Audit Partnership (CMAP) undertakes the required annual self-assessment of the Council's Internal Audit function, against the Public Sector Internal Audit Standards. CMAP reports to the Audit and Standards Committee to approve the audit plan for each financial year, provide updates on progress against the agreed plan and to provide an assessment and opinion based upon audits undertaken.

5. Senior Officers and Statutory Officers

The Council's management team – comprising the Chief Executive, Strategic Directors and Assistant Directors (including the three Statutory Officers) implement decisions made under the Political Management Arrangements, provides advice to Cabinet and the Council on the development of future policy and budgetary issues and lead service areas to provide services.

Please see section Governance Structure – Internal Organisation Governance below for further information.

There are regular meetings throughout the year of our three Statutory Officers otherwise known as the 'golden triangle' (the Chief Executive/ Head of Paid Service, Chief Finance Officer (otherwise known as the Section 151 Officer) and Monitoring Officer) to review and monitor governance issues. The Chief Internal Auditor also attends periodically to provide updates from an internal audit perspective.

6. Member and Employee Code of Conduct

The Constitution includes two codes of conduct:

a) Member Code of Conduct – designed to ensure behaviour is consistent with core principles to achieve best value for residents and maintain public confidence in the Council. The core principles include:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

b) Code of Conduct for Employees – designed to sets out standards of conduct expected from all employees of the Council. Employees must conduct themselves in a way that ensures a high standard of service is provided and, the reputation of the Council is protected.

3.2. Governance Structure – Political Management Arrangements

a. Full Council – comprised of 38 Democratically Elected Members and is the principal body for determining the Council's budget and setting the Council's Policy Framework. Core duties include:

1. Approval of the budget and policy framework of the Council, as well as any application to the Secretary of State in respect of any Housing Land Transfer.
2. Approval of the Constitution.
3. Approval of the Corporate Plan.
4. Agreeing or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them.

Council | Cabinet and committees | Nuneaton and Bedworth Borough Council

b. Cabinet – comprised of the Leader of the Council, Deputy Leader and four Cabinet Members. Core duties include:

1. Main decision-making body of the Council.
2. Cabinet functions are set out in the Executive arrangements adopted by the Council. The arrangements may provide for Executive functions to be discharged by:

a) the Cabinet as a whole;
b) an individual Member of the Cabinet;
c) an officer;
d) an Area Committee;
e) joint arrangements; or
f) another Local Authority.

1. Six portfolios exist (a) **Housing**, b) **Communities & Public Services**, c) **Resources & Central Services**, d) **Planning & Enforcement**, e) **Business & Regeneration**, f) **Leisure & Health**.)

Changes to the Cabinet were implemented at the start of the 2025/2026 Municipal Year, including updates to membership, with three new Portfolio Holders appointed. During the Municipal Year, there was also a change in the role of Leader following a vote of no confidence at the Full Council meeting held on 21 January 2026. Notwithstanding this change, the Labour Group remained the Administration.

Cabinet | Cabinet and committees | Nuneaton and Bedworth Borough Council

b. Overview and Scrutiny – comprised of four panels each politically balanced who undertake the work scrutiny work, having regard to the Council's Corporate Objectives. Each panel scrutinise, monitors and reviews performance, policy, Corporate Plan, Forward Plan, the Council's Strategic Risk Register and the development of the Council's annual budget and reviews. The four panels are as follows:

a) Business, Regeneration and Planning Overview and Scrutiny Panel
b) Environment and Leisure Overview and Scrutiny Panel
c) Health and Corporate Resources Overview and Scrutiny Panel
d) Housing and Communities Overview and Scrutiny Panel.

Business, Regeneration and Planning Overview and Scrutiny | Cabinet and committees | Nuneaton and Bedworth Borough Council

Environment and Leisure Overview and Scrutiny Panel | Cabinet and committees | Nuneaton and Bedworth Borough Council

Health and Corporate Resources Overview and Scrutiny Panel | Cabinet and committees | Nuneaton and Bedworth Borough Council

Housing and Communities Overview and Scrutiny Panel | Cabinet and committees | Nuneaton and Bedworth Borough Council

c. **Audit and Standards Committee** - comprised of a politically balanced committee membership. Core duties include:

1. Providing assurance to the Council on the adequacy and effectiveness of the governance, risk and control.
2. Approves annual Statement of Accounts and the Annual Governance Statement.
3. Oversees the Council's Councillor Code of Conduct and the overall standards of conduct and ethics of Members.
4. Attended by the Chief Finance Officer (otherwise known as the Section 151 Officer), Monitoring Officer and Chief Auditor.

Audit and Standards Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

d. **Planning Applications Committee** - comprised of a politically balanced committee membership. The Committee consider and make decisions on functions relating to Town and Country Planning and Development Control' which cannot be discharged by Council or Cabinet. This includes planning related applications received as the statutory planning authority, unless as per the Constitution, the authority is with the Assistant Director – Planning.

Planning Applications Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

e. **Licensing Committee** - comprised of a politically balanced committee membership. The Committee consider and make decisions on applications submitted under the Licensing Act 2003 and Gambling Act 2005. In addition, the Committee consider applications for Hackney Carriage and Private Hire licenses.

Licensing Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

f. **Shareholder Committee** - comprised of a politically balanced committee membership. The committee is classified as a sub-committee of Cabinet. Core duties include:

1. Managing the shareholding interests in the Council's trading companies and joint ventures.
2. Appoints and removes directors to the companies, issues best practice guidance and arranges training.
3. Monitors the performance of the companies.

Shareholder Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

g. **Appeals Committee –** comprised of elected members who consider the determination of an appeal against any decision made by or on behalf of the organisation with the exception of Planning, Licensing and other such regulatory matters where there is a statutory right of appeal to a body outside the Council.

Appeals Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

h. **Borough Plan Committee** - comprised of a politically balanced committee membership, chaired by the Portfolio Holder for Planning & Enforcement. Where applicable, the committee make recommendations to Cabinet as to the content and progress of the local plan.

Borough Plan Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

i. **Civic Honours Sub-Committee** - comprised of a pre-defined list of Elected Members as per the Constitution and chaired by the Leader of the Council. Core duties include:

1. Inviting nominations for Civic Honour awards
2. Agreeing the criteria for awarding Civic Honours
3. Consider and make recommendations to Cabinet and Council for awards

Civic Honours Sub-Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

j. **Cabinet Local Government Reform Sub-Committee -** The purpose of the Sub-Committee of Cabinet is to review and guide the Council's response to Local Government Reform (LGR) proposals affecting Warwickshire. The Sub-Committee consisted of 7 elected members and shall be subject to the political balance rules, chaired by the Leader of the Council. The sub-committee of Cabinet was established following a decision made at Full Council held July 2nd 2025.

