



**AGENDA  
for  
MEETING OF  
THE COUNCIL**

to be held on

**Wednesday, 30<sup>th</sup> September, 2026**



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Date: 22<sup>nd</sup> September 2026

Our Ref: KB

To: All Members of the Borough Council

A MEETING OF THE COUNCIL will be held on **Wednesday, 30<sup>th</sup> September, 2026** commencing at **6pm** in the Council Chamber

All members of the Council are summoned to attend to determine the business as set out below.

## **AGENDA**

### 1. **EVACUATION PROCEDURE**

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 the Lloyds Bank on the opposite side of the road.

Please 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 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 Ordinary meeting held on 1<sup>st</sup> July, 2026 **(Page 11)**

4. **DECLARATIONS OF INTEREST** - To receive declarations of disclosable pecuniary interests and other interests in matters under consideration pursuant to Council procedure Rule 4A.2(iii).

**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 Declarations of Interests](#)). 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 and 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. ANNOUNCEMENTS - to receive announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive.
6. PUBLIC PARTICIPATION - (maximum 20 minutes).  
to hear and answer questions by any resident of the Borough concerning the work of the Council where notice has been given (maximum 20 minutes). A copy of the Procedure Rule 9 is attached (**Page 26**) and this is not subject to debate. A question or statement can be submitted using the link below which will send your submission to the Chief Executive and Member Services: [Ask a question at meetings of Full Council | Public participation at meetings | Nuneaton and Bedworth Borough Council](#)
7. QUESTIONS BY MEMBERS - (Council Procedure Rule 10). A copy of Procedure Rule 10 is attached. (**Page 28**) and this is not subject to debate.
8. SPECIAL URGENCY DECISIONS - (Access to Information Procedure Rule 4B.16) - None
9. CABINET – report by Leader of the Council (**Page 30**)  
Members may ask questions on the report and receive answers from the Leader or other Cabinet members, and this is not subject to debate.
10. ELECTORAL SERVICES PROGRESS REPORT – a report of the Chief Executive attached (**Page 35**)
11. RECOMMENDATIONS FROM CABINET OR OTHER COMMITTEE

**Borough Plan Committee – 30<sup>th</sup> June 2026**

**a) Local Plan Update**

At its meeting held on 30<sup>th</sup> June 2026 a report (**Copy of Borough Plan Committee report attached Page 43**) by the Assistant Director – Planning was considered and the recommendations put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL that the Leader of Nuneaton and Bedworth Borough Council:**

**i) writes to other Local Authorities in a similar situation (relating to the need to produce a new Local Plan before a decision on LGR has been made); and**

**ii) writes to the Secretary of State to ask for a deferral of the Local Plan process until after a LGR decision has been made.**

### **Cabinet – 15<sup>th</sup> July 2026**

#### **b) New Administration 100 Day Priorities**

At its meeting held on 15<sup>th</sup> July 2026 a report (**Copy of Cabinet report attached Page 55**) by the Chief Executive was considered and the following recommendation put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL that the Climate Change Emergency declared in 2019 be rescinded, and that associated funding be redirected toward practical measures that mitigate the impacts of severe weather and enhance and protect the Borough's natural environment;**

### **Cabinet – 15<sup>th</sup> July 2026**

#### **c) Capital Outturn 2025/26**

At its meeting held on 15<sup>th</sup> July 2026 a report (**Copy of Cabinet report attached Page 65**) by the Assistant Director – Finance was considered and the following recommendation put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL that the updated Capital Budget for 2026/27 as detailed in Appendix 2 of the report be approved.**

### **Cabinet – 9<sup>th</sup> September 2026**

#### **d) General Fund Budget Monitoring Quarter 1 2026/27**

At its meeting held on 9<sup>th</sup> September 2026, the above item (**copy of Cabinet report attached Page 81**) was considered and the following recommendation put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL that an update to the budget for reasons outlined in section 4 of the report**

### **Cabinet – 9<sup>th</sup> September 2026**

#### **e) Capital Budget Monitoring Update Quarter 1**

At its meeting held on 9<sup>th</sup> September 2026, the above item (**Copy of the Cabinet report attached Page 89**) was considered and, the following recommendation put forward for Council approval:

**IT BE RECOMMENDED TO FULL COUNCIL that an update to the budget for projects outlined in section 5 of the report**

### **Audit and Standards Committee – 15<sup>th</sup> September 2026**

#### **f) Planning Applications Committee**

At its meeting held on 15<sup>th</sup> September 2026, the above item (**Copy of the Audit and Standards Committee attached Page 99**) was considered and the following recommendations put forward for Council approval:

**IT BE RECOMMENDED FOR COUNCIL that**

- a) the Council notes the requirements of the National Scheme of Delegation and associated statutory guidance;**
- b) 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;

- c) 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;
- d) 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;
- e) 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;
- f) it be noted the Planning Applications Committee membership is within the statutory maximum committee size of thirteen (13) Members;
- g) it be noted that Training for Members and Officers has or will be scheduled prior to the end of October 2026;
- h) 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; and
- i) a review by Members of the Audits and Standards Committee be carried out after a period of 6 months from 1<sup>st</sup> November 2026, and any recommendations from the review be made to Full Council.

**Audit and Standards Committee – 15<sup>th</sup> September 2026**

**g) Treasury Management 2026/27 Q1 Review**

At its meeting held on 15<sup>th</sup> September 2026, the above item (**Copy of the Audit and Standards Committee attached Page 245**) was considered and the following recommendations put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL that the Treasury Management Report for 2026/27 Q1 report be noted.**

**Audit and Standards Committee – 15<sup>th</sup> September 2026**

**h) Constitution Update – Report from CRWP -Proposal for an Annual Report of the Shareholder Committee**

At its meeting held on 15<sup>th</sup> September 2026, the above item (**Copy of the Audit and Standards Committee attached Page 256**) was considered and the following recommendations put forward for Council approval:

**IT BE RECOMMENDED TO COUNCIL THAT**

- i. **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. Any commercially sensitive information could be included within confidential section or a separate confidential report where necessary; and**
- ii. **the report be a standalone annual report, rather than being included within the annual report of the OSPs**

## 12. NOTICE OF MOTIONS

a) A notice of motion has been received from Leader of the Labour Group Councillor B. Hughes (**copy attached at Page 261**)

1. *Seek resolution that officers investigate the possibility of introduction of DBS checks for elected members.*
2. *Members are asked to voluntarily sign a declaration agreeing to abide by the principles of the Council's Drug and Alcohol Policy while undertaking council business.*

### *Preamble*

*This motion seeks to strengthen public confidence in elected members by ensuring they are held accountable, particularly as elected members sit on panels of the highest scrutiny.*

### *Council notes that:*

- *Council employees in many roles may be required to undergo Disclosure and Barring service (DBS) checks, and all employees are expected to comply with the Council's Drug and Alcohol policy*
- *Elected members make decisions affecting vulnerable residents, regularly visit council premises, schools and care settings, including community facilities and represent the council in the community.*
- *Elected members make important decisions regarding licensing committees, particularly where complaints or appeals are relevant.*
- *Public confidence in local government, depends upon transparency, accountability and the highest standards of conduct.*

### *Council believes that:*

*Although Elected members are not employees, they should demonstrate the same commitment to safeguarding and professional standards expected of council officers.*

*Adopting equivalent standards would help to strengthen public trust in the integrity of the Council.*

*Council therefore resolves to:*

- 1. Request that officers investigate the possibility that DBS checks could be undertaken for Elected Members at their own cost, with the level of check determined appropriate and to bring the outcome to audit and standards committee.*
- 2. Those members with current DBS checks in place provide a copy to the council officers for record keeping.*
- 3. Request that all elected members voluntarily sign a declaration agreeing to abide by the principles of the Council's Drug and Alcohol Policy while undertaking Council business*
- 4. Instruct the Monitoring Officer to prepare a report for the next audit and standards committee setting out the Council's legal position on DBS checks and Drugs and alcohol misuse for elected members and the practical implications of administering point 1 and 2, costs and any necessary amendments to the Constitution or Members' Code of Conduct required to implement these measures.*
- 5. Ensure all political groups represented on the Council to support these measures in the interests of openness, safeguarding and public confidence.*

- b) A notice of motion has been received from the Leader of the Conservative Group Councillor K. Wilson (copy of attached at Page 264)**

*Nuneaton and Bedworth Borough Council condemns the incompetent handling by the Labour Government of its imposed policy of Local Government Reform and resolves:*

- 1) The Leader of the Council and political group leaders be requested to write to the Secretary of State for Housing, Communities and Local Government to:*
  - a) Express our anger and dissatisfaction at the way local government have been treated throughout the LGR process*
  - b) Request that the Government reimburses Nuneaton and Bedworth Borough Council for all expenses incurred (including wasted officer time) in the LGR process to date once calculated by the Head of Paid Service.*
  - c) Call upon her to only pursue any further local government reform where there is consensus amongst all local councils in the shire county backed by evidence of support from their local communities.*
- 2) To reconfirm its commitment to a two-unitary solution for Warwickshire if LGR is progressed by central government.*
- 3) The Chief Executive be requested to send a copy of the letter to the Secretary of State to all three members of parliament covering our Borough and requests that each MP:*

a) *Endorses our request to MHCLG to be reimbursed for all costs incurred by NBBC so far in pursuing LGR.*

b) *Endorses the original two-unitary proposal for Warwickshire and lobbies MHCLG to retain the proposal should LGR be progressed further by government.*

- c) A notice of motion has been received from the Deputy Leader of the Council Councillor M. Bannister (**copy attached Page 265**)

*That Full Council notes that the proposed post of Strategic Director for Culture and Environment is a Director-level appointment and, having regard to the Council's Constitution, Employment Procedure Rules and Officer Delegations, considers it appropriate that the recruitment process be undertaken through a Sub-Committee of Council established pursuant to paragraph 4H.8(vi) of the Employment Procedure Rules.*

*Full Council therefore resolves:*

- a. *To grant authority to the Chief Executive to commence the recruitment to the post of the Strategic Director for Culture and Environment;*
- b. *To establish an Appointments Sub-Committee comprising five Members, appointed in accordance with the political balance requirements applicable to Council committees and sub-committees, and operating in accordance with the Council Procedure Rules applicable to Council committees and sub-committees;*
- c. *That the membership of the Appointments Sub-Committee shall be the same as the membership of the Officer Remuneration Panel for the 2026/2027 Municipal Year;*
- d. *That the Appointments Sub-Committee be authorised to oversee stages of the recruitment process for the post of Strategic Director for Culture and Environment, including consideration of the job description, person specification, recruitment strategy, advertising arrangements, longlisting, shortlisting, candidate assessment and interviews;*
- e. *That the Appointments Sub-Committee be supported by the Chief Executive and such other officers as the Chief Executive may nominate, who shall act in an advisory capacity throughout the recruitment and selection process;*
- f. *That the Chief Executive be granted delegated authority in consultation with the Appointments Sub-Committee to make an appointment in accordance with the Council's Constitution, Employment Procedure Rules and any applicable statutory requirements;*
- g. *Noting the current recruitment process underway for the post of Assistant Director for Environment and Enforcement, that the Appointments Sub-Committee participate in the candidate assessment and interview process, to support the Chief Executive in appointing to the post;*

- h. To request that the Monitoring Officer and the Head of Paid Service prepare and submit a report to the Constitution Review Working Party setting out proposals for the establishment of a permanent Committee of Full Council to be known as the Senior Officer Appointments and Employment Committee; and*
- i. That the report consider the replacement of the existing Officer Remuneration Panel with the proposed Senior Officer Appointments and Employment Committee.*
- d) A notice of motion has been received from the Leader of the Council Councillor G. Finch attached due to length of motion (Page 267)**

**NOTE: Points of Order and Personal Explanation can only be raised in accordance with Council Procedure Rules which are set out below:-**

### **Point of order**

A Member may raise a point of order at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule of law and the way in which he/she considers it has been broken. The Mayor shall consider the Point of Order and, if necessary, take advice on the matter from the Monitoring Officer and, shall then rule on the Point of Order raised. There shall be no discussion or challenge to the advice given or the Mayors decision in the meeting. If a Member persistently seeks to raise a Point of Order but is unable to identify the procedure rule or legal principle infringed then, after having being warned by the Mayor, any further abuse of this procedure rule shall not be tolerated and the Mayor shall move that the Member not be heard further pursuant to Procedure Rule 4.19.13. The ruling of the Mayor on the matter will be final.

### **Personal explanation**

A Member may make a point of personal explanation at any time. The Mayor will hear them at the end of the speech of the Member speaking at the time the point is raised. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

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The Council is committed to providing a safe and respectful environment for our employees, 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.

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**COUNCIL**

**1<sup>st</sup> July 2026**

The ordinary meeting of the Nuneaton and Bedworth Borough Council was held on Wednesday, 1<sup>st</sup> July 2026.

**Present**

The Mayor (Councillor C. Cape)

Councillors, N. Bagga, M. Bannister, J. Bartlett, M. Bird, J. Bonner, D. Boughan, A. Brassington, R. Brill, S. Carvell, J. Clarke, S. Coates-Jarman, L. Cvetkovic, G. Finch, S. Finch, P. Gilbert, B. Greenwood, J. Groves, W. Hancox, P. Hickling, B. Hughes, K. Kondakor, M. Kondakor, S. Markham, W. Markham, C. Morris, B. Pandher, T. Sheppard, P. Smith, T. Venson, C. Watkins, K. Wilson and M. Wright

Apologies received for D. Brown, T. Cooper, N. King, C. Phillips, and B. Saru,

**CL12 Minutes**

**RESOLVED** that the minutes of the Annual Council meeting held on 20<sup>th</sup> May 2026, were confirmed, and signed by the Mayor.