Cabinet Local Government Reform Sub-Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council

3.3. Governance Structure – Community Board(s)

a) Simplification Pathfinder Board - Nuneaton is one of a small group of local authorities invited by the Department of Levelling up Housing and Communities (DLUHC) to pilot a simplified approach to funding delivery, which includes funding from Future High Streets Fund, Towns Deal and Levelling up (round one only). Each of the local authorities involved in the simplification pathfinder pilot received funding from all three funding streams. It was agreed at Full Council that Nuneaton and Bedworth Borough Council will join DLUHCs Simplification Pathfinder Pilot at its meeting held on 6 September 2023, minute number CB39. The objective of the Fund(s) is to drive the economic regeneration of towns to deliver long term economic and productivity growth through:

1) Urban regeneration, planning and land use: ensuring towns are thriving places for people to live and work, including by increasing density in town centres; strengthening local economic assets including local cultural assets; site acquisition, remediation, preparation, regeneration; and making full use of planning tools to bring strategic direction and change.

2) Skills and enterprise infrastructure: driving private sector investment and ensuring towns have the space to support skills and small business development.

3) Connectivity: developing local transport schemes that complement regional and national networks, as well as supporting the delivery of improved digital connectivity.

Simplification Pathfinder Board | Cabinet and committees | Nuneaton and Bedworth Borough Council

b) Believe in Bedworth – Plan for Neighbourhoods – Board

Bedworth is one of 75 areas across the UK that will receive the Plan for Neighbourhoods £20 million investment over 10 years, the aim of which is to support regeneration and economic development - focusing on Bedworth town centre. Ran in partnership with a Neighbourhood Board, this includes representatives from local businesses, charities, police, Nuneaton and Bedworth Borough Council, and two students from Nicholas Chamberlaine School to ensure youth voices are heard. The aims and objectives focuses on three core goals:

Thriving Places: By investing in infrastructure, housing, and public services, the programme aims to create vibrant, sustainable communities where people can live, work, and thrive.

Stronger Communities: The initiative seeks to foster a sense of belonging and community spirit, encouraging local engagement and participation in decision-making processes.

Taking Back Control: Empowering local authorities and communities to have a greater say in their future, ensuring that development and growth are tailored to local needs and aspirations.

Nuneaton and Bedworth Borough Council is the Accountable Body for the Plan for Neighbourhoods Programme. The Accountable Body is ultimately responsible for ensuring the proper use of funding and the overall success of the programme.

The Neighbourhood Board in April 2025 confirmed its finalised membership and any proposals to alter their place boundaries. Between spring and winter 2025, the submission of Regeneration Plans to Ministry of Housing, Communities & Local Government (MHCLG) for assessment and approval. From April 2026, programme delivery funding is released, and the delivery phase begins.

The Terms of Reference and Regeneration Plan are available on the website -

[Believe in Bedworth | Nuneaton and Bedworth Borough Council]

c) Pride in Place - Camp Hill – Board

In March 2025, Plan for Neighbourhoods was announced, a £1.5 billion programme providing up to £20 million of funding and support over the next decade into 75 places from across the UK, including Bedworth. The Pride in Place Programme is an expansion of this and will see a further 169 locations, including Camp Hill in Nuneaton, also receive up to £20 million of funding over the next 10 years - the aim of which is to support regeneration and economic development.

Thriving Places: By investing in infrastructure, housing, and public services, the programme aims to create vibrant, sustainable communities where people can live, work, and thrive.

Stronger Communities: The initiative seeks to foster a sense of belonging and community spirit, encouraging local engagement and participation in decision-making processes.

Taking Back Control: Empowering local authorities and communities to have a greater say in their future, ensuring that development and growth are tailored to local needs and aspirations

Nuneaton and Bedworth Borough Council is the Accountable Body for the Plan for Neighbourhoods Programme. The Accountable Body is ultimately responsible for ensuring the proper use of funding and the overall success of the programme.

The Neighbourhood Board in July 2026 will need to confirm its finalised membership and any proposals to alter their place boundaries. November 2026 is the deadline for the submission of Regeneration Plans to Ministry of Housing, Communities & Local Government (MHCLG) for assessment and approval.

The Terms of Reference and Regeneration Plan are not yet available but once approved, will be available on the website -

[Pride in Place - Camp Hill | Nuneaton and Bedworth Borough Council]

3.4. Governance Structure – Internal Organisation Governance

During the 2024/2025 Financial Year, the Council updated its internal Governance Structure to align with its internal officer structure. This was outlined in the 2024/2025 Annual Governance Statement and has continued for 2025/2026.

Management Meetings:

Corporate Executive Team (CET)

CET have corporate and strategic responsibilities for achieving the Council's visions and strategies. CET form the highest level non-political board for decision-making.

Membership: Chief Executive Officer, Strategic Directors (one being the Chief Finance Officer/Section 151 Officer), Monitoring Officer

Administration: Corporate PA

Meet once per month.

Senior Leadership Team (SLT)

SLT will focus on delivery of strategic objectives as set by CET. SLT is designed to provide co-ordination across multiple directorates to ensure delivery of the Corporate Plan where work needs to cut across directorates. SLT will be the key decision-making body for operational changes within the Council, particularly where changes will affect teams across multiple directorates. The majority of business cases will be approved at SLT level.

Membership: Chief Executive Officer (chair), Strategic Directors (one being the Chief Finance Officer/Section 151 Officer), Assistant Directors, Monitoring Officer

Administration: Corporate PA

Meet once per month.

Directorate Management Team (DMT)
DMT will focus on delivery of strategic and operational priorities within a directorate. DMT will be responsible for scrutinising performance within a directorate and communicating across teams within the directorate. DMT will serve as the first level of scrutiny for all plans ahead of submission to SLT, as well as making decisions around operational changes that will have no/little impact outside the directorate.

Membership: Strategic Director and Assistant Directors (Direct Reports)

Meet once per month.

Senior Management Team (SMT)
SMT will focus on delivery of service level plans within a single sub-directorate. SMT should provide an environment to share information both up and down the chain, helping to further develop the Council's "sharing" culture.

Membership: Assistant Directors, Service Managers (Direct Reports)

Meet once per month.

Statutory Officer Meeting
Statutory Officer meetings – Please see section 5 under 3.1.

Informal Cabinet
A meeting to facilitate discussions between CET and members of the Cabinet to discuss forthcoming matters and to provide updates on strategic and operational matters.

Membership: Cabinet Members, Chief Executive Officer, Strategic Directors (one being the Chief Finance Officer/Section 151 Officer), Monitoring Officer

Administration: Democratic Services

Monthly meeting. Not a public meeting as it is not a formal Cabinet meeting and no executive decisions made. The meeting is to facilitate discission and communication.

Key Boards/Officer Working Groups (excludes partnerships):

Corporate Programme Review Board (CPRB)

CPRB will provide scrutiny of projects/programmes once approved by SLT. SLT is now the decision making board for business cases and any key and substantial changes. The idea of the board is to monitor performance and ensure that projects stay on track against their stated aims and plans, changes to a project or any significant concerns will be referred back to SLT.

Membership: Assistant Director Finance (chair), Assistant Director for Digital & Business Change, Assistant Director Democracy & Governance, Transformation (PMO administration)

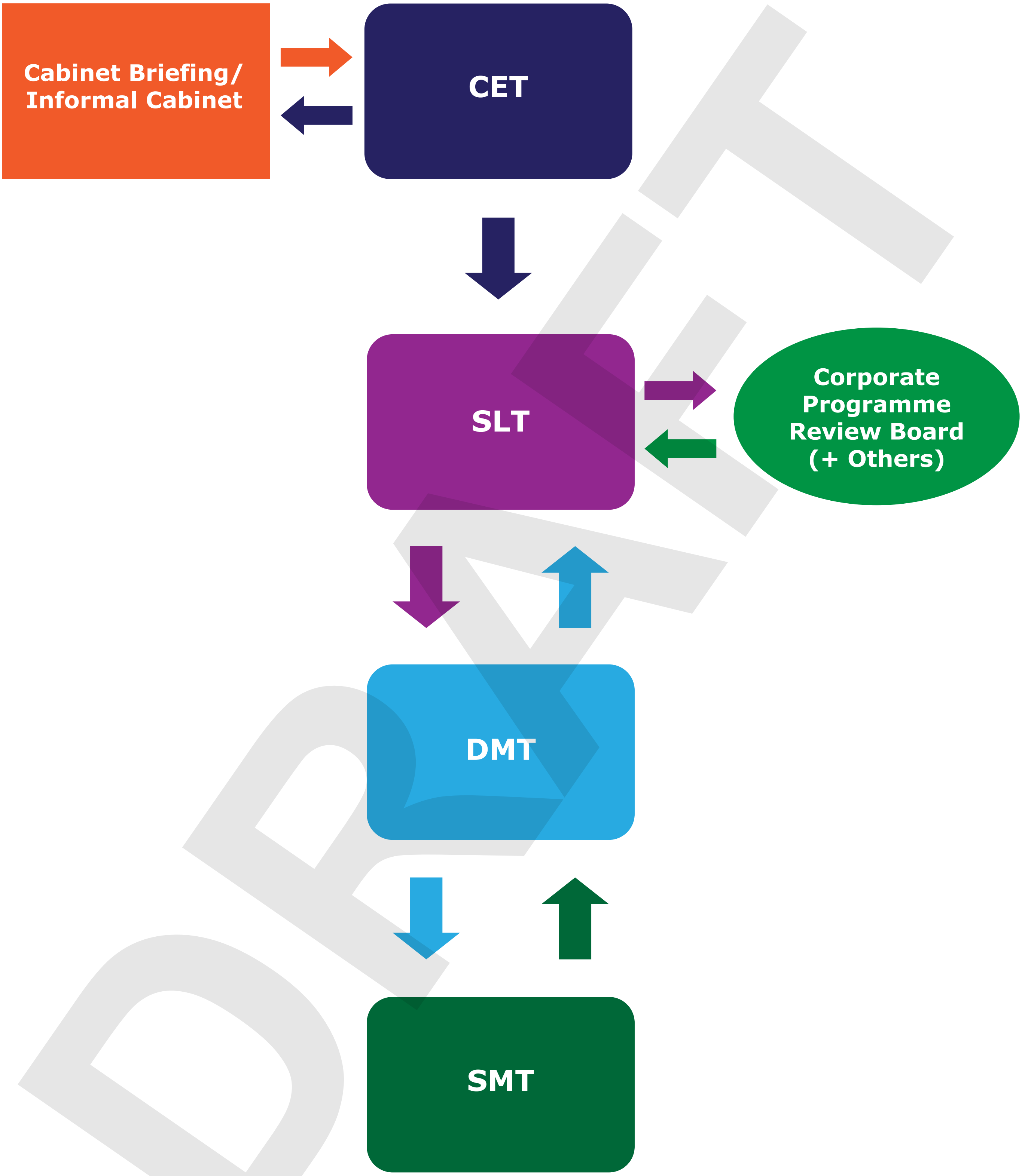
Administration: Transformation

Corporate Governance Group

- To review the Local Corporate Governance Code and the Corporate Governance Framework
- To examine the appropriateness of policies and procedures
- To identify any gaps in corporate governance arrangements
- To oversee the production of the Annual Governance Statement
- Oversee the development of risk management procedures
- Promote a positive risk management culture Membership: Assistant Director Democracy and Governance (chair), Assistant Directors, Internal Audit Manager, Data Protection Officer, Head of People and Culture

Pre 1st / December 2025 HASCOG (Health and Safety Coordinators Group)	Post 5th January 2026 Joint Health and Safety Committee (JHSC).
To be accountable to the Chief Executive, Corporate Executive Team (CET), and Senior Leadership Team for all matters pertaining to the effective management of Health & Safety within the Council.	**Description:** The Joint Health and Safety Committee (JHSC) is the Council's formal consultation forum between management and employees on health and safety, welfare and compliance matters across the Council. Established under the Health and Safety at Work etc. Act 1974 and the Health and Safety (Consultation with Employees) Regulations 1996, the Committee advises on and reviews health and safety policies, performance data and preventative measures. It reports to and escalates unresolved risks to the Senior Leadership Team. **Reason for change:** The transition from HASCOG to JHSC formalises the Council's health and safety governance arrangements with approved Terms of Reference, defined membership including Trade Union and employee safety representatives, and a clear statutory footing. This strengthens compliance with statutory employee consultation duties and reflects governance improvements implemented as part of the 2025 Health and Safety Review.

For the purposes of the column from November 2024, please see below diagram which sets out a visual graphic regarding the structure and flow of Management meetings.



Statutory Officers & Senior Officers:

Statutory Officers	**Senior Officers**
Head of Paid Service	Strategic Directors
• No change of Head of Paid Service during the Financial Year. • A statutory role who provides managerial leadership and is responsible for staffing, organisational structure, and co-ordinates how the council delivers its functions.	• To have full strategic and managerial responsibility for a designated Directorate. • To work with Elected Members, the Chief Executive, other Strategic Directors, Assistant Directors and key strategic partners to develop clear and achievable strategic aims for the Council and help ensure the strategic aims are delivered to the highest possible standards to customers, both internal and external • To ensure the Directorate's activities are carried out at all times in a lawful manner and in adherence with the Council's policies and standing orders.
Section 151 Officer	Assistant Directors
• Ensuring Lawfulness and Financial Prudence of Decision Making • Administration of Financial Affairs • Contributing to Corporate Management • Giving Financial Information **Notes:** - no change of Section 151 Officer during the Financial Year. - The Council has a Deputy S151 Officer (Assistant Director – Finance). No Changes during the Financial Year.	• The principal point of contact for Elected Members for the Service Unit unless business as usual in which case Member Enquiries process is used. • Work closely with the Strategic Director and relevant Cabinet Members to develop and appropriately review strategies and policies within the remit of the Service Unit. • Support the Strategic Director in developing innovative, resilient and sustainable Directorate and service wide strategic objectives, business and project plans (including those which may have wider Council application, including Corporate plans and strategy), ensuring their effective and seamless delivery.
Monitoring Officer	Service Managers
• Maintaining the Constitution • Ensuring Lawfulness and Fairness of Decision-Making • Supporting the Audit and Standards Committee • Receiving Complaints about Councillor Conduct • Conducting Investigations • Advising whether Executive Decisions are within the Budget and Policy Framework **Notes:** - The Council has a Deputy Monitoring Officer (Election and Democratic Services Manager) who took post in September 2025 following the previous post holder leaving the Council in May 2025.	• Responsible for developing, maintaining, and implementing the Council's governance, risk, and control framework • Contribute to the effective corporate management and governance of the Council • Responsible for budgets within their control and managing employees within their service units.