**CL13 Declarations of Interests**

**RESOLVED** that the Declarations of Interests for this meeting are as set out in the schedule attached to these minutes.

**CL14 Announcements**

The Mayor announced that his chosen charity was the Guardian's Grow Charity and they have recently opened a new hub called The Dragon's Crumble that can residents gain or improve skills such as cooking. The Mayor encouraged all members to visit.

The Mayor also congratulated newly elected Councillor Peter Gilbert on his member appointment. Councillor Pete Gilbert wished to place on record his thanks to the Chief Executive and staff for the excellent running of the By-election, in addition he wished to thank the conservative and labour candidates who stood during the by-election for their professionalism during the campaigning period and would be looking forward to representing his residents.

**CL15 Public Participation**

**Question 1** – Kath Price asked the following question to the Portfolio Holder for Finance, Enabling Services and Communities:

At Cabinet on 12 November 2025, it was agreed that Nuneaton Town FC would be granted a 49-year lease and the preferred site was Vale View. Nuneaton Town FC submitted a comprehensive business plan for the development.

The latest update given by NBBC was verbally on 16 April 2026 during the celebration of the Lionesses plaque at the Jubilee Centre, when Nuneaton Town FC were assured that the legal process had begun to grant the licence for a preliminary risk assessment of the site.

Unfortunately, to date, no progress has been communicated.

As a resident of Stockingford West, I feel passionately about supporting the Back to Nuneaton campaign. Nuneaton Town FC's home was always in Stockingford at the Cock & Bear football Ground.

Some issues have been raised about increase in traffic and impact on wildlife. The plans clearly show adequate parking provision and most supporters, like myself, would walk to the ground. These proposals are not for a change of use: the site is already a football pitch and there are clear boundaries between the pitch and Whittleford Park that is home to local wildlife.

Stockingford is one of the most deprived areas in Warwickshire which is in much need of investment. These plans are not only a great idea for sport but will also bring investment and employment to the area.

Residents regularly raise concerns about the lack of provision for children and young people. A football club would provide much needed activities, equipment and education for our young people. We celebrated the Lionesses first World Cup match in Nuneaton but currently we don't even have a Town Ladies Team.

I am calling on NBBC to support the Back to Nuneaton campaign at Vale View and progress the plans to get our team back where they belong in Stockingford. Will NBBC confirm they support the plan and it's not going to be kicked into the long grass.

**Councillor Mike Bannister, Portfolio Holder for Finance, Enabling Services and Communities responded as follows:**

Thank you, Mr Mayor.

Kath, totally in favour of finding somewhere for Nuneaton Football club to go. We are a new administration, we had a meeting not so long ago with the Community Interest Group who are now running the club and I am glad it's a not-for-profit organisation, so there are no shareholders, so we won't have the sorts of problems, I hope, in the future that we have had in the past with Nuneaton Football Club.

Vale View, I know very well because when I was a Labour Councillor, I was a Stockingford Ward Councillor and I had that site levelled and football pitches laid down and, the area where people go to walk their dogs is in that area. The problem is that, I think we have to look at the access of the site. The feasibility study that was done by the Community Interest Group cost them a lot of money and they were just about to launch into the second phase with even more money and what we simply said to them was hang on while we evaluate Vale View, while we look if there are any other sites across the Borough that we could use. At the same time, I have to say, no one had really consulted Warwickshire County Council Highways about any of the issues that might arise, so I think things had rushed ahead slightly. I don't want people to think we have crossed Vale View off the list, we are simply saying don't spend any more money and let's look at all available sites. We want them to come home to Nuneaton and to be able to play in Nuneaton.

I take your point about people being able to walk there but a lot of people might not walk and we need to take that into account. The old days of the Borough when everyone streamed up from the town and down from Stockingford, those days are in the past. So, we are looking at all available sites in the Borough, we haven't ruled out Vale View, we just don't want to spend anymore money until we are certain of where we go.

**Councillor K. Wilson moved that the above item be referred to the relevant OSP for further consideration.**

**This was seconded by Councillor S. Markham**

**A vote was taken**

**RESOLVED** that the above item be referred to the relevant OSP for further consideration

**Question 2 – Christian Smith asked the following question to the Leader of the Council**

In the recent Annual Council, the Leader of the Council referenced "people with medieval attitudes" in relation to being housed in HMO. in the same speech, I seem to remember the Leader also referencing "illegal immigrants" when referring to same.

In a recent statement released by the Leader of the Council in his other role as Leader of Warwickshire County Council, the Leader referred to the recently convicted rapist from last summer's shocking incident as an "asylum seeker".

Given the ongoing tensions when it comes to asylum seekers, HMO and illegal immigrants, can the Leader of the Council confirm he knows the difference between:

- Asylum seekers

- illegal immigrants

Further, can the Leader of the Council confirm he knows that NBBC are not responsible for housing asylum seekers, and that illegal immigrants would never be housed by NBBC as an illegal immigrant has no right to rent as per the Immigration Act 2016, and that he will refrain from using inflammatory rhetoric when referring to HMO on the grounds that housing asylum seekers is not a NBBC function?

**The Leader of the Council, Councillor George Finch responded as follows:**

Again we have heard this time and time again from socialist, left wing councillors they do not care about residents in the Borough, we have heard this before.

Now, my statement that I made is what the public want to hear and have been crying out for, for years. The borough council people in Nuneaton and Bedworth do not want illegal immigrants housed in HMOs. I have had meetings with Rent-a-Room, with many of the businesses, talking about this issue. We should not be housing illegal residents that are not vetted, fighting aged men, in our Borough that have the potential of committing heinous crimes which you saw last year and again when you had labour and green councillors calling this rapist – ‘oh his life has been ruined’ shocking and disgusting comments that were made in supporting an asylum seeker that has raped a 12-year-old girl. Reform UK under my leadership has been the only party to call this out so I will not complain, I will not question what I have said, and I will not go back on it. I was right and the code of conduct complaint that was brought against me found that I was right in what I did in the public interest. I don’t want anymore of this daft questioning from people who don’t understand the simple fact, people of Nuneaton and Bedworth do not want illegal immigrants housed in our Borough and this administration is 100% committed to ensure we are going to stop this as much as we can.

**CL16 Questions by Members**

**Question 1 – Councillor Mike Wright submitted the following question to the Portfolio Holder for Leisure and Health:**

Could the responsible cabinet member clarify what steps are being taken to mitigate the effects of extreme weather events, given that such events are likely to become both more frequent and more severe?

**The Leader of the Council, Councillor George Finch, responded as follows:**

Thank you, Mr Mayor, I will be taking this question for this meeting.

I believe the weather event that we have just had is fantastic, we can all get a lovely tan, we all enjoy the sun. I wouldn’t call these ‘extreme weather

events'. We know what your party are saying, that climate change is going to destroy the whole world, as a country you know we can do very little and, as a Borough, we can do very little but, officers have had frequent communication with other officers across the Borough Council who have been working in this heat giving them messages about keeping hydrated, where to go etc and this has been communicated to all the people across the Borough. We have done our job as a Council but I would encourage people to enjoy the weather, have a lovely ice cream and a pint in the lovely heat, that's what we should be doing not scaremongering people that the world is going to end just because of a little bit of heat, I think it is quite crazy to suggest that.

**Councillor Mike Wright asked a supplementary question as follows:**

Could Councillor Finch confirm if he read the book on Climate Change given to him at the last meeting by Councillor Brady Hughes?

**Councillor George Finch responded as follows:**

Thank you for your question and guess what... no I didn't, do you know why? because I know that climate change is a natural thing that has been going on since the world began. I understand you have this crazy obsession with this and also cycling/cycling lanes but that is a different point but you need understand that we are fully committed to making sure our areas are nice and clean and tidy, that's what we want to do, we want to make sure that our environment is good and clean but we don't need to bankrupt our residents by enacting some crazy net zero agenda which your party has kind of dropped now they are more pro-Palestine and all that type of stuff, you don't really know what you stand for.

**Question 2 – Councillor Michele Kondakor submitted the following question to the Chair of Communities, Corporate Resources and Housing OSP:**

Membership of Overview and Scrutiny Panels (OSPs) is an important role for councillors. The panels are a mechanism for constructive challenge and questioning of decisions, in order to achieve better outcomes for residents. It was, therefore, disappointing that the meeting of the Communities, Corporate Resources and Housing OSP on Thursday 25th June, was only attended by 5 of the 9 members, who had been appointed. No apologies had been received. Will the Chair of the OSP take steps to encourage attendance (and substitutions when attendance isn't possible) and participation in this important role?

**Councillor Damon Brown, Chair of Communities, Corporate Resources and Housing OSP had sent his apologies for the meeting but gave a written response as follows:**

I share the disappointment of Councillor M. Kondakor that the attendance at the OSP meeting was low. No apologies for absence were received in advance of the start of the meeting and apologies were received from one Councillor after the start of the meeting. Consequently, there was no way of knowing in advance of the start of the meeting that some Members would not be present so that substitutes could be requested. The date of the meeting

coincided with a by-election in the Camp Hill Ward and this may have had some bearing on the meeting attendance.

The next meeting of the OSP is due to take place on 22 October 2026 and I will ask for a reminder to be sent out to Members in advance advising of the importance of attending and asking that anyone who is unable to attend sends notice of this to Democratic Services.

**Question 3 – Councillor Keith Kondakor submitted the following question to the Chair of Business, Regeneration and Planning:**

In February 2023 the then Conservative administration of this council formally launched the Grayson place project and said “Grayson Place will be the home of a new hotel, cinema, entertainment centre, food hall, multi-storey car park, education facilities and new shops. As Grayson Place takes shape, 400 jobs will be created during the construction and 1,500 jobs when completed.”

It has clearly under-delivered and cost a, still-to-be-determined, massive amount of public money. As chair of the OSP, will you enable a detailed investigation into this project, make sure lessons are learned and investigate if we can claim some of the fees back from the very expensive external consultants?

**Councillor Jeff Clarke, Chair of Business, Regeneration and Planning OSP, responded as follows:**

Thank you for your question.

Councillor Kondakor was a member of the council at the time of the events in question, so he will already be familiar with much of the history. But it is worth repeating for newer members.

The funding the council secured for regenerating Nuneaton was based on business cases developed and submitted in 2019. It is worth bearing in mind that this is before the key events of Covid and the war in Ukraine, both of which caused massive shocks to the international supply chain and global economy. He should also remember that inflation was running at an eye-watering 11% at one point due to these events.

These shocks forced the cost of our project's way above the original budgets, and the last conservative administration led by my colleague Councillor Wilson had to rescue the projects and prevent the council entering effective bankruptcy. He requested officers to commission a report to advise on the affordability of Grayson Place and this report stated that even the 2019 financial modelling was wildly optimistic despite assurances given by the then section 151 officer.

Conservatives' actions saved Grayson Place and this Council from bankruptcy.

Just to prove to Councillor Kondakor that we are not alone in this, the National Audit Office has reported that 8 out of 10 councils that received levelling up funding experienced the same challenges as we did and who were unable to complete their regeneration schemes.

Having discussed this with officers, they have confirmed it is usual practice that once a project has finished, they will undertake a review. When this has taken place, I am happy for OSP to examine its findings. However, other elements of his question are down to Cabinet members in relation to the finance information and not myself as the Chair of OSP.

**Councillor Keith Kondakor asked a supplementary question:**

Can I thank Councillor Clarke by saying that he will conduct an end of project review, can I make sure that is on the work programme particularly in getting money back from consultants as they advised us and if they advised us badly and were paid a great amount, we want some money back as we got nothing from Grayson Place compared to what we were offered. So lots of money been spent, I accept the review, can as Chair of OSP ensure it is an effective one rather than making excuses.

**Councillor Jeff Clarke responded as follows:**

Yes as indicated I am more than happy after the project is completed to have a review come back to OSP. I also indicated in relation to the financial part of the question that Councillor Kondakor would have to go to the Cabinet Member in relation to funding and any specific enquires.

**Question 4 – Councillor Kris Wilson submitted the following question to the Leader of the Council:**

The last Labour administration began the process of giving asylum seekers based in our Borough free Passports to Leisure, something out of the reach of thousands of our hardworking and taxpaying residents.

In addition, they introduced a migrant worker policy that would see our council – and therefore our taxpayers – pay thousands of pounds in visa fees and relocation costs for applicants to jobs at our council from outside the UK.

Would the Leader of the Council agree with me that these Labour schemes are out-of-touch, fundamentally unfair and politically deaf? And will he ensure that they are consigned to the dustbin of history? If he does, he will have the support of the Conservatives in this chamber.

**The Leader of the Council, Councillor George Finch responded as follows:**

Thank you Councillor Wilson, after seeing your question, I spoke to officers about this, it is absolutely disgusting that this was allowed to happen and thanks for highlighting it again and we will be 100% confining this to the dustbin of history because it is wrong, we should be putting the people of

Nuneaton and Bedworth first not people who have come from other countries, it is very simple. Thank you.