Audit:

Internal Audit – led by the Central Midlands Audit Partnership following Cabinet approval in March 2024.

- Provides independent assurance and opinion on the adequacy and effectiveness of the Council’s governance, risk management and control framework.
- Delivers an annual programme of risk-based audit activity, including counter fraud, investigation and assurance activity.
- Makes recommendations for improvements in the management of risk.
- Reports to the Audit and Standards Committee and provides an overall statement of assurance.

External Audit

Azets Audit Services are the Council’s appointed external auditor further to Public Sector Audit Appointments national procurement exercise.

- Audits / reviews and reports on the Council’s financial statements (including the Annual Governance Statement)
- Provides an opinion on the accounts and use of resources, including the arrangements in place for securing economy, efficiency, and effectiveness in the use of resources (the value for money conclusion)
- Statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption & theft.

4. Preparing the Annual Governance Statement

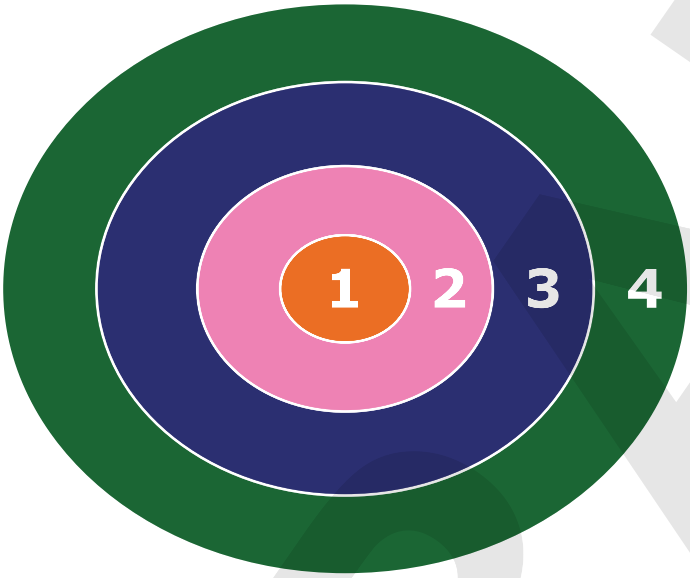
Nuneaton and Bedworth Borough Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control.

The review of the effectiveness of the system of internal control is informed by:

- the work of the internal auditors and the Annual Opinion Report.
- Strategic Directors and Assistant Directors within the Authority who have responsibility for the development and maintenance of the internal control environment; and
- comments made by the external auditors and other review agencies and inspectorates.

Assurance statements have been received from the Chief Executive and Strategic Directors setting out their confirmation that the control systems in place are adequate and that they are being complied with.

The review for the 2025/26 Annual Governance Statement has been carried out by Corporate Governance Group and the draft statement endorsed by Senior Leadership Team 18 August 2026 for consideration and approval by the Audit and Standards Committee in September 2026.



1. Annual Governance Statement
2. Corporate Governance Group
3. Corporate Executive Team
4. Audit and Standards Committee

Where do we need assurance?

a) Compliance
b) Standards of conduct and behaviour
c) Risk Management
d) Financial Management
e) Performance Management
f) Service Delivery
g) Effectiveness of internal controls

Where do we get assurance from?

a) Constitution
b) Political Management Arrangements (Committees and Scrutiny)
c) Risk Management Policy & Strategy
d) Performance Management Framework
e) Complaints, counter fraud and whistleblowing
f) Independent and external sources (e.g. CIPFA, Social Housing Regulator, Ministry of Housing, Communities & Local Government, external auditor).

5. Effectiveness of our governance in 2025/2026 – an Overview

a) Internal Audit – Annual Opinion

The purpose of the annual opinion is to provide an independent and objective assessment of the Council's risk management, control and governance arrangements. It provides assurance to senior management and the Audit and Standards Committee on the overall adequacy and effectiveness of these arrangements allowing the Audit and Standards Committee to assess the Council's internal control environment. Internal Audit's risk-based plan must take into account the requirement to produce an annual internal audit opinion. Accordingly, the Audit Plan must incorporate sufficient work to enable the Chief Audit Executive to give an opinion on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.

Central Midlands Audit Partnership (CMAP) provided the following opinion for 2025/2026, as presented to the Audit and Standards Committee 23 June 2026: **Reasonable Assurance can be given that Nuneaton & Bedworth Borough Council's framework of governance, risk management and control is adequate and effective.**

b) Statement of Accounts

As per the 2024/2025 Annual Governance Statement, the Statement of Accounts up to 2023/2024 Finance Year are up to date and no longer out of date.

2022 – 2023 Audited Statement of Accounts
2023 – 2024 Audited Statement of Accounts

As for the 2024/2025 Statement of Accounts, these have been approved following the audit inspection and external audit process. The Audit and Standards Committee considered the Statement of Accounts and as per the Constitution, Article 9 (Audit and Standards Committee), approved the Statement of Accounts February 24th 2026.

2024 – 2025 Audited Statement of Accounts

The Council's Draft Statement of Accounts for 2025/26 has been published on the Council's website in accordance with the statutory deadline and can be viewed here: Financial Information 2025 to 2026 | Nuneaton and Bedworth Borough Council. The accounts are currently subject to the ongoing external audit process following the period for public inspection. As a result, the published draft accounts remain unaudited at the time of this Annual Governance Statement being considered and may be subject to amendment before the final audited Statement of Accounts is approved and published.

c) Scrutiny (annual scrutiny report)

Traditionally, each Overview and Scrutiny Panel presents their annual report for the Municipal Year to Full Council in April. For the 2025/2026 Municipal Year, one report was issued capturing all four Overview and Scrutiny Panels. The report, approved at Full Council April 29th 2026. The report noted.