**Councillor S. Markham moved the following motion:**

‘This Council believes that taxpayers’ money should be spent for the benefit of our residents and therefore resolves that:

1) The previous Labour administration’s proposals to give asylum seekers free Passports to Leisure is fundamentally wrong and unfair. The Leader of the Council is requested to bring a report to Cabinet at the earliest available opportunity to reverse the previous decision to investigate this proposal further.

2) The previous Labour administrations Migrant Worker Policy is against the interests of residents and a waste of taxpayers’ money. The Leader of the Council is requested to bring to Cabinet at the earliest available opportunity to scrap this policy

**This was seconded by Councillor K. Wilson**

**Councillor K. Kondakor moved that there are two votes one on part 1 of the motion and another vote on part 2 of the motion**

**Councillor M. Wright seconded the motion**

**A vote was taken**

**The motion was lost.**

**Councillor B. Hancox moved an amendment that the report as mentioned in part 1 be submitted to the relevant OSP prior to Cabinet.**

**Councillor B. Hughes seconded the amendment**

**A vote was taken**

**The amendment was lost**

**A recorded vote was taken on the motion put forward by Councillor S. Markham and seconded by Councillor K. Wilson**

FOR: Councillors N. Bagga, M. Bannister, J. Bartlett, M. Bird, D. Boughan, A. Brassington, R. Brill, C. Cape, S. Carvell, J. Clarke, S. Coates-Jarman, L. Cvetkovic, G. Finch, S. Finch, P. Gilbert, B. Greenwood, J. Groves, S. Markham, W. Markham, C. Morris, B. Pandher, P. Smith and K. Wilson

AGAINST: Councillors J. Bonner, W. Hancox, P. Hickling, B. Hughes, M. Kondakor, T. Venson, C. Watkins and M. Wright

ABSTENTIONS: K. Kondakor and T. Sheppard

**RESOLVED** that the motion was carried

**Question 5 – Councillor Lubs Cvetkovic submitted the following question to the Leader of the Council:**

In the summer of 2024, the Labour leadership of NBBC cancelled the funding of the Bulkington Christmas Lights switch on event.

This was done without any consultation with the local community. It left the community with approximately £5000 to find so the event could go ahead.

The event raises thousands of pounds for worthy causes and brings in much needed revenue and footfall to the community. It also builds on community cohesion and creates memories for families and for our youngest residents.

At the weekend I wrote to the Leader of the Council asking for his support and suggested that some of the £20,000 put aside for events should be used to reinstate the lights switch on event as a civic function.

I would therefore ask the leader if he is willing to help support financially the decades old institution of the Bulkington Christmas Lights switch on event?

Something that only the conservatives have been prepared to back over the last two years.

**The Leader of the Council, Councillor George Finch, responded as follows:**

Thank you, Councillor Cvetkovic we are 100% committed to this, so we will be supporting Bulkington Christmas Lights, it is a shame again, Labour administration completely shut out the people of Bulkington and we are in support of those. One thing I would suggest you may wish to organise a meeting with the County Councillor and myself and Borough Councillor to discuss further opportunities for Bulkington as well but you can propose this to Cabinet or to me and we will see where we go from there. I think Bulkington had been forgotten about for a long time.

**Councillor K. Wilson moved the following motion:**

‘This Council requests the Portfolio for Finance, Enabling Services and Communities investigate restoring the annual funding for Bulkington Christmas Lights Switch on’

**Councillor L. Cvetkovic seconded the motion**

**Councillor P. Hickling moved the following amendment:**

‘that the proposal include all wards of the Borough to receive funding for Christmas Lights Switch on’

**Councillor K. Kondakor seconded the amendment**

**Councillor K. Wilson moved the procedural motion to suspend the standing orders to go beyond the 15minute time limit for this motion.**

**Councillor S. Markham seconded the procedural motion**

**A vote was taken on procedural motion**

**RESOLVED** that the procedural motion was carried

**A recorded vote on the amendment was taken as follows:**

FOR: Councillors J. Bonner, W. Hancox, P. Hickling, B. Hughes, K. Kondakor, M. Kondakor, T. Sheppard, T. Venson, C. Watkins and M. Wright

AGAINST: Councillors N. Bagga, M. Bannister, J. Bartlett, M. Bird, D. Boughan, A. Brassington, R. Brill, C. Cape, S. Carvell, S. Coates-Jarman, L. Cvetkovic, G. Finch, S. Finch, P. Gilbert, B. Greenwood, J. Groves, S. Markham, W. Markham, C. Morris, B. Pandher, P. Smith and K. Wilson

ABSTENTIONS: J. Clarke

**The amendment was lost**

**A recorded vote was taken on the substantive motion as follows:**

FOR: Councillors N. Bagga, M. Bannister, J. Bartlett, M. Bird, D. Boughan, A. Brassington, R. Brill, C. Cape, S. Carvell, J. Clarke, S. Coates-Jarman, L. Cvetkovic, G. Finch, S. Finch, P. Gilbert, B. Greenwood, J. Groves, K. Kondakor, M. Kondakor, S. Markham, W. Markham, C. Morris, B. Pandher, P. Smith, K. Wilson and M. Wright.

AGAINST: Councillors J. Bonner, W. Hancox, P. Hickling, B. Hughes, T. Venson and C. Watkins.

ABSTENTIONS: T. Sheppard

**RESOLVED** that this Council requests the Portfolio for Finance, Enabling Services and Communities investigate restoring the annual funding for Bulkington Christmas Lights Switch on.

**Question 6 – Councillor Sue Markham submitted the following question to the Portfolio Holder for Finance, Enabling Services and Communities:**

Over the weekend there have been negative Facebook posts, and I have had several emails regarding outdoor events that had taken place in Bedworth this weekend that residents were unaware of.

This isn't the first time; it's a regular concern from residents of both Bedworth and Nuneaton.

I assume when an outdoor event is being organised the council are informed to make sure all is in order prior to the event itself.

I appreciate that it is the responsibility of the organisers to advertise the event but surely if we know of any events taking place, we should be letting residents know they exist in something other than Facebook. Surely the events are to increase the vibrancy of our towns and communities and if residents are made aware, perhaps it will increase the footfall we are all after.

Unfortunately, there isn't a display notice board in Bedworth Town, so can we please ensure any future events across the borough, that we are aware of as a council, are circulated, in order that residents can participate if they wish and are not denied the chance to attend.

**Councillor Mike Bannister, Portfolio Holder for Finance, Enabling Services and Communities responded to the question as follows:**

Thank you for the question, Councillor Markham, we have got Believe in Bedworth, those are the people I suspect who may have organised the events in question, if they are we will certainly try and link up between Believe in Bedworth and any events they are organising and our communications team here. I am very keen that we get as many people as possible to these events, I will be reviewing that, and I am sure we will do our best to bring in those who are organising these events to let them know, to let us know, and then we can get them out to the people.

**CL17 Special Urgency Decisions**  
None taken.

**CL18 Cabinet**  
The Leader of the Council submitted the Leaders report on behalf of Cabinet. The report highlighted matters considered at the Cabinet meetings held on 27<sup>th</sup> May and 17<sup>th</sup> June 2026 and details of reports from the West Midlands Combined Authority Board (WMCAB), which has a direct impact on NBBC.

**RESOLVED** that the report be noted

**CL19 Returning Officers report**  
The Returning Officer announced the results of the recent Nuneaton and Bedworth Borough Council Camp Hill By-election held on Thursday 25<sup>th</sup> June 2026.

Three candidates stood for election but Reform candidate Councillor Peter Gilbert was duly elected to represent Camp Hill Ward.

**CL20 Composition and Membership of Committees and Overview and Scrutiny Panel**

**a) Composition of Committees and Overview and Scrutiny Panel (2026/2027)**

Following the Camp Hill by-election which took place on Thursday 25<sup>th</sup> June 2026, Councillor P. Gilbert from the Reform party was elected, which has led to a change relating to political balance within the Council.

An adjournment took place to enable members to consider the composition and allocation of seats for Council.

Councillor G. Finch proposed the recommendation as per the report

Councillor R. Brill seconded the recommendation

A vote was taken

It was **RESOLVED** that having regard to the provisions relating to political balance, the composition of the following Committees/Scrutiny Panels subject to political balance rules be as indicated below for the remainder of the 2026/27 Municipal Year

| Committee                                                                  | Seats to Allocate | Conservative | Green    | Labour    | Reform    | Vacant   | Total     |
|----------------------------------------------------------------------------|-------------------|--------------|----------|-----------|-----------|----------|-----------|
| <b>Business, Regeneration &amp; Planning OSP (Excl co-optees)</b>          | 9                 | 2            | 1        | 2         | 4         | -        | 9         |
| <b>Environment, Health &amp; Leisure OSP (Excl co-optees)</b>              | 9                 | 2            | 1        | 2         | 4         | -        | 9         |
| <b>Communities, Corporate Resources &amp; Housing OSP (Excl co-optees)</b> | 9                 | 2            | 1        | 3         | 3         | -        | 9         |
| <b>Officer Remuneration Panel</b>                                          | 5                 | 1            | -        | 1         | 3         | -        | 5         |
| <b>Audit &amp; Standards (Excl co-optees)</b>                              | 11                | 3            | 1        | 3         | 4         | -        | 11        |
| <b>Planning</b>                                                            | 11                | 3            | 1        | 3         | 4         | -        | 11        |
| <b>Licensing</b>                                                           | 11                | 3            | 1        | 3         | 4         | -        | 11        |
| <b>Appeals</b>                                                             | 10                | 2            | 1        | 3         | 4         | -        | 10        |
| <b>Shareholder Committee</b>                                               | 6                 | 1            | -        | 2         | 3         | -        | 6         |
| <b>Borough Plan</b>                                                        | 9                 | 2            | 1        | 2         | 4         | -        | 9         |
| <b>LGR Sub-Committee</b>                                                   | 7                 | 2            | -        | 2         | 3         | -        | 7         |
| <b>Total</b>                                                               | <b>97</b>         | <b>23</b>    | <b>8</b> | <b>26</b> | <b>40</b> | <b>0</b> | <b>97</b> |

**b) Membership of Committees and Overview and Scrutiny Panels (2026/2027)**

Councillor George Finch moved that this item be deferred to enable consultation with Chief Executive prior to confirming membership.

Councillor K. Wilson seconded the motion.

A vote was taken

It was **RESOLVED** that the Membership of Committees and Overview and Scrutiny Panels (2026/27) be deferred to enable consultation with Chief Executive prior to confirming membership.

CL21 **Local Government Reform Sub-Committee**

A report of the Assistant Director – Democracy and Governance was submitted a report to full council to confirm the terms of reference, meeting schedule and membership of Local Government Reform Sub-Committee for 2026/27.

Councillor G. Finch moved the recommendations

Councillor M. Bannister seconded the recommendations

A vote was taken

**RESOLVED** that

- a) the terms of reference for the Local Government Reform Sub-Committee be approved with the following amendments:
  - 5.1 delete the words 'November 2025'
  - 6.1 delete the words 'with increased frequency in the lead-up to the November 2025 submission'
  - 6.3 amend the word 'may' to the word 'will'
- b) the meeting schedule for the 2026/27 Municipal Year be approved; and
- c) the Membership of the Local Government Reform Sub-committee for the 2026/27 Municipal Year be approved.

CL22 **Recommendations from Cabinet or Other Committee**

i) **Section 106 Monitoring System – Budget Variation**

At the Cabinet meeting held on 27<sup>th</sup> May 2026 a report by the Assistant Director – Planning was submitted and recommendations put forward for Council approval:

Councillor S. Coates-Jarman moved the recommendation for approval

Councillor G. Finch seconded the recommendation

A vote was taken

**RESOLVED** that the 2026/27 General Funding Budget be updated to account for Transformation Reserve funding of £30,100 to cover one-off costs associated with the Section 106 Monitoring Software Project.

**ii) Housing Revenue Account (HRA) – Housing Stock Requisition – Manor Park Development**

At the Cabinet meeting held on 17<sup>th</sup> June 2026 a report by the Assistant Director – Assets and Compliance was submitted and recommendations put forward for Council approval:

Councillor G. Finch moved the recommendations for approval

Councillor P. Smith seconded the recommendations

A vote was taken

**RESOLVED** that

- a) the HRA capital budget be amended to incorporate £774,312 over a three-year period as outlined in 5.1 of the report; and
- b) the one off charge for 2027/2028 of £32K be approved and built into the HRA Business Plan and 2027/2028 budget and note the income outlined in section 5.4 of the report.

**iii) Commencement of New Local Plan**

At the Cabinet meeting held on 17<sup>th</sup> June 2026 a report by the Assistant Director – Planning was submitted and a recommendation put forward for Council approval.

Councillor S. Coates-Jarman moved the recommendation for approval

Councillor G. Finch seconded the recommendation

A vote was taken

**RESOLVED** that the new Local Plan be titled the Nuneaton and Bedworth Borough Local Plan (NBBLP), and that the Council's Constitution will be updated to retitle the Borough Plan Committee to the Local Plan Committee for consistency.

**iv) Annual Treasury Management Review 2025/26**

At the Audit and Standards Committee meeting held on 23<sup>rd</sup> June 2026, a report by the Treasury and Technical Business Partner was submitted and recommendations put forward for Council approval.

Councillor L. Cvetkovic moved the recommendations for approval

Councillor J. Bonner seconded the recommendations

A vote was taken

**RESOLVED** that

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

**Councillor K. Kondakor requested that his vote against the above item recommendations be noted in the minutes.**

**v) Employee Code of Conduct**

At the Audit and Standards Committee held on 23<sup>rd</sup> June 2026, a report by the Monitoring Officer was submitted and a recommendation put forward for Council approval.

Councillor L. Cvetkovic moved the recommendations for approval

Councillor J. Bonner seconded the recommendation

A vote was taken

**RESOLVED** that the constitution be amended accordingly

**vi) Appointment of Independent Persons**

At the Audit and Standards Committee held on 23<sup>rd</sup> June 2026, a report by the Monitoring Officer was submitted and a recommendation put forward for Council approval.

Councillor L. Cvetkovic moved the recommendation for approval

Councillor J. Bonner seconded the recommendation

A vote was taken

**RESOLVED** that the 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

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Mayor

**4A.9 PUBLIC PARTICIPATION**

**4.9.1 General**

At each Ordinary Meeting or Extra Ordinary Meeting of the Council, 20 minutes (which can be extended at the discretion of the Mayor) shall be set aside for questions or statements from the public gallery by any resident of the Borough in relation to matters in respect of which the Council has powers or duties, or which affect the Borough. In the case of an Extra Ordinary Meeting the question or statement must relate to the business of that meeting.

**4.9.2 Notice of Questions and Statements**

No such question shall be asked, or statement made, unless it shall have been delivered in writing to the Head of Paid Service no later than 12 noon, two working days, before the meeting of the Council.

**4.9.3 Scope of Questions and Statements**

The Head of Paid Service may reject a question or statement if it:

- a) is not about a matter for which the Council has a responsibility or which doesn't affect the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months;
- d) requires or involves the disclosure of confidential or exempt information; or
- e) It is not a question nor a statement, as provided for in these Procedure Rules.

- 4.9.4** The Mayor will invite the relevant Cabinet Member or Committee Chair to give a reply. Such reply shall not exceed five minutes. In the case of a question, on the discretion of the Mayor, a supplementary question may be asked if arising directly from the reply, provided that the original allocation of five minutes is not exceeded. The Mayor may reject a supplementary question on any of the grounds detailed in paragraph 4.9.3 above

#### **4.9.5 Time Limit and Number of Questions**

No question or statement shall exceed three minutes. In the event of there being more than one question or statement, the Head of Paid Service will ensure that questions and statements are dealt with in the order received. At the expiry of the 20 minute period, or such period as may be agreed by the Mayor, or after the reply to the final question or statement, whichever shall first occur, the Council will proceed to the next business.

#### **4.9.6 Record of Questions and Statements**

The question or statement and the reply given shall be minuted.

#### **4.9.7 Reference of Question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

#### **4.9.8 Any question or statement which cannot be dealt with during Public Participation because of lack of time will be dealt with in writing, and recorded in accordance with paragraph 4.9.6.**

**4A.10 QUESTIONS BY COUNCILLORS**

4.10.1 A Member of the Council may ask the Leader of the Council or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee (respectively) when that item is being received or under consideration by the Council.

**4.10.2 Questions on Notice at Full Council**

At each meeting a Member of the Council may ask no more than one question (but see 4.10.3(b) below) on any matter in relation to which the Council has powers or duties, or which affects the Borough. A Member may choose to ask their permitted question of either:

- a Member of the Cabinet; or
- the Chair of any Committee, Panel or Sub-Committee

4.10.3 No such question under paragraph 4.10.2 shall be asked unless:

- (a) the question has been delivered in writing to the Head of Paid Service and Leader 12 noon two working days before the day of the meeting of the Council; or
- (b) where the question relates to urgent matters, they have the consent of the Mayor or the Leader of the Council or the Portfolio Holder to whom the question is to be put or in the case of a Committee, Panel or Sub-Committee, the Chair, and the content of the question is given to the Head of Paid Service at least three hours before the time that the meeting is due to start.

4.10.4 The Member who put the question may ask one supplementary question of the Member to whom the first question was asked if it arises directly out of the original question or the reply, and shall be put and answered without discussion.

**4.10.5 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

#### **4.10.6 Request to Speak on the Matter**

- (a) Arising from the question, and the response or supplementary response given, any other member of the Council may request to move a motion in connection with the response under consideration and, if seconded, speak on the item. The Rules of Debate as set out in Council Procedure Rule 13 shall apply (as modified below) and the responder to the original question shall have the right of reply at the end of the debate.
- (b) Any debate on a question shall be limited to no more than 15 minutes (excluding the right of reply) and each member shall be limited to speaking for no more than three minutes each.
- (c) Notwithstanding the provisions of (b) above, the maximum time for Members' questions shall not normally exceed 45 minutes, and the Mayor shall have discretion to limit the debate on questions as he or she shall see fit.

#### **4.10.7 Reference of Question to the Cabinet or a Committee**

Any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

- 4.10.8 Any question which cannot be dealt with because of lack of time will be dealt with in writing in accordance with paragraph 4.10.5 (c).

#### **4.10.9 Questions on Notice at Committees, Panels or Sub- Committees**

A Member of a Committee, Panel or Sub-Committee may, upon giving notice, ask the Chair of it one question on any matter in relation to which the Council has powers or duties, or which affect the Borough and which falls within the Terms of Reference of that Committee, Panel or Sub-Committee

## **Cabinet Report to Council – September 2026**

### **1. Introduction**

This report deals with the Cabinet meeting held on 15<sup>th</sup> July and 9<sup>th</sup> September 2026

### **2. 15<sup>th</sup> July 2026 - Cabinet Meeting**

#### **a) New Administration 100 Day Priorities - Leader of the Council**

Cabinet presented a report setting out the initial priorities of the new administration for the first 100 days and provided an update on early progress whilst seeking the approvals to enable further development.

Cabinet agreed to commit to fostering a culture of openness and transparency in decision making, financial management and governance. They agreed to explore options for improving access to Council services in Bedworth and Bulkington, commission a review of the Housing Allocations Policy and a delivery plan to improve turnaround times for Council housing and commercial letting voids. In addition, Cabinet have recommended to Council to rescind the Climate Change Emergency declared in 2019 and any associated funding be redirected towards practical measures that mitigate the impacts of severe weather.

Finally, Cabinet agreed for a report to be prepared on the viability, evidence requirements, legal implications of introducing Article 4 Directions and resource implications of introducing Article 4 Directions.

#### **b) Adoption of Revised Private Sector Housing Enforcement Policy (Key Decision) - Planning, Enforcement and Public Services – Councillor S. Coates - Jarman**

Cabinet approved the report on the new Enforcement Policy drafted by the Association of Chief Environmental Health Officers (ACEHO) which took effect on 1<sup>st</sup> May 2026. This will align with the requirement of the Renters' Rights Act 2025 and meet statutory obligations.

#### **c) Special Projects Resource (Key Decision) - Planning, Enforcement and Public Services – Councillor S. Coates – Jarman**

Cabinet approved the utilisation of £70k to secure resource to deal with a number of special projects e.g. support for ongoing key strategic planning sites, options proposed for consideration to look at income, fees and charges and commercialisation across the service and duties reviewed in respect of

Biodiversity Net Gain, the Local Nature Recovery Strategy to ensure clear vision and strategy for the service moving forward.

**d) Regeneration Projects Update and Regeneration Review (Key Decision)  
- Town Centre Regeneration and Business Development – Councillor J. Groves**

Cabinet received an update on the progress of regeneration projects taking place within the Borough and review the Pride in Place Impact Fund (PIPIF) allocations.

Cabinet confirmed the final allocation as follows:

45% Nuneaton  
45% Bedworth  
5% Bulkington  
5% Keresley;

Cabinet also considered and noted a review of the major regeneration projects as requested by the Business, Regeneration and Planning Overview and Scrutiny Panel. The review detailed the projects and the proactive steps taken to mitigate changes and risks however it was acknowledged that the Council experienced substantial changes in political and corporate leadership which presented increased risk of inconsistent strategic direction, loss of organisational knowledge and changes to the programme's priorities over time.

**e) General Fund, Housing Revenue Account (HRA), Capital and Collection Outturn 2025/26 (Key Decision) – Finance – Councillor P. Gilbert**

Cabinet approved the outturn reports for 2025/26 for all accounts.

The General Fund has experienced additional cost pressures which have been mitigated by additional income, additional business rates, investment income paired with reduced external interest costs and a hold off recruiting to vacancies which in turn has resulted in the favourable outturn position.

The HRA spend pressures have arisen from repair issues impacting day-to-day operation of the HRA, reliance on vacancy savings and treasury decisions to offset overspends is not sustainable long-term. Increased depreciation charges which will finance capital expenditure has been managed by reducing the funding from revenue. An in-depth review of the HRA Business Plan is due to begin which will lay out future plans for income generation and cost mitigation. When finalised, the Business Plan will be presented to Cabinet.

The Capital programme is fully funded and for 2025/26 there has been slippage in the programme. There are still risks associated with borrowing costs and changes in the economic landscape, but these have been mitigated as far as possible

The performance of the Collection Fund is critical to the financial outlook of the authority and Warwickshire preceptors Changes out of the Council's control can

have significant impacts on the Fund which is shown in the 2025/26 outturn position. Prudent management of reserves with risks surrounding NNDR and the fair funding review will support the Council's financial position over the term of the medium-term financial plan.

**Other items considered**

- Recommendations from Overview and Scrutiny Panels – Regeneration Projects Update.

**3. 9<sup>th</sup> September 2026 – Cabinet Meeting**

**a) Pingles Decarbonisation Closure**

**- Leisure and Health – Councillor B. Greenwood**

Cabinet noted a report on the completion of the decarbonisation of the Pingles Leisure Centre and Pingles Stadium, following successful funding from Sport England and Salix to install PV panels, pool covers and heat source technology.

**b) Culture Update**

**- Leisure and Health – Councillor B. Greenwood**

Cabinet noted a report on the updated actions being delivered following the adoption of the Culture Strategy. One of the aims is to establish a Cultural Compact for Nuneaton and Bedworth; a cross sector, place-based independent partnership to define a shared cultural ambition for the borough. The Compact will co-create and co-deliver a holistic vision for culture in Nuneaton and Bedworth linked to the Cultural Strategy.

**c) Housing Allocation Policy Amendments**

**- Housing – Councillor J. Bartlett**

Cabinet agreed to proposed amendments on the Council's Housing Allocation Policy to go out to consultation with key stakeholders. These amendments will strengthen the Housing Allocations Policy improving legal compliance, governance, transparency and consistency in decision making.

**d) Community Safety Improvements to Pool Bank Street Car Park  
(Key Decision)**

**- Town Centre Regeneration and Business Development – Councillor J. Groves**

Cabinet approved the proposed community safety improvements following consultation with stakeholders. These safety improvements will help address the issues impacting local residents, however it is acknowledged that this is a starting point and further improvements and collaborative working with the police will be necessary to improve issues further.

**e) Pride in Place Impact Fund (Key Decision)**

**- Town Centre Regeneration and Business Development – Councillor J. Groves**

Cabinet approved the proposed projects detailed within the Cabinet report to utilise the Pride in Place Impact Fund and enable the Council to deliver improvements to community assets, public spaces and town centres generating social, environmental and economic benefits for residents.

**f) Local Council Tax Reduction Scheme to Banded Scheme Consultation (Key Decision)**

**- Finance – Councillor J. Groves**

Cabinet approved an eight week consultation period with the public and major preceptors to introduce an income banded working age scheme from 1<sup>st</sup> April 2027 with a maximum award of 85%. The change in will simplify administration and provide more clearer and stable support.

**g) Houses in Multiple Occupation (HMO) – Introduction of additional HMO Licensing and Selective Licensing, current position and next steps regarding introducing an Article 4 direction. (Key Decision)**

Cabinet received a report on the above seeking approval for measures in relation to the management of Houses in Multiple Occupation (HMOs) within the Borough.

Cabinet noted that the finding of the HMO evidence-based study concluded there is unlikely to be justification for the introduction of an Article 4 Direction in accordance with National Planning Policy.

Cabinet's view is that HMO concentrations and associated management issues are causing adverse impacts in parts of the Borough and have instructed work to be undertaken.

The Leader will act as the political lead for the programme of work as a whole, including the introduction of licensing, the further Article 4 evidence work and the representations to Government supported by the Portfolio Holder.

**h) General Fund, HRA and Capital Budget Monitoring Q1 Update (Key Decision)**

**- Finance – Councillor P. Gilbert**

Cabinet noted the budget monitoring Q1 update reports

For the General Fund early pressures have been mitigated through vacancy savings, additional income and delay in delivering food waste is resulting in a potential underspend in year. Careful consideration of financial risks is key to remain financially sustainable, and a transformation strategy is in development to identify longer term savings.

For the HRA spend pressures arising from losses of income for dwellings rents and additional contract costs are impacting day to day operation of the HRA, as reliance on vacancy savings to offset overspends is not sustainable long-term.

The Capital programme is fully funded in its present form. The biggest risks to the Council are inflation, price increases for building supplies plus any delays which could occur result in funding being withdrawn. Adjustments to the programme considering the difficulties around cost and delivery will be reported to Cabinet but projects are continually under review for viability

#### **West Midlands Combined Authority (WMCA)**

There are no specific reports to highlight to Council. The WMCA minutes are available on the WMCA website.

### **5. Conclusion**

This report is presented on behalf of Cabinet, and, as always, my colleagues and I are only too happy to take any questions in relation to this report.