Annual Overview and Scrutiny Panel Report - 2025-2026

d) Social Housing Regulator new legislation, Social Housing (Regulation) Act 2023

Building on the progress made in this area as outlined in the 2024 – 2025 Annual Governance Statement, policy work has been undertaken resulting in the following policies being approved:

a) Damp and Mould Policy 2026-2029
b) Leasehold Management Policy 2026-2029
c) Right to Buy Policy 2026-2029
d) Tenant Alteration and Home Improvement Policy 2026-2029
e) Mutual Exchange
f) Competence and Conduct
g) Access Policy
h) Allocations Policy

Tenant Satisfaction Measures

The Tenant Satisfaction Measure (TSM) surveys were sent out 23 June 2025 to a total of 5,447 tenants, and the survey closed on 26 September 2025. A reminder letter sent by post on 14 July 2025. A total of 1,126 responses were received.

The purpose of the TSMs is to be transparent with tenants on how the Council is performing. The results of the TSM's will be shared on the Councils Website, Housing Facebook Page and articles will be in the next tenants newsletter and annual report.

Most importantly, as an organisation, we should be learning from the results. The Council will be looking at the results and considering ways to improve satisfaction in areas that scored lowest and to strive for continuous improvement in all areas.

TSM Survey Results - 2025-2026 | Housing performance | Nuneaton and Bedworth Borough Council

Late March 2026, the Council received notification the Regulator for Social Housing will be undertaking its inspection of the Borough Council. The outcome of the inspection is due Autumn. An action plan will then be included in the 2026/2027 Annual Governance Statement.

e) Housing Ombudsman

Building on the statement included in the 2024/2025 Annual Governance Statement, the Council is required to produce a social housing Complaints Annual Performance and Service Improvement Report, which includes a self-assessment against the requirements of the Code. The Report must be presented to the Communities, Corporate Resources and Housing Overview and Scrutiny Panel and to the Cabinet, with both required to make comment on it. The Report was presented to the Communities, Corporate Resources and Housing Overview and Scrutiny Panel on 25 June 2026 and to the Cabinet on 17 June 2026.

f) Borough Plan Review

Building on the statement included in the 2024/2025 Annual Governance Statement, the Borough Plan review was formally adopted at Full Council, December 10th 2025.

This marks a significant milestone in planning for the Borough's future growth and development. The Borough Plan Review sets out a clear vision for sustainable growth and provides the framework for where development will be permitted across the Borough until 2039. It addresses key needs and opportunities relating to housing by ensuring delivery of new homes, including affordable housing, to meet local demand and the economy by supporting business growth and employment opportunities. It guides the provision of community facilities such as shops and open space, infrastructure and safeguards the Borough's environmental and heritage assets.

The Plan was adopted following three rounds of public consultation between 2021 and 2023. It was then submitted to the Planning Inspectorate for independent examination on 12 February 2024.

Following hearing sessions held between July and October 2024, the Inspectors concluded the Plan is 'sound' subject to Main Modifications, which have now been incorporated into the adopted version of the Plan.

g) Continue the development of Bedworth Physical Activity Hub and procure a new Leisure Operator Management contract

Building on the statement included in the 2024/2025 Annual Governance Statement, the Bedworth Physical Activity Hub officially opened in March 2026, completing Phase 1 of the project and build. Residents are now utilising the new facility in Bedworth, supporting the delivery of the Council aim to Promote residents' health & wellbeing. Furthermore, the Council's new Leisure Management Contract has been procured and awarded, resulting in a further milestone for the development and future operation of the Council's leisure portfolio for the residents and constituents of the Borough.

h) Local Code of Corporate Governance

During 2025/2026, the Council undertook a full review of its Local Code of Corporate Governance to ensure continued alignment with the CIPFA/SOLACE Framework for Good Governance and relevant legislative and best practice requirements.

The revised Code was scrutinised by the Audit and Standards Committee, providing Member oversight and assurance on the robustness of the governance framework, and was subsequently approved by Full Council (April 2026).

This review and approval process ensures that the Council maintains an up-to-date and effective governance framework, underpinning sound decision-making, strong internal control, and high standards of conduct.

Local Code of Corporate Governance | Nuneaton and Bedworth Borough Council

i) Local Government and Social Care Ombudsman Annual Report 2025/2026

The Local Government and Social Care Ombudsman's Annual Review Letter for 2025/2026 at time of preparing the Annual Governance Statement has not been presented to the Audit and Standards Committee. However, the data is available and can be found on the Ombudsman website via this link: Annual Review letter 2025-26.

The letter and associated data will be formally presented to the Audit and Standards Committee during the 2026/2026 Municipal Year.

The report provided an independent assessment of the Council's complaint handling performance, including upheld complaints, compliance with Ombudsman recommendations, and the effectiveness of remedies provided.

Consideration of this Letter by Members supports effective oversight of complaints management, promotes organisational learning, and ensures that appropriate actions are taken to address identified issues and improve service delivery.

j) Housing Annual Complaints Performance and Service Improvement Report 2024/25

As part of the Council's commitment to continuous improvement and resident-focused services, the Housing Annual Complaints Performance and Service Improvement Report for 2024/2025 was presented to the Cabinet in June 2025. The report highlights key complaint themes, service performance, and the actions taken to address issues and prevent recurrence.

This process ensures that feedback from residents is systematically used to inform service development and enhance the quality of housing provision.

k) Inspection by the Investigatory Powers Commissioner's Office (IPCO)

The findings of the three-yearly inspection by the Investigatory Powers Commissioner's Office (IPCO) were reported to the Audit and Standards Committee on 9 September 2025. The inspection provided independent assurance on the Council's use of investigatory powers and compliance with relevant legislation. This supports transparency and reinforces the Council's commitment to lawful and proportionate use of its powers.

l) LGA Corporate Peer Challenge (CPC)

During the year, the Council undertook a Local Government Association (LGA) Corporate Peer Challenge (CPC), which reviewed governance, financial management, leadership, and organisational capacity for improvement.

The CPC represents a significant milestone within the Council's assurance framework, providing independent challenge, validation of existing arrangements, and a set of recommendations to support continuous improvement. This was presented to Full Council December 10th 2025. The Council has developed an action plan following the review, which is in progress. The CPC team are due to return to the Council as a follow up in 2026/2027.

m) Co-opted Member appointments

During 2025/2026, the Council progressed recruitment to vacant co-opted member positions across three Overview and Scrutiny Panels and the Audit and Standards Committee.

The appointment of co-opted members plays a key role in enhancing the effectiveness of governance arrangements by bringing additional skills, experience, and independent perspective to the scrutiny and audit functions. This supports robust challenge, strengthens accountability, and contributes to improved oversight of decision-making and performance.

n) Adoption of a new Corporate Plan 2025-2029

Early in the new Financial Year, the Council approved and adopted its new Corporate Plan for the period 2025–2029. The Plan establishes the Council's strategic priorities and outcomes, aligned to the needs of residents, businesses, and communities.

The adoption of the Corporate Plan provides a clear strategic framework to guide decision-making, financial planning, and performance management across the organisation. It also supports effective governance by ensuring that resources, risks, and activities are aligned to the delivery of agreed priorities.