Councillor G. Finch  
Leader of the Council on behalf of Cabinet

**AGENDA ITEM NO. 10**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

|                                   |                                                                                                                                                                                                                                                     |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report to:</b>                 | Full Council                                                                                                                                                                                                                                        |
| <b>Date of Meeting:</b>           | 30 September 2026                                                                                                                                                                                                                                   |
| <b>Subject:</b>                   | <b>Electoral Services Progress Report</b>                                                                                                                                                                                                           |
| <b>Portfolio:</b>                 | <b>Cabinet member for</b> Resources and Internal Affairs                                                                                                                                                                                            |
| <b>Responsible Officer:</b>       | Chief Executive (Electoral Registration Officer)                                                                                                                                                                                                    |
| <b>Corporate Plan – Theme:</b>    | <b>Theme: Your Council</b>                                                                                                                                                                                                                          |
| <b>Corporate Plan – Aim:</b>      | <b>Aim: Value for Money</b> - Delivering services effectively and efficiently while ensuring value for money for our taxpayers.<br><br><b>Transparency</b> Strive for transparency and accountability, in all that we do. Increase public scrutiny. |
| <b>Ward Relevance:</b>            | None                                                                                                                                                                                                                                                |
| <b>Public or Private:</b>         | Public                                                                                                                                                                                                                                              |
| <b>Amendment to Budget:</b>       | No <b>Council Tax Related:</b> No                                                                                                                                                                                                                   |
| <b>Recommendation to Council:</b> | No                                                                                                                                                                                                                                                  |
| <b>Forward Plan:</b>              | Not applicable                                                                                                                                                                                                                                      |
| <b>Subject to Call-in:</b>        | Not applicable                                                                                                                                                                                                                                      |

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1. Purpose of report

- 1.1. To provide full Council with a summary of the key work that is taking place by the Elections Team to maintain the Register of Electors to a high level of accuracy and completeness.

- 1.2. To seek agreement of the appointment of two Deputy Electoral Registration Officers (ERO), with full powers, for Nuneaton and Bedworth area up to 31 March 2028. The role of a Deputy ERO Officer is to assist the ERO in their duties and to be available to act in their absence.
2. Recommendations
  - 2.1. Full Council endorses the work undertaken by the Elections Team in respect of Electoral Registration.
  - 2.2. Full Council is recommended to approve the appointment of two Deputy EROs – the Assistant Director – Democracy and Governance and the Elections and Democratic Services Manager.
  - 2.3. Full Council authorises the consequential amendments to the Constitution to include the appointment of the two Deputy EROs at paragraph 2.2.
3. Background
  - 3.1. The Electoral Registration Officer (ERO) has a statutory duty to main electoral registers and carry out the annual canvass within the borough.
  - 3.2. Electoral registration activity is undertaken during the year with additional work taking place during the annual canvass and preparations for elections.
  - 3.3. Electoral Commission guidance recommends the appointment of a Deputy ERO to carry out the functions of the ERO and be available to act in their absence. The Elections Act 2022 places further obligations on the ERO, which it would be more practical for a deputy to undertake.
  - 3.4. The guidance further recommends that, “Any deputies appointed should have the skills and knowledge required to carry out the functions that they have been assigned.”
4. Body of report and reason for recommendations  
**Annual Canvass**
  - 4.1. The purpose of the annual canvass is to ensure that the electoral register is as accurate and complete as possible before the revised register is published on 1 December each year.

- 4.2. Nuneaton and Bedworth Borough Council delivers its annual canvass using the national data-matching model. Electoral register data is matched against the Department for Work and Pensions (DWP) records, enabling properties to be categorised into canvass routes. Properties where all electors are successfully matched receive a Canvass “Communication A” and need only respond if changes are required. Properties with a partial or no match receive a “Canvass Communication B” and must respond. Where possible, the Council supplements paper communications with digital notifications issued via the Gov.Notify platform. Follow-up work, including reminder communications and personal visits by canvassers where required is undertaken to maximise response rates. Personal canvassing activity is scheduled to commence in October 2026.

### **Postal and Proxy voting reforms**

- 4.3 As previously reported to full Council in December 2025, the Elections Act 2022 introduced significant changes to absent voting arrangements, including postal voting provisions. Whilst postal votes could previously be held indefinitely, subject to the five-yearly refresh of personal identifiers, postal vote arrangements are now granted for a fixed period and require electors to reapply before expiry. The Elections Team has therefore begun contacting electors whose postal vote arrangements are due to expire before 31 January 2027, to encourage timely reapplication and minimise the risk of electors losing their postal voting entitlement. There are 1,161 electors with postal votes that are due to expire on 31 January 2027.

### **Overseas Electors**

- 4.4 The Elections Team continues to process applications from overseas electors following the implementation of the Elections Act 2022 provisions which removed the previous 15-year limit on overseas voting rights. Eligible British citizens living abroad may now register indefinitely based on their previous registration or residence at a UK address. Overseas elector registrations remain valid for three years and are administered separately from the annual household canvass process.
- 4.5 In accordance with Section 8(2) of the Representation of the People Act 1983, the Council must appoint a senior officer to the position of ERO. The Chief Executive is the appointed ERO for Nuneaton and Bedworth.

- 4.6 In accordance with Section 52(2) of the Representation of the People Act 1983, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO. These powers are within the remit of full Council.
- 4.7 Unlike the Returning Officer, the ERO cannot appoint a deputy(ies) himself, unless the power to do so has been delegated to them.
- 4.8 Examples of the statutory functions currently placed on the ERO that would, in practice, be better undertaken by a Deputy are:
- Conducting a registration hearing, following a registration review and an objection to the removal of an elector from the register of electors, and
  - Signing a temporary voter authority certificate (free voter ID), issued to an elector within six days of an election.
- 4.9 In accordance with Electoral Commission guidance, it is considered prudent to put arrangements in place to enable the ERO's duties and powers to be exercised by appropriately appointed Deputies. This would ensure that hearings, urgent determinations and other statutory functions can be undertaken efficiently where the ERO is unavailable to act.

### **Preparations for the Shadow Council Elections 2027**

- 4.10 Preparatory work for the Shadow Council elections 2027 has paused given the announcement made by central Government that Local Government Reorganisation (LGR) in Warwickshire has been paused for an unspecified period.

### Reasons for Recommendations

- 4.11 This report provides information about the key work that is taking place by the Elections Team in maintaining the Register of Electors work and invites full Council to provide comment.
- 4.12 Electoral Commission guidance recommends the appointment of a Deputy Electoral Registration Officer (DERO) to carry out the functions of the Electoral Registration Officer (ERO) and be available to act in their absence. The Elections Act 2022 places further obligations on the ERO, which it would be more practical for a deputy to undertake. The guidance further recommends that, "Any deputies appointed should have the

skills and knowledge required to carry out the functions that they have been assigned.” Appointment of DEROs provides resilience and ensures that there is an officer available to discharge these functions. In order to provide maximum flexibility in respect of such appointments, and to avoid the necessity of bringing further reports to Council whenever such appointments are required, the Council is requested to appoint the Assistant Director – Democracy and Governance and the Elections and Democratic Services Manager as a Deputy Electoral Registration Officer with full powers and delegate authority to the Electoral Registration Officer to appoint further deputies to the Electoral Registration Officer if required. Unlike Returning Officers, the ERO cannot appoint a deputy ERO themselves unless the power to do so has been delegated to them by the Council.

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

- 5.1    There is no requirement under the Constitution for external consultation on this item.

6        Financial Implications

- 6.1    There are no financial implications. The Deputy EROs will not receive an additional payment.

7        Legal Implications

- 7.1    The canvass, along with other statutory functions including maintaining the Register of Electors is the responsibility of the Electoral Registration Officer and is contained within RPA sections 52– 54.
- 7.2    Under Section 8 of the Representation of the People Act 1983 (“the 1983 Act”), the Council must appoint a senior officer to the position of ERO. The Council has appointed the Chief Executive to this role. The Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO.

8        Equalities implications

- 8.1    The annual canvass methodology is prescribed by legislation and national guidance. However, the Elections Team seeks to ensure

that electoral registration services are accessible and inclusive. Communications are available through a variety of channels and support is provided where required to assist electors in exercising their democratic rights. The Team also promotes registration amongst groups that are traditionally under-represented on the electoral register, including young people, recent movers and overseas electors.

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 ERO has a statutory duty to maintain accurate and complete electoral registers and to undertake the annual canvass. Failure to discharge these duties could result in criticism by the Electoral Commission, reputational damage and potential legal challenge. The appointment of Deputy Electoral Registration Officers provides resilience and mitigates the risk of delays in the discharge of statutory functions where the ERO is unavailable.

13       Human resources implications

- 13.1   The duties will be undertaken by existing Council employees. There are no additional human resources or organisational development implications.

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              | Do nothing is not an option as it does not provide resilience for the ERO.                                                                                                                                |
| B          | Appoint two Deputy EROs | Option B is the recommended option in order to create resilience and to minimise risk of delay should the ERO be unavailable or unable to act.                                                            |
| C          | Alternative Deputy EROs | The Council could approve another officer(s) other than the two recommended but those details at section 2.2 of this report are considered to have the most appropriate experience to undertake the role. |

17. Conclusion

17.1 This report provides an update on key work undertaken by the Elections Team in respect of Electoral Registration. It further recommends that the Assistant Director – Democracy and Governance and the Elections and Democratic Services Manager be appointed as Deputy Electoral Registration Officers with full powers. The role of a Deputy ERO Officer is to assist the ERO in their duties and to be available to act in their absence.

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 to this report.

20. Report Writer Details:

Officer Job Title: Elections and Democratic Services Manager

Officer Name: Tracy Tiff

**AGENDA ITEM NO. 11a**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

|                                                     |                                                                                                                                                                                             |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report to:</b>                                   | Borough Plan Committee                                                                                                                                                                      |
| <b>Date of Meeting:</b>                             | 30 June 2026                                                                                                                                                                                |
| <b>Subject:</b>                                     | To update Members on key Local Plan matters following the introduction of the Town and Country Planning (Local Planning) (England) Regulations 2026 which came into force on 25 March 2026. |
| <b>Portfolio:</b>                                   | Planning, Enforcement and Public Services                                                                                                                                                   |
| <b>Responsible Officer:</b>                         | Assistant Director for Planning                                                                                                                                                             |
| <b>Corporate Plan – Theme:</b>                      | Place and Prosperity, Housing, Health and Communities and Green Spaces and Environment                                                                                                      |
| <b>Corporate Plan – Aim:</b>                        | All                                                                                                                                                                                         |
| <b>Ward Relevance:</b>                              | All                                                                                                                                                                                         |
| <b>Public or Private:</b>                           | Public                                                                                                                                                                                      |
| <b>Amendment to Budget:</b>                         | No                                                                                                                                                                                          |
| <b>Council Tax Related:</b>                         | No                                                                                                                                                                                          |
| <b>Recommendation to Council/Cabinet/Committee:</b> | No                                                                                                                                                                                          |
| <b>Forward Plan:</b>                                | Yes                                                                                                                                                                                         |
| <b>Subject to Call-in:</b>                          | No. This report is a factual update to Members.                                                                                                                                             |

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1. Purpose of report

- 1.1. The purpose of this report is to update Members on Local Plan related matters following the introduction of the [Town and](#)

Country Planning (Local Planning) (England) Regulations 2026  
(the Regulations), which came into force on 25 March 2026.

- 1.2. This report summaries the key stages in the new plan making system and outlines the initial preparatory steps which have been undertaken to date on the Nuneaton and Bedworth Borough Local Plan (NBBLP), in accordance with the 2026 Regulations. It also updates on other relevant Planning Policy matters.

2. Recommendations

- 2.1. That the Committee note the key stages and timescales involved with the new Local Plan- making system.
- 2.2. That the Committee notes contents of the Local Plan Commencement Report which went to Cabinet on 17 June.
- 2.3. That the Committee notes the publication of the following documents which, at the time of writing this report, were recommended to be approved by Cabinet on 17<sup>th</sup> June 2026:
- i) The 'Notice to Intention to Commence' the NBBLP
  - ii) The NBBLP Timetable, which will be updated on a monthly basis
  - iii) The Scoping Consultation running from 29<sup>th</sup> June to 10<sup>th</sup> August 2026.
- 2.4. That the Committee notes the Council's interim five – year housing supply position.
- 2.5. That the Committee notes the findings of the Community Infrastructure Levy (CIL) Viability Exercise Scoping Report.

3. Background

- 3.1. The current Development Plan for the Borough comprises of the [Borough Plan Review 2011- 2039](#) (adopted in 2025), the [Gypsy and Traveller Site Allocations Development Plan Document](#) (adopted in 2024), the [Warwickshire Minerals Local Plan](#) (adopted in 2022) and

the [Warwickshire Waste Plan](#) (adopted in 2013).

Collectively, these documents set out the parameters for how the Borough will grow and change over time and are the starting point for determining whether planning applications can be granted.

- 3.2. Although the Borough Plan Review (BPR) was adopted in December 2025, it was examined and adopted under the transitional arrangements set out in the National Planning Policy Framework (NPPF) (December 2024). Now, in accordance with the newly introduced Regulations, Councils with adopted plans that do not meet the relevant housing need threshold for their authority area, due to the difference between the current (adopted) housing figure and the future number of homes the Council must plan area, are required to be preparing a new style Local Plan, within a newly prescribed 30- month timeframe.
- 3.3. NBBC is one of 39 authorities effected by this change in England (the BPR not meeting this threshold). The government's new standard methodology for calculating local housing need, updated in May 2026, has set the Council's need at 760 homes per year. This represents a 39% increase on the 545 homes per year required under the adopted BPR.
- 3.4. Accordingly, the Council is required to commence a new Local Plan (the NBBLP) in line with national requirements and set prescribed timescales.