The Corporate Plan includes four main aims:

- Place and Prosperity - enabling local jobs, supporting businesses and regenerating our town centres

- Housing, Health and Communities - promoting healthy lifestyles, supporting vulnerable residents, building new Council homes and strengthening community cohesion

- Green Spaces and Environment - protecting our natural environment, improving air quality and creating sustainable communities

- Your Council - delivering services effectively and efficiently while ensuring value for money for our taxpayers

An Annual Delivery Plan was also approved for year 1 actions and a report will be issued in 2026/2027 with the outcome of the Delivery Plan. Year 2 delivery plan has been approved by the Cabinet 4th March 2025 for the 2025/2026 financial year.

o) Section 5 Monitoring Officer report

In March 2026, the Monitoring Officer exercised their statutory duties under Section 5 of the Local Government and Housing Act 1989 by issuing a report to Full Council. The report identified significant governance concerns requiring formal Member consideration and action related to Empty Homes and Second Homes Council tax, following communication received further to a Section 5 report from the Warwick District Council Monitoring Officer in December 2025.

Full Council considered the report and agreed a series of measures to address the issues raised, agreeing with the recommendations from the Monitoring Officer. This process demonstrates the robustness of the Council's governance framework, ensuring that matters of concern are escalated appropriately, subject to Member oversight, and addressed in a transparent and accountable manner.

The Council template for reports has been updated to help identify where a report has a budget variation and/or is Council Tax related. Where either of these options is a 'Yes', it will identify the need for likely referral and recommendation(s) to Full Council.

p) The Council approved a balanced budget for 2025/26

The Council approved a balanced budget for 2025/26 totalling £109.8m, despite a previously forecast deficit position and continuing financial pressures across the local government sector.
This was achieved through strengthened financial planning discipline, including closer alignment with the Medium-Term Financial Strategy and capital planning processes, as well as a focus on asset maintenance, investment in IT systems, and service efficiencies.

These actions demonstrate robust financial governance and support the Council's long-term financial sustainability.

q) Preparation for Local Government Reorganisation (LGR)

During 2025/2026, the Council operated within a transition environment in preparation for Local Government Reorganisation (LGR). This included planning for structural reform, including the potential abolition of the Council and its integration into a future unitary authority or authorities.

Governance arrangements were introduced and adapted to ensure continued service delivery, effective decision-making, and appropriate oversight during this period of uncertainty and change. This included the establishment of a Cabinet sub-Committee titled Cabinet Local Government Reform Sub-Committee as outlined under 3.2. Governance Structure – Political Management Arrangements. Furthermore, public consultation was undertaken and the formulation of a business case for a two unitary Warwickshire model. The business case and preferred model from a NBBC perspective was considered at Full Council in October 2025 and later approved for submission by the Cabinet in November 2025. The response was submitted on time to Central Government for consideration. This demonstrates the Council's ability to manage strategic risk and maintain stability while preparing for significant organisational transformation.

r) Safeguarding Section 11 Audit

In October 2025, all partner agencies who work with the Warwickshire Safeguarding Children Partnership & Warwickshire Safeguarding Adult Board were subjected to a Section 11 Audit. The Section 11 audit is a self-assessment process mandated by the Children Act 2004, requiring organisations to evaluate their safeguarding practices to ensure the welfare of children is prioritised. The audit was expanded to include the evaluation of adult safeguarding practices, as many of the themes are similar. The Council participated in the audit following which, the Council identified actions to better enhance and continuously improve. These have been included in the action plan on Annex 3 of the AGS.

s) Other key policy and strategy reviews undertaken and approved during the 2025/2026 Financial Year:

- Performance Management Framework
- Risk Management Policy and Strategy
- Anti Money Laundering Framework
- Anti-Fraud, Corruption and Bribery Strategy
- Fraud Response Plan
- Partnership Framework
- Parks and Green Space and Allotment Strategy
- Skilled Migrant Workers Policy and Procedure
- Fees and Charges Policy
- Capital Strategy 2025/26
- Equalities Policy
- People Strategy 2026 – 2029
- Corporate Plan Delivery Plan 2026/2027
- Tree Strategy

6. Action Plans

Annex 1 – includes update on previous action plans up to and including the 2024/2025 Annual Governance Statement

Annex 2 – Includes the Annual Governance Statement action plan for 2025/2026.

7. Conclusion

During 2025/2026, Nuneaton and Bedworth Borough Council delivered a number of significant governance milestones. The Council undertook an LGA Corporate Peer Challenge, providing independent assurance and a clear improvement framework, alongside the adoption of a new Corporate Plan (2025–2029) to strengthen strategic alignment. Robust financial governance was demonstrated through the delivery of a balanced budget and an updated Capital Strategy in line with CIPFA requirements.

The Council operated effectively through a period of political change and transition towards local government reorganisation, maintaining strong constitutional governance, audit oversight, and scrutiny arrangements. Governance structures continued to support the delivery of major regeneration programmes and statutory services.

Collectively, these developments demonstrate a maturing governance framework, strengthened assurance mechanisms, and a continued commitment to transparency, accountability and continuous improvement.

The Council has produced an accurate Annual Governance Statement for the 2025/2026 Financial Year Period, outlining the governance mechanisms that were in place during the reporting period.

We confirm our commitment to implementation of actions to address issues and/or gaps in governance identified throughout the 2025/2026 financial year.

Furthermore, the Council will monitor and seek assurances in response of the Action Plan and will continue to ensure suitable and sufficient governance mechanisms exist.

Annex 1

An update on the action plan for 2022/23 is shown in the table below:

Table 1

Action	Responsible Officer/ Group	Planned Completion Date	Status
Implement a Corporate Document Retention Policy	Data Protection Officer	Rolled over to 2023/24	Completed

An update on the action plan for 2023/24 is shown in the table below:

Table 2

Action	Responsible Officer/ Group	Planned Completion Date	Status
Implement a Corporate Document Retention Policy	Data Protection Officer	Rolled over to 2023/24	Completed
Cyber essentials assessment undertaken and certified. PSN compliance obtained	Strategic Director – Corporate Resources	Assessment completed and remedial work identified. Revised assessment to be undertaken - 2023/24 Cyber Essentials accreditation is not possible due to some legacy systems. These are in scope for change/renewal in 2024/25. Revised target 2024/2025 or 2025/2026.	Revised target 2027/2028 Progress has been made but due to the interdependences with other systems and software contracts, it has not been possible to obtain this accreditation at this point. Still in progress.
Ensure staff recruitment and retention is linked to the People Strategy and underlying policies	Strategic Director – Corporate Resources	Linked to employment committee work. Tabled for 2022/23	In progress following adoption of People Strategy 2026 – 2029 at Cabinet February 25th 2026
Asset review, especially use of the Town Hall	Strategic Director – Corporate Resources	Ongoing but the Council is in Negotiations to lease part of the Town Hall to a public sector partner.	Completed noting office space has been leased to third parties
Complete the development of some of the key strategies e.g. Economic Development Strategy, Town Centre Strategy	*Strategic Director – Communities and Place	December 2022 Draft documents being consulted upon. Adoption in 2023/24	In progress. Rolled over to 2024/2025.
Local Code of Corporate Governance, Anti-Fraud and Bribery Strategy and Fraud Response Plan.	Assistant Director – Democracy and Governance, Assistant Director – Finance and Strategic Director – Corporate Resources	March 2023.	Completed

Identify and implement a replacement for the previously titled TEN Performance Management System	Assistant Director – Democracy and Governance	Scope and Procurement – 2023/2024 Implementation 2024/2025	Completed

*Change of job title from previous Action Plan due to staff changes.