#### 4. Body of report and reason for recommendations

##### **The new plan- making system**

- 4.1. The new plan- making system comprises of a 30 – month plan- making process, supported by an initial preparatory ("getting ready") stage and followed by ongoing monitoring and review post adoption.
- 4.2. A number of statutory stages must be completed as part of this process, these are summarised in Appendix A.



Figure 1: Main stages and timings of the 30 month plan making process (Source: Ministry of Housing, Communities and Local Government (MHCLG))

#### Current Plan Making Stage

- 4.3. The Regulations establish key dates whereby the Council is required to have reached certain stages, the first of which is to formally publish the Notice of Intention to Commence by 30 June 2026.
- 4.4. Alongside this, the Council is required to publish a Local Plan Timetable which will be reviewed and updated, where necessary, on a monthly basis or when key plan-making stages are reached. Approval was sought at Cabinet on 17<sup>th</sup> June 2026 to publish these documents, ensuring the Council is able to comply with the first backstop date.
- 4.5. Council is currently in the initial 'getting ready' stage of plan-making, before commencing the formal 30 month plan process. This stage does not towards the 30 month period, however it must be for a period of at least 4 months. Figure 2 overleaf outlines the key activities which should be undertaken at this stage.

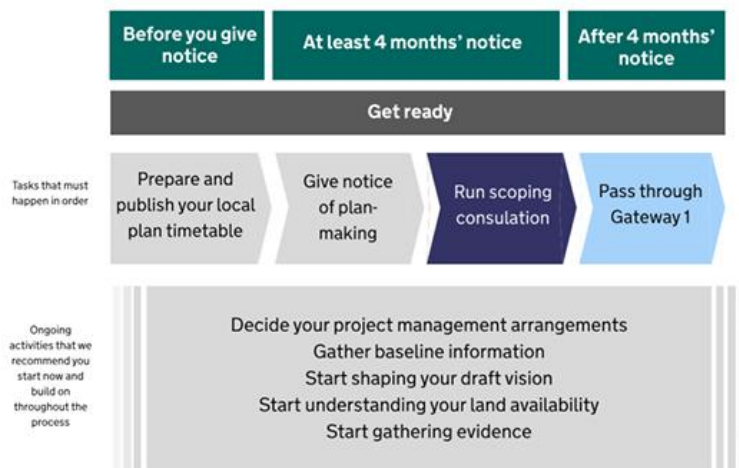


Figure 2: Getting Ready Stage (MHCLG)

- 4.6. The Scoping Consultation is currently underway and running until 10<sup>th</sup> August 2026. This consultation seeks views from residents, landowners, stakeholders and interested parties on what should be included in the Local Plan and how the authority should engage on Local Plan matters going forward. A Call for Sites Consultation is running at the same time.
- 4.7. The Council is also progressing the scoping and commissioning relevant evidence based documents and gathering relevant baseline data in accordance with [Planning Practice Guidance](#).
- 4.8. The next backstop date that the Council is required to meet is Gateway 1, which requires the submission of a self- assessment summary by 30 October 2026.
- 4.9. Furthermore, the Government recognises the additional burden it is placing on authorities to meet these tight timescales. Therefore, to support delivery, the Council has received Local Plan Implementation Grant Funding of £108,474.57 to assist with plan preparation and meet the initial statutory backstop dates. The funding will enable the Council to bring in additional resource to help prepare the new local plan. The funding will also be used to procure new digital plan making software and if required commission additional evidence base studies which have not been identified at this stage.

### Spatial Development Strategies (SDS)

- 4.10. Members may recall previous discussions regarding the introduction of Strategic Development Strategies (SDS) through the Planning and Infrastructure Bill.
- 4.11. An updated NPPF is due to be published Summer 2026. It is anticipated it will codify the relationship between SDSs and Local Plans, and that new planning practice guidance will be published to provide clarity on the process.

#### Local Government Reorganisation

- 4.12. Whilst uncertainty remains regarding Local Government Reorganisation and national planning reforms, the Government has made it clear that Local Plan preparation must continue and this is not a reason to delay. It is anticipated that Local Plans will form the Development Plan of the new authorities until they adopt a new Local Plan for the new administrative area as a whole.

### **Other Policy Related Matters**

#### Housing Land Supply

- 4.13. To maintain a five year housing land supply, the Council must be able to evidence that there are enough deliverable sites in the Borough to meet the established local housing need over the next five year period. If an authority cannot demonstrate a five year housing land supply then it can lose control over where development goes.
- 4.14. The housing land supply position for the Council was assessed as part of the examination for the BPR. The BPR was examined against the September 2023 version of the NPPF. The updated NPPF (December 2024) introduced a new standard methodology for calculating housing need which increased the borough's housing requirement to 760 houses per year.
- 4.15. Given the transitional arrangements which apply to authorities such as NBBC who were examined under the 2023 version of the NPPF, from 1 July 2026, the Council is required to apply a 20% buffer to its five year housing land supply calculation.
- 4.16. Therefore, as set out in the published [Housing Land Supply Position Paper](#), the Council can demonstrate a 9.2

year figure, as an interim position, until the updated trajectory (as at 1<sup>st</sup> April 2026) is published. It is anticipated that this will be published in autumn 2026.

### Community Infrastructure Levy

- 4.17. In 2021, the Council resolved not to pursue a Community Infrastructure Levy (CIL) and instead use Section 106 planning obligations to secure developer contributions, however this would be kept under review. Therefore, following the adoption of the BPR, the Council commissioned Dixon Searle Partnership to undertake a CIL Viability Scoping Exercise.
- 4.18. The purpose of this report, was to assess, at a high level, whether the 2021 approach remains appropriate or whether introducing CIL should be reconsidered.
- 4.19. The report concludes that the Council is likely to continue securing more income, and be able to do so and apply it in a more adaptable way, responsive to development needs by continuing with the current approach of securing developer contributions via Section 106. Accordingly, the Council is not looking to progress with implementing CIL at this stage.
5. Consultation with the public, members, officers and associated stakeholders
  - 5.1. Consultation has taken place with:
    - Portfolio Holder – Planning and Enforcement
    - All Members - a Briefing Note on the New Plan- Making System has been circulated
    - Relevant NBBC and WCC departments - Internal Briefing Sessions on the New Plan- Making System have taken place
6. Financial Implications
  - 6.1. There are costs associated with the delivery of a local plan, including, the need for evidence base studies, legal support, digital plan development, consultation, engagement and the holding of an Independent Examination. For context, the cost from preparation to adoption of the BPR was circa £700,000. This excludes the costs associated with the Gypsy and Traveller

Development Plan Document, which will be incorporated into the NBBLP plan going forward.

- 6.2. The Local Plan budget for 2026/27 was approved by Full Council in February 2026. The grant funding received in March 2026 of £108,474.57 was reported to and noted by Full Council in April 2026.

7. Legal Implications

- 7.1. The Council has a statutory duty to prepare a new Local Plan in accordance with the requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2026. Breaches of this statutory requirement could result in government intervention and the Council having to pay the full costs.

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. This report addresses the procedural requirements to commence a new Local Plan. Whilst the recommendations set out in this report do not in themselves have any direct health implications, health will be addressed through the policies in the NBBLP.

10. Climate and environmental implications

- 10.1. No direct climate or environmental implications have been identified. This report addresses the procedural requirements to commence a new Local Plan. Whilst the recommendations set out in this report do not in themselves have any direct climate or environmental implications, climate and environmental factors will be addressed through the policies in the NBBLP.

11. Section 17 Crime and Disorder Implications

- 11.1. No direct Section 17 crime and disorder implications have been identified. Whilst the recommendations set out in this report do not in themselves have any direct Section

17 Crime and Disorder Implications, these will be addressed through the policies in the NBBLP.

12. Risk management implications

12.1. The following risk management implications have been identified:

- i. Failure to commence preparation of the NBBLP and to meet the Government's prescribed backstop dates could result in intervention and the grant funding is tied to the backstop dates.
- ii. New or emerging policy requirements arising from the revised NPPF, anticipated to be published in autumn, may need to be addressed through the NBBLP.
- iii. Failure to recruit to the vacant post or further staffing changes, which could adversely impact resourcing and the ability to meet key milestones and deadlines.
- iv. Evidence prepared to inform the new SDS may emerge at a late stage in the plan-making process, potentially requiring additional work or changes to the NBBLP.

12.2. It is proposed to mitigate the above by implementing the following mitigations:

- i. Publishing the Notice of Intention to Commence prior to the statutory deadline of 30<sup>th</sup> June 2026 to demonstrate compliance with the new plan-making system requirements.
- ii. Maintaining an appropriate balance in the timing of commissioning evidence, ensuring it is undertaken early enough to inform plan preparation, whilst avoiding the risk of evidence becoming incomplete or out of date.
- iii. Ensuring appropriate staffing and budget resources are in place to deliver the Local Plan, with the work programme kept under regular review to respond to any changes in capacity or circumstances.
- iv. Active engagement in the SDS process, enabling early identification of any emerging issues that may have implications for the NBBLP.

13. Human resources implications

- 13.1. No direct human resource implications have been identified. However, the Local Plan timetable has been set out in the context of existing resources within the Planning Policy Team once the team is fully staffed.

14. Biodiversity Implications

- 14.1. No direct biodiversity implications have been identified. Whilst the recommendations set out in this report do not in themselves have any biodiversity implications, biodiversity will be addressed through the policies in the NBBLP.

15. Local Government Reorganisation (LGR) Implications

- 15.1. The following LGR implications have been identified:

- i. The Local Plan timetable will run in parallel with statutory processes and milestones associated with LGR, which may place additional demands on capacity and decision making arrangements.
- ii. The NBBLP will be prepared for the existing administrative boundary of Nuneaton and Bedworth Borough and will not extend to neighbouring authorities that may be included within any future LGR arrangements, potentially creating uncertainty about longer term spatial planning arrangements beyond the current boundaries.

- 15.2. It is proposed to mitigate the above by implementing the following mitigations:

- i. Ongoing and proactive engagement with MHCLG as both the Local Plan and LGR progress.
- ii. Ensuring that the NBBLP is prepared in accordance with the statutory development plan requirements and guidance for the current authority area, whilst seeking to remain sufficiently flexible to enable alignment with any future governance or strategic planning arrangements arising from LGR.

16. Options considered and reason for their rejection

- 16.1. In formulating this report and recommendations, the following option identified. The reasons for its rejection is 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 not accept the content of this report. | This is a factual update for Members.                                                                           |

17. Conclusion

- 17.1. The introduction of the Town and Country Planning (Local Planning) (England) Regulations 2026 represents a significant shift in the Local Plan – making system, requiring the Council to progress a new Local Plan (the NBBLP) within prescribed timescales.
- 17.2. The Council has started work in line with the requirements, including the publication of the Notice of Intention to Commence Plan Making, the Local Plan Timetable, launching the scoping consultation and evidence gathering activities.
- 17.3. Whilst the Council is in a strong position in respect of housing land supply, ongoing plan preparation is critical in meeting increasing local housing need. Members are therefore asked to note the progress to date and key next steps.

18. Appendices

- 18.1. Please note the following appendices:

- i. Appendix A – Local Plan Process Summary

19. Background papers

- 19.1. Please note the following background papers:

- i) Plan-making regulations explainer can be viewed at: [Plan making regulations explainer](#)

- ii) Draft National Planning Policy Framework (NPPF) December 2025 can be viewed at: [Draft NPPF](#)
- iii) Create or update a local plan using the new system - GOV.UK can be viewed at: [CULP](#)
- iv) Town and Country (Local Planning) (England) Regulations 2026 can be viewed at: [Regulations 2026](#)
- vi) 30-month local plan process: an overview can be viewed at: [30 month plan- making process](#)
- vii) Rollout of the new local plan-making system can be viewed at: [Rollout of the new local plan-making system - GOV.UK](#)
- viii) Borough Plan Committee – 15 January 2026 can be viewed at: [15 January 2026: Borough Plan Committee | Nuneaton and Bedworth Borough Council](#)

20. Report Writer Details:

Officer Job Title: Planning Policy Manager

Officer Name: Sarah Matile

**AGENDA ITEM NO. 11b**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

|                                   |                                       |                             |    |
|-----------------------------------|---------------------------------------|-----------------------------|----|
| <b>Report to:</b>                 | Cabinet                               |                             |    |
| <b>Date of Meeting:</b>           | 15 July 2026                          |                             |    |
| <b>Subject:</b>                   | New Administration 100 Day Priorities |                             |    |
| <b>Portfolio:</b>                 | All                                   |                             |    |
| <b>Responsible Officer:</b>       | Chief Executive Officer               |                             |    |
| <b>Corporate Plan – Theme:</b>    | N/A                                   |                             |    |
| <b>Corporate Plan – Aim:</b>      | N/A                                   |                             |    |
| <b>Ward Relevance:</b>            | All                                   |                             |    |
| <b>Public or Private:</b>         | Public                                |                             |    |
| <b>Amendment to Budget:</b>       | No                                    | <b>Council Tax Related:</b> | No |
| <b>Recommendation to Council:</b> | Yes                                   |                             |    |
| <b>Forward Plan:</b>              | N/A - not a key decision              |                             |    |
| <b>Subject to Call-in:</b>        | Yes                                   |                             |    |

1. Purpose of report

- 1.1. To set out the initial priorities of the new Administration for the first 100 days, provide an update on early progress, and seek the necessary approvals, recommendations and delegations to enable further development and delivery of those priorities.