Annex 2

An update on the action plan for 2024/2025 is show in the table below.

Action	Responsible Officer/Group	Planned Completion Date	Status
Implement a Corporate Document Retention Policy	Data Protection Officer	September 2025	Completed
Identify and implement a replacement for the previously titled TEN Performance Management System	Assistant Director – Democracy and Governance	June 2025	Completed
Complete the development of some of the key strategies e.g. Economic Development Strategy, Town Centre Strategy	*Strategic Director – Communities and Place *Assistant Director – Economy and Communities	March 2026	Outstanding
Local Code of Corporate Governance, Anti-Fraud and Bribery Strategy and Fraud Response Plan.	Strategic Director – Corporate Resources Assistant Director – Finance Assistant Director – Democracy and Governance	September 2025	Completed
Asset review, especially use of the Town Hall	*Strategic Director – Communities and Place *Assistant Director – Economy and Communities	March 2026	Completed
Review, consider and implement mitigations identified in the Commissioners report associated to Birmingham City Council as a lesson learnt for Nuneaton and Bedworth Borough Council	SLT	March 2026	Completed
A need for the Shareholder Committee to receive reports from all wholly owned and jointly owned subsidiaries to have more oversight and scrutiny of Council owned and jointly ownersubsidiaries (NABCEL, Sherbourne Recycling Ltd), Grayson Place (NBBC) Limited	Shareholder Committee CET	March 2026	Completed

Statement of Accounts for 2024/2025 to be prepared and signed off	Strategic Director – Corporate Resources Assistant Director – Finance	September 2025	Completed
Implement Action Plan following assessment findings following the Regulator of Social Housing	*Strategic Director – Communities and Place *Assistant Director – Assets and Compliance *Assistant Director – Housing Services	Ongoing	Ongoing
Following decision that County elections to proceed in May 2025, prepare and deliver County Elections. Prepare for Borough Elections in May 2026.	Chief Executive Officer (Returning Officer) Elections and Democratic Services Manager	May 2025 May 2026	Completed
Review and update of both the Performance Management Framework as well as the Risk Management Strategy & Framework.	Assistant Director – Democracy and Governance	October 2025	Completed
Implement revised Service Business Plans following adoption of new Corporate Plan 2025 – 2029	SLT	June 2025	Completed
Update templates and report writing guidance for committee reports, cabinet reports and delegated officers decisions to ensure reports are sufficiently detailed and accurate for decision making	Assistant Director – Democracy and Governance	June 2025	In progress - Report templates updated. Guidance outstanding.
Produce and approve the Modern Slavery Statement for 2023/2024 and 2024/2025 – best practice is for local authorities to publish. However, due to capacity it has not been possible to create and publish a statement for these years, following 2022/2023 statement.	Assistant Director – Democracy and Governance SLT	September 2025	Not actioned
RIPA Training for officers, authorising officers, Senior Responsible Officer (and Deputy) and co-ordinators where required.	Assistant Director – Democracy and Governance & CET	October 2025	Outstanding
Adoption of the Borough Plan	*Strategic Director – Culture and Environment Assistant Director - Planning	October 2025	Completed
Approval of a new Local Development Scheme later in 2025	*Strategic Director – Culture and Environment Assistant Director - Planning	December 2025	Completed

Adoption of updated Supplementary Planning Documents	*Strategic Director – Culture and Environment Assistant Director - Planning	March 2026	Completed
Adoption of Heritage SPD and Local List (to be taken with SPDs)	*Strategic Director – Culture and Environment Assistant Director - Planning	March 2026	Completed
Implementation of the Employee Rights Bill (Employment Act 2025), and updating relevant policies.	*Chief Executive Officer and People Services Manager	April 2026	In progress
Implementation of the new Corporate Complaints Policy and associated Compensation Policy following Local Government Social Care Ombudsman and Regulator of Social Housing changes.	SLT Data Protection Officer Assistant Director - Digital and Business Change	September 2025	In progress

*Change of job title from previous Action Plan due to staff changes

Annex 3

The review of the governance framework during 2024/25 has identified the following issues to be addressed in 2025/26, notwithstanding any outstanding items from the previous action plan as per table 2 above.

Action	Responsible Officer/Group	Planned Completion Date
Statement of Accounts 2025/2026 – sign off	Strategic Director – Corporate Resources & Assistant Director - Finance	End of January 2027 (back stop date)
Operational delivery of Food Waste Collection	Strategic Director – Culture and Environment Assistant Director - Environment and Enforcement	2026/2027 Financial Year
Subject to Local Government Reorganisation Decision – Prepare to deliver Shadow Authority Election	Chief Executive Officer Assistant Director – Democracy and Governance Electoral and Democratic Services Manager	2026/2027 Financial Year post central government decision
Annual Housing Complaint Performance & Service Improvement Report 2025-26 – Improvement Action Plan (as per Cabinet 17 June 2026 report item 7)	Strategic Director – Communities and Place, Assistant Director – Assets and Compliance Assistant Director – Housing Services	2026/2027 Financial Year and ongoing
Communication, Marketing and Engagement Strategy	Assistant Director – Democracy and Governance	2026/2027 Financial Year
National Scheme of Delegation – Planning Committee and Scheme of Delegation changes	Assistant Director – Planning and Assistant Director - Democracy and Governance	31st October 2026
New Local Plan further to The Town and Country Planning (Local Planning) (England) Regulations 2026	Assistant Director – Planning	30 months from commencement (October 2026) – estimated no later than March 2029
Safeguarding Actions following Warwickshire County Safeguarding Section 11 Audit. Themes Include refining: - Internal safeguarding communications and promotion - Escalation routes - Provide feedback to individual who made the referral.	Equality and Safeguarding Officer Assistant Director - Economy and Communities	March 2027

AGENDA ITEM NO. 11

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:	Audit and Standards Committee
Date of Meeting:	15 September 2026
Subject:	Constitution Update – Report from Constitution Review Working Party – Proposal for an Annual Report of the Shareholder Committee
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
Amendment to Budget:	No Council Tax Related: No
Recommendation to Council:	Yes
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 an Annual Report of the Shareholder Committee.

2. Recommendations

2.1. The Audit and Standards Committee considers whether to recommend to full Council that the Constitution be amended to require the Shareholder Committee to produce an Annual Report for presentation to the final meeting of Full Council in each Municipal Year, similar to the current arrangements for the Overview and Scrutiny Annual Reports. Any commercially sensitive information could be included within confidential section or a separate confidential report where necessary.