2. Recommendations

- 2.1. That Cabinet:

- 2.1.1. Notes the priorities detailed within the report and the progress made to date.
- 2.1.2. Acknowledges Cabinet's ongoing commitment to fostering a culture of openness and transparency in decision-making, financial management, and governance.
- 2.1.3. Delegates authority to the Strategic Director (Resources), in consultation with the relevant Portfolio Holder, to explore options for improving access to Council services in Bedworth and Bulkington and to bring forward any proposals requiring further approval through the Council's normal governance arrangements.
- 2.1.4. Delegates authority to the Strategic Director (Communities and Place), in consultation with the relevant Portfolio Holder, to commission a review of the Housing Allocations Policy, including consideration of how the needs of Borough residents may be prioritised within the relevant legal framework.
- 2.1.5. Delegates authority to the Strategic Director (Communities and Place) to produce a delivery plan to improve turnaround times for Council housing and commercial lettings voids.
- 2.1.6. Recommends to Full Council that the Climate Change Emergency declared in 2019 be rescinded, and that associated funding be redirected toward practical measures that mitigate the impacts of severe weather and enhance and protect the Borough's natural environment.
- 2.1.7. Requests that the Strategic Director (Culture and Environment), in consultation with the relevant Portfolio Holder, prepares a report for consideration by Full Council on the viability, evidence requirements, legal implications and resource implications of introducing Article 4 Directions and/or selective licensing to manage Houses in Multiple Occupation within the Borough.
- 2.1.8. Notes the wider medium-term ambitions of the Administration beyond the initial 100-day period.

### 3. Background

- 3.1. Reform UK formed a minority Cabinet administration of the Council in May 2026.
  - 3.2. Following the May 2026 elections, the Administration has been developing a delivery plan reflecting priorities raised by residents and local communities.
  - 3.3. Cabinet has worked closely with Council officers to determine what is achievable within the first 100 days, and this report sets out the outcome of that work.
4. Body of report and reason for recommendations

### **Overall Direction and Strategic Approach**

- 4.1. The New Administration has set out an intended direction focused on visible service improvements that affect residents. The overarching approach reflects a shift towards frontline delivery, increased organisational presence within communities, and a pragmatic and outcomes-focused approach to policy development.
- 4.2. The Administration has stated that openness, transparency and accountability in decision-making, financial management and governance are central to its approach. Alongside this, there is an emphasis on strengthening the Council's role within local communities, particularly in relation to housing, regeneration and place-based priorities.
- 4.3. This approach conveyed by the new administration is intended to ensure that the Council operates in a way that is both responsive to local needs and clearly accountable for the delivery of its commitments.

### **First 100 Days Priorities**

- 4.4. The priorities identified for the first 100 days have been developed through engagement with officers and reflect both deliverability and alignment with the Administration's wider objectives.

### **Customer Access and Visibility**

- 4.5. A key early priority has been to improve the visibility and accessibility of the Council. The reopening of the front door at Nuneaton Town Hall represents a symbolic and

practical step in demonstrating that the Council is open, and accessible to residents.

- 4.6. This is being supported by a broader focus on increasing the presence of staff within local communities and embedding a more resident-focused culture across the organisation. Work is also underway to explore options for providing local or remote access to Council services in Bedworth and Bulkington, ensuring a more consistent level of service access across the Borough.

### **Climate Change Position**

- 4.7. The Administration is proposing a revised approach to climate policy, moving away from a formal "Climate Emergency" declaration towards a more practical and outcomes-based framework.
- 4.8. Nuneaton and Bedworth Borough Council formally declared a Climate Emergency on 4 December 2019, committing the Council to take action and to work towards achieving carbon neutrality by 2030.
- 4.9. The declaration recognised the significance of climate change at both a global and local level and established a commitment to develop actions, including the creation of a cross-party working group to consider how the Council could meet this target and contribute to wider national objectives.
- 4.10. However, since that time, while a number of workstreams and action plans have been explored, there has not been a comprehensive, fully costed, and deliverable programme agreed by Members that sets out a clear pathway for achieving carbon neutrality by 2030. The absence of such a plan reflects both the scale and complexity of the commitment and the significant resource implications associated with delivery.
- 4.11. Achieving carbon neutrality within the originally stated timeframe would require substantial capital investment, ongoing revenue commitments, and significant organisational change, extending beyond the Council's direct control.
- 4.12. In this context, the Administration considers that the continuation of the formal "Climate Emergency"

declaration, without a credible and funded delivery plan, risks creating an expectation that cannot realistically be fulfilled. Furthermore, the level of investment required to pursue carbon neutrality in its broadest sense would be considerable and would inevitably place significant pressure on the Council's financial position, potentially diverting resources away from more immediate and identifiable local priorities.

- 4.13. Future environmental initiatives will be developed with regard to the Council's statutory responsibilities, available resources, and opportunities to deliver measurable local benefits such as energy efficiency and cost of living interventions.
- 4.14. The recommendation is therefore to recommend to Council that the Climate Emergency declaration be rescinded, and that activity is refocused on delivering tangible, local environmental outcomes that are achievable within the Council's statutory responsibilities, financial position and available resources. Where budgetary implications arise, these will be reflected through standard budget mechanisms at Full Council.
- 4.15. However, Cabinet does note that there is the Climate Change Act 2008 which requires the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. This could therefore mean, indirectly the Council will still play a part in achieving this goal if so requested by central government.

### **Housing Allocation Policy**

- 4.16. Housing remains a central priority for the Administration. A review of the Housing Allocations Policy will be commissioned to ensure that it appropriately reflects local needs and priorities.
- 4.17. This work will consider how the Council can, within the existing legal framework, strengthen its approach to prioritising Borough residents. Officers will provide detailed advice on statutory requirements, areas of discretion, and the implications of potential changes to policy.

## **Voids Programme and Asset Utilisation**

- 4.18. Reducing the number and duration of void properties is a key operational priority. Work will be undertaken to improve the turnaround time for Council housing stock, with the aim of reducing waiting lists and ensuring that properties are brought back into use as quickly as possible.
- 4.19. In addition, the Administration is seeking to extend this focus to commercial properties, with an emphasis on reducing vacancy rates, supporting local economic activity, and ensuring that Council-owned assets are utilised effectively.

## **Food Waste Implementation**

- 4.20. The introduction of food waste collection is a government mandated service change. The Council will deploy a clear communications approach to ensure residents understand the reasons for the introduction of the service, the timeline for implementation, and the intended benefits.
- 4.21. This will support effective rollout and help to maximise resident engagement and participation.
- 4.22. The communications approach will be aligned with national requirements and local operational arrangements to support compliance, minimise disruption, and encourage participation.

## **Houses in Multiple Occupation (HMOs)**

- 4.23. The management of Houses in Multiple Occupation (HMOs) is a growing area of concern in some parts of the Borough. The Administration will consider the potential use of planning and regulatory mechanisms, including Article 4 Directions and selective licensing, to manage the concentration and impact of HMOs.
- 4.24. A detailed report will be commissioned to assess the viability, implications and limitations of these options, recognising that the Council's powers in this area are defined by national legislation.

## **Regeneration Transparency**

- 4.25. Providing transparency and accountability in regeneration activity is a further priority. Work will be undertaken to strengthen how the Council reports on regeneration programmes, including progress against commitments, delivery outcomes, and value for money.
- 4.26. This is intended to build greater public confidence and ensure that regeneration activity is clearly aligned with community expectations.

### **Emerging and Longer-Term Priorities**

- 4.27. Beyond the initial 100-day period, the Administration has identified a number of areas requiring further development.
- 4.28. The Administration will sponsor a review of outstanding housing repairs and oversee the development and implementation of a plan to address the backlog and improve the responsiveness. The work is intended to reduce the current repairs backlog and ensure residents live in safe, secure and habitable homes.
- 4.29. In relation to strategic and financial planning, this includes a review and refresh of the Corporate Plan, a reassessment of the Medium-Term Financial Plan, and an ongoing review of the use and effectiveness of Section 106 funding.
- 4.30. In terms of regeneration and place, there will be a continued focus on key sites in the town centres, alongside efforts to bring vacant commercial units back into use.
- 4.31. The Administration will also review existing contractual arrangements, to ensure they are delivering the right outcomes for residents.
- 5. Consultation with the public, members, officers and associated stakeholders
  - 5.1. The priorities and recommendations set out in this report have been developed through engagement between Cabinet Members and the Senior Leadership Team.

- 5.2. Further consultation with residents, Members, partners and stakeholders will be undertaken where required as individual proposals, policy reviews or implementation plans are developed.

## 6. Financial Implications

- 6.1. There are no immediate amendments to the approved budget arising directly from this report. However, a number of the proposed workstreams may require further officer time, project planning, specialist advice, communications activity, or future investment.
- 6.2. Where additional resources are required, these will be identified and considered through the Council's normal financial and governance procedures.

## 7. Legal Implications

- 7.1. There are legal implications associated with some of the proposed workstreams, particularly in relation to housing allocations, selective licensing, Article 4 Directions, consultation requirements, Climate Change Act 2008, equality duties, and the exercise of delegated authority.
- 7.2. Any future policy changes or implementation decisions will need to be developed in accordance with the relevant statutory framework, the Council's Constitution, and appropriate decision-making procedures.

## 8. Equalities implications

- 8.1. No specific adverse equality impacts have been identified at this stage. However, several workstreams may affect access to services, housing, or regulatory policy. Equality considerations will therefore need to be assessed as individual proposals are developed, and equality impact assessments undertaken where required.

## 9. Health implications

- 9.1. No specific health implications have been identified.

## 10. Climate and environmental implications

- 10.1. The proposal to recommend to Council to rescind the Climate Emergency declaration, is on the Administration's view that that this should therefore be viewed not as a reduction in ambition, but as a refocusing of priorities toward deliverable, cost-effective and outcome-driven activity, consistent with the Administration's stated commitment to transparency, realism, and responsible financial management.
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. Key risks include deliverability within the proposed timescale, public expectations, officer capacity, financial affordability, legal compliance, and reputational impact. These risks will be managed through further scoping, appropriate governance, legal and financial advice, and regular reporting on progress.
13. Human resources implications
  - 13.1. There are no direct staffing establishment changes arising from this report. However, delivery of the proposed workstreams will require officer capacity across a number of services. Resource requirements will be considered as individual workstreams are scoped and progressed.
14. Biodiversity Implications
  - 14.1. No direct biodiversity implications arise from this report. However, future environmental proposals may provide opportunities to support biodiversity net gain, habitat improvement and wider environmental enhancement where appropriate.
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   | Rejected because it would not enable Cabinet to progress the priorities set out in this report.                 |

17. Conclusion

- 17.1. This report sets out a clear and deliverable programme for the first 100 days of the New Administration, reflecting the priorities of local residents and establishing a strong foundation for longer-term change.
- 17.2. The proposed actions focus on visible service delivery, transparency, and practical outcomes that are intended to directly benefit communities across Nuneaton and Bedworth.
- 17.3. Cabinet is therefore asked to endorse the recommendations and support the delivery of this programme.

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: Chief Executive Officer

Officer Name: Tom Shardlow

**AGENDA ITEM NO. 11c**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**Report to:** Cabinet

**Date of Meeting:** 15<sup>th</sup> July 2026

**Subject:** Capital Outturn 2025/26

**Portfolio:** Finance, Enabling Services and Communities

**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

**Ward Relevance:** All

**Public or Private:** Public

**Amendment to Budget:** No      **Council Tax Related:** No

**Recommendation to Council/Cabinet/Committee:** Yes

**Forward Plan:** Yes

**Subject to Call-in:** Yes

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1. Purpose of report

1.1. To update Cabinet of the outturn position on capital expenditure for both the General Fund and Housing Revenue Account (HRA).

2. Recommendations

2.1. To consider the final capital outturn position for 2025/26.

2.2. To note the Capital Reserve position at the end of 2025/26.

- 2.3. That the updated capital budget for 2026/27 detailed in Appendix 2 is recommended to Council for approval.

### 3. Background

- 3.1. Nuneaton and Bedworth Borough Council has a large capital programme to provide community value and improve facilities. The outturn position for 2025/26 updates on how the programme is progressing.