2.2. Subject to recommendation 2.1, the recommendation 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 27 July 2026, the Constitution Review Working Party (CRWP) met and considered two constitutional matters. One matter was not recommended for referral to the Audit and Standards Committee for inclusion in the constitution.

3.2. The second matter, concerning an Annual Report of the Shareholder Committee, is the subject of this report.

4. Body of report and reason for recommendations

4.1. The item that the CRWP endorsed and is subject to this report is detailed below at 4.3 and is subject to debate and discussion.

4.2. The Committee may agree with the recommendations set out in sections 2.1 and 2.2 of the report, seek to make amendments or reject the recommendation under 2.1.

Annual Report of the Shareholder Committee

4.3. Following the meeting of full Council that had debated an Annual Report for the Shareholder Committee, it was resolved that the matter would be referred to the CRWP for consideration and recommendation. The CRWP considered two options in relation to the Annual Report:

Option A An Annual Report of the Shareholder Committee included within the Annual Report of the OSPs.

Option B Standalone Annual Report

4.4. Governance Options

4.4.1. Option A: Inclusion within the OSP Annual Report

i. The benefit being that it provides a single consolidated governance report and reduces potential duplication and officer time.
ii. The negative being that it could blur distinction between executive and scrutiny roles, it could reduced visibility of shareholder matters and this isn't repeated for the other Committees.

4.4.2. Option B: Standalone Annual Report

i. The benefit being that it provides clear distinction between governance functions and greater focus and visibility.
ii. The negative being that it produces an additional reporting requirement, increase in officer workload and it isn't repeated for the other Committees.

4.5. It is acknowledged that information provided to the Shareholder Committee can be of a commercially sensitive nature and therefore such information could be included within confidential sections if/where necessary or presented in a separate confidential report for Officers and Members only.

4.6. The Committee is asked to consider the recommendations at section 2 of this report and determine whether to make a recommendation to full Council regarding the introduction of an Annual Report of the Shareholder Committee. The CRWP agreed that its preferred option was for a standalone Annual Report, rather than it be integrated within the Annual Reports of the Overview and Scrutiny Panels (OSPs). The Committee should also determine whether to consider a fully confidential report to sit alongside the public report noting 4.5.

Reasons for recommendations

4.7. The production of an Annual Report provides a clear and transparent account of the work and achievements of the

Committee during the year; and ensures that the Committee's performance is publicly reported and accountable.

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 took place with Constitution Review Working Party on 27 July 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. Biodiversity Implications

14.1. No direct biodiversity implications have been identified.

15. Local Government Reorganisation (LGR) Implications

15.1. No direct LGR implications have been identified.

16. Other Options

16.1. In formulating this report and recommendations, the other options available may be disclosed in the main body of the report itself, detailed at 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.

17. Conclusion

17.1 This report presents a proposal of the inclusion of an Annual Report for the Shareholder Committee. Subject to debate and discussion, the Committee may agree the recommendations set out at section 2 of the report, seek amendments to them, or reject the recommendation in section 2.1.

18. Appendices

18.1 Please note there are no appendices attached to this report.

19. Background papers

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

20. Report Writer Details:

Officer Job Title: Elections and Democratic Services Manager (Deputy Monitoring Officer)

Officer Name: Tracy Tiff

Audit and Standards Work Programme 2026 – 2027							
Item	**23rd June**	**15th Sept**	**1st Dec**	**19th Jan**	**2nd Feb**	**13th April**	**Details**
Annual Governance Statement 2025-26		✓					To approve the Annual Governance Statement for 2025-26
Statement of Accounts 2025-26				✓			To approve the Statement of Accounts for 2025-26
Treasury Management Reports:	✓	✓	✓		✓		Includes: • Annual Report • Half Year report • Strategy • Quarterly Treasury Management
Appointment of Independent Persons	✓						To review the Appointment of Independent Persons
Government Reforms on Planning Committees – Changes to Constitution		✓					To discuss and endorse the changes to the Constitution
Annual Report of Internal Audit	✓						To consider the Chief Audit Executive's annual internal audit report and opinion, which includes conformance with the Public Sector Internal Audit Standards, outcomes from the quality assurance improvement programme, the opinion on the Council's governance, risk and control environment and the work completed by internal audit to support that opinion
Revised employee Code of Conduct	✓						To review the revised Employee Code of Conduct.
Internal Audit Plan progress report	✓	✓		✓		✓	A report on progress against the audit plan
Internal Audit Plan						✓	To consider and approve the content of the Plan for 2027/28.
Audit Findings Report		✓		✓			External audit's opinion and findings on the 2025/26 accounts and the value for money conclusion subject to completion of audit.

Annual External Audit Letter				✓			An overall summary of the external auditor’s work at the Council.
External Audit grant claims report				✓			External auditor's report on the work completed to certify grant claims.
External Audit Plan		✓					Sets out the external auditors approach to the identification of audit risks.
Overview of Member complaints – Audit and Standards Committee		✓				✓	Report to present to Committee identifying the number of complaints submitted and the status of any complaints against Elected Members. Every 6 months.
Review of registration of interests, hospitality and gifts by members and officers – Audit and Standards Committee			✓				Report to review the register of interests, hospitality and gifts by members and officers.
Member Induction Arrangements & Training Plan						✓	Annual Review
Strategic Risk Register – Q2 Review			✓				To consider and review the Strategic Risk Register – Q2
To consider reports from the Constitution Review Working Party	✓	✓	✓	✓	✓	✓	To consider any reports from the Constitution Review Working Party and if acceptable, recommend to Full Council for approval and adoption.
Consider the Council’s corporate governance arrangements and policies to ensure that they demonstrate a strong ethical culture	✓	✓	✓	✓	✓	✓	These include the Contract and Financial Procedure Rules, Counter Fraud Policy, Risk Management Policy and Performance Management Policy along with other governance related policies as required.
Dispensations	✓	✓	✓	✓	✓	✓	Ongoing item
Any reports from external agencies regarding the standards/conduct of the Council (such as the Ombudsman, Information Commissioner’s Office or Investigatory Powers Commissioner’s Office).	✓	✓	✓	✓	✓	✓	When received and relevant to the Committee.

Review and approval of the Risk Management Policy and Strategy review							Not due in 2026/2027 as updated in 2025/2026 programme. Likely to be in 2027/2028 programme
Review and approval of the Performance Management Framework review							Not due in 2026/2027 as updated in 2025/2026 programme. Likely to be in 2027/2028 programme
Anti Fraud Strategy and Fraud Response Plan							Not due in 2026/2027 as updated in 2025/2026 programme
Anti-Money Laundering Framework							Not due in 2026/2027 as updated in 2025/2026 programme
Partnership Framework							Not due in 2026/2027 as updated in 2025/2026 programme
Local Code of Corporate Governance							Not due in 2026/2027 as updated in 2025/2026 programme