### 4. Body of report and reason for recommendations

- 4.1. The Council's capital programme covers many projects for both the General Fund and Housing Revenue Account.
- 4.2. General Fund projects are developed in line with strategies reported to Cabinet/Council and are funded through Section 106 developer contributions, grant funding (from the Government and other external providers), internal and external borrowing plus capital receipts generated through asset sales.
- 4.3. HRA projects are mainly for refurbishment of council houses, disabled adaptations to council housing plus new build. They are funded from HRA reserves, capital receipts from Right to Buy plus grant income.
- 4.4. The capital budget for 2025/26 of £56,918,282 was approved in February 2025 at Council with updates to the budget requirement reported throughout 2025/26 which finalised the budget at £73,314,327. The budget profile for 2025/26 gave a three-year plan for capital spend rather than an annual update to prevent large movements in the budget in year.
- 4.5. A summary of the General Fund and HRA actual expenditure versus budget is below. The Expenditure in year was fully funded and is reported in the 2025/26 portfolio headings:

| Expenditure                       | Actual<br>2025/26<br>£'000 | Budget<br>2025/26<br>£'000 | Variance<br>£'000 |
|-----------------------------------|----------------------------|----------------------------|-------------------|
| Business and Regeneration         | 13,105                     | 19,195                     | (6,091)           |
| Resources and Corporate Resources | 26                         | 358                        | (332)             |
| Housing                           | 9,591                      | 9,696                      | (105)             |
| Leisure, Communities and Health   | 21,624                     | 25,944                     | (4,320)           |
| Capital: General                  | 0                          | 50                         | (50)              |
| General Fund                      | 44,346                     | 55,244                     | (10,898)          |
| HRA                               | 14,127                     | 18,071                     | (3,944)           |
| Total Capital Expenditure         | 58,473                     | 73,314                     | (14,841)          |

| Financing                      | Actual<br>2025/26<br>£'000 | Budget<br>2025/26<br>£'000 | Variance<br>£'000 |
|--------------------------------|----------------------------|----------------------------|-------------------|
| Earmarked Reserves / Revenue   | 594                        | 3,593                      | (2,999)           |
| Capital Grants / Contributions | 27,325                     | 33,541                     | (6,216)           |
| Major Repairs Reserve          | 10,598                     | 11,678                     | (1,080)           |
| Capital Receipts               | 159                        | 300                        | (141)             |
| Prudential Borrowing           | 19,798                     | 24,203                     | (4,405)           |
| Total Financing                | 58,473                     | 73,314                     | (14,841)          |

## General Fund

- 4.6. The General Fund capital programme has underspent by £10.898m in year, but a large proportion of the underspend is in relation to the regeneration projects, the build for the new Bedworth Physical Activity Hub and Vehicle Replacement
- 4.7. Although the regeneration projects are progressing there are large underspends in year due to slippage on projects.
- 4.8. Further detail on the regeneration projects is included in the Regeneration and Pride in Place Impact Fund (PiPIF) Report on the Cabinet Agenda. The underspend in year on regeneration (inclusive of the Bedworth Physical Activity Hub) is £6.029m and nothing has been incurred against the PiPIF resulting in a £0.75m underspend.
- 4.9. All projects are still underway, and the financial projections will be reported during 2026/27.
- 4.10. Due to delays with the delivery of vehicles, no expenditure was incurred during 2025/26 for the vehicle replacement budget and food waste budget with all expenditure expecting to be incurred during 2026/27.
- 4.11. Cycleways in Sandon/Weddington and Coronation Walk have started in the spring and will progress through 2026/27.
- 4.12. The Warm Homes Local Grant has underspent by £1.30m but the budget was initially set without clarity around the grant funding that would be issued. The allocation is now confirmed and is phased so was updated as part of the 2026/27 budget.
- 4.13. The allocation for disabled facilities grants under the HEART partnership has been fully spent in year with a requirement to draw down reserves of £1.46m due to the good progress on combatting backlogs plus quicker turnaround of current cases.

- 4.14. All other variances are smaller with projects either being completed or slipped into the 2026/27 programme. The detail for the variances is attached in Appendix 1 with any slippage or acceleration being highlighted in Appendix 2 which shows the effect on the 2026/27 capital programme.
- 4.15. Three projects within Leisure, Communities and Health are showing an overspend in Appendix 1.  
Lilleburne play area and Bermuda Balancing Lake projects are fully funded through section 106 contributions, which are subject to restrictions requiring the funds to be spent within these locations.  
The Town Hall – Public Realm Improvements was allocated a £15k capital budget with the remaining costs for works being funded within revenue. Following the year end review of expenditure, the revenue works were capitalised due to their nature. As a result, the overspend shown in Appendix 1 was funded from revenue contributions.

### **Housing Revenue Account**

- 4.16. The capital budget for the HRA was approved as £15,869,662 in February 2025 but an updated budget position was reported to Cabinet in July 2025 of £18,040,519 to include changes due to slippage and acceleration from 2024/25. There was also a £30,000 addition in year for CCTV resulting in the final budget of £18,070,519.
- 4.17. Management of the HRA capital programme is based on scheduled works and progression of new build and acquisition targets. The budget as a whole is utilised by need of the customer and the most efficient use of resources to ensure value for money and will therefore fluctuate against the initial forecasted expenditure by line in any one year.
- 4.18. The main variance against the revised budget was due to delays with the construction of new properties. These are due to be completed within the 2026/27 financial year.
- 4.19. There were also underspends on fire safety works due to issues with the capacity of the contractor towards the end of 2025/26. The phase of the programme not completed has been slipped to complete in the next financial year.
- 4.20. With the budget being approved in February 2026 for the HRA capital programme. The profiling of the 2026/27 budget is sufficient and replaces any further carry forwards for smaller underspends.

5. Capital Reserves

- 5.1. Reserves are held by the Council for capital purposes either generated through sales of assets, setting aside sums from underspends or receipts of grants for capital purposes.
- 5.2. The Council's capital reserve position at the end of March 2026 is as follows.

|                         | 2025/26<br>£ |
|-------------------------|--------------|
| Capital Receipts        | 622,011      |
| Capital Grants          | 6,348,771    |
| Earmarked Reserves      | 5,727,863    |
| GF Total                | 12,698,645   |
|                         |              |
| Capital Receipts        | 1,532,667    |
| 1-4-1 Receipts          | 3,670,289    |
| Earmarked Capital       | 3,773,387    |
| Major Repairs Reserve   | 2,780,934    |
| HRA Total               | 11,757,277   |
|                         |              |
| Total Capital Resources | 24,455,922   |

- 5.3. Capital reserves are allocated against specific projects with no residual unallocated amount available. This poses risks to any movement in the projected capital expenditure as there is nothing available to cover any fluctuations in expenditure.

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

- 6.1. Leader of the Council and opposition leaders have been consulted alongside Strategic Directors, Assistant Directors, Portfolio Holders for Finance, Enabling Services and Communities and Housing.

7. Financial Implications

- 7.1. Included within the report.

8. Legal Implications

- 8.1. None.

9. Equalities implications
  - 9.1. A review has been undertaken and it has been identified that no assessment is required following consultation and liaison with the appropriate officer.
10. Health implications
  - 10.1. No specific health implications have been identified following the completion of an impact assessment.
11. Climate and environmental implications
  - 11.1. No direct climate and/or environmental implications have been identified.
12. Section 17 Crime and Disorder Implications
  - 12.1. No direct Section 17 crime and disorder implications have been identified.
13. Risk management implications
  - 13.1. No direct risk management implications have been identified.
14. Human resources implications
  - 14.1. No direct human resource implications have been identified.
15. Biodiversity Implications
  - 15.1. No direct biodiversity implications have been identified.
16. Local Government Reorganisation (LGR) Implications
  - 16.1. No direct LGR implications have been identified.
17. Options considered and reason for their rejection
  - 17.1. 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   | Reporting the outturn position is key for transparency therefore this is not an option.                         |

18. Conclusion

18.1. The capital programme is fully funded and for 2025/26 there has been slippage in the programme. There are still risks associated with borrowing costs and changes in the economic landscape, but these have been mitigated as far as possible

18.2. Any impact to the programme after tender will be reviewed and further options appraisals completed if they fall outside of the budgetary provision. Interest rates on projects where prudential borrowing is required will be carefully assessed for affordability prior to progressing.

19. Appendices

19.1. Please note the following appendices:

- i. Appendix 1 – Capital Outturn 2025/26
- ii. Appendix 2 – Updated Capital Budget 2026/27 and Slippage

20. Background papers

20.1. Please note the following background papers:

- i. Capital Budget 2025/26 – Agenda item 13h, 19<sup>th</sup> February 2025 Council Meeting

21. Report Writer Details:

Officer Job Title: Assistant Director - Finance

Officer Name: Liam Brown

# Appendix 1

| Project                            | 2025 / 26 Actuals | 2025 / 26 Final Budget | Variance to budget | Slippage / Acceleration | Comments                                                    |
|------------------------------------|-------------------|------------------------|--------------------|-------------------------|-------------------------------------------------------------|
| Grayson Place                      | 11,943,827        | 14,029,132             | (2,085,305)        | 2,085,305               |                                                             |
| Bridge to Living                   | 345,498           | 1,159,602              | (814,104)          | 814,104                 |                                                             |
| TOWNS FUND:-                       | 0                 |                        | 0                  | 0                       |                                                             |
| Wheat Street Junction              | 0                 | 140,000                | (140,000)          | 140,000                 | Balance approved to transfer to Grayson Place 26/27         |
| E-mobility Hub                     | 0                 | 250,000                | (250,000)          | 250,000                 | Roll budget into 2026/27                                    |
| Corporation Street                 | 0                 | 140,000                | (140,000)          | 140,000                 | Balance approved to transfer to Grayson Place 26/27         |
| George Eliot Visitor Centre        | 0                 | 222,500                | (222,500)          | 222,500                 | Roll budget into 2026/27                                    |
| Parks Revival                      | 170,771           | 1,605,307              | (1,434,536)        | 129,229                 | Further tender exercise to be undertaken                    |
| The Saints                         | 12,142            | 12,812                 | (670)              | 0                       | Project complete                                            |
| Bedworth Market                    | 573,714           | 669,664                | (95,950)           | 95,950                  | Start on site was delayed but should complete early 2026/27 |
| Town Hall - Office Reconfiguration | 0                 | 60,450                 | (60,450)           | 60,450                  | Roll budget into 2026/27                                    |

|                                         |                   |                   |                    |                  |                                                                                            |
|-----------------------------------------|-------------------|-------------------|--------------------|------------------|--------------------------------------------------------------------------------------------|
| Car Park Ticket Machines                | 12,078            | 155,706           | (143,628)          | 0                |                                                                                            |
| Flat 1 Saints Building                  | 24,334            |                   | 24,334             | 0                |                                                                                            |
| Pride in Place Impact Fund              | 0                 | 750,000           | (750,000)          | 750,000          | Roll budget into 2026/27                                                                   |
| CCTV - Wireless Technology              | 22,304            | 0                 | 22,304             | 0                | Outstanding accrual from 24/25                                                             |
| <b>Business and Regeneration</b>        | <b>13,104,670</b> | <b>19,195,173</b> | <b>(6,090,503)</b> | <b>4,687,538</b> |                                                                                            |
| ICT Strategy Programme                  | 18,590            | 100,000           | (81,410)           | 0                |                                                                                            |
| Camp Hill                               | 2,417             | 200,000           | (197,583)          | 197,583          | Awaiting to complete the settlement of 2 outstanding properties.                           |
| Planning & Land Charges Software (IDOX) | 0                 | 47,826            | (47,826)           | 47,826           | Project to complete in summer 2026/27                                                      |
| Digitalisation of Cemetery Records      | 5,092             | 10,419            | (5,327)            | 5,327            | BC approved to be financed by Transformation EMR                                           |
| <b>Resources and Corporate Services</b> | <b>26,099</b>     | <b>358,245</b>    | <b>(332,146)</b>   | <b>250,736</b>   |                                                                                            |
| Empty Homes Works in Default            | 0                 | 40,000            | (40,000)           | 0                | Demand led budget                                                                          |
| Disabled Facilities Grants - HEART      | 8,516,237         | 7,056,216         | 1,460,021          | 0                | Additional staff have been tasked with utilising unspent grant from previous years.        |
| Empty Property Loans                    | 9,500             | 100,000           | (90,500)           | 0                | Budget is demand led                                                                       |
| Boundary Paddock - Utility Block        | 68,812            | 200,000           | (131,188)          | 131,188          | Contract sum £150k plus other costs and will start February 2026. Roll budget into 2026/27 |
| Warm Homes Local Grant                  | 996,831           | 2,300,000         | (1,303,169)        | 0                | The £2.3m was an indicative budget which has now been confirmed and is phased              |

|                                        |                  |                  |                  |                |                                                                                                            |
|----------------------------------------|------------------|------------------|------------------|----------------|------------------------------------------------------------------------------------------------------------|
| <b>Housing</b>                         | <b>9,591,381</b> | <b>9,696,216</b> | <b>(104,835)</b> | <b>131,188</b> |                                                                                                            |
| BEDWORTH PHYSICAL ACTIVITY HUB (BPAH)  | 17,037,431       | 17,980,376       | (942,945)        | 942,945        | On track for completion of phase 2 during 2026/27                                                          |
| Pingles LC Decarbonisation             | 2,426,321        | 2,488,338        | (62,017)         | 62,017         | All on target. Includes the approved budget for the Substation and AHF                                     |
| Pingles External Steel Columns         | 110,302          | 276,756          | (166,454)        | 0              | Project progressing but will be under budget as loss of income was included and is not capital             |
| Sandon/Weddington Cycleway             | 3,707            | 238,494          | (234,787)        | 96,293         | The project will begin in the spring and will run into 26/27                                               |
| Coronation Walk Footpath/Cycleway      | 5,171            | 242,413          | (237,242)        | 94,829         | The project will begin in the spring and will run into 26/27                                               |
| Clovelly Way Footpath                  | 0                | 31,675           | (31,675)         | 0              | Budget to be rolled into 26/27 as it is to be combined with another project for contract delivery purposes |
| Lilleburne Play Area                   | 30,991           | 26,448           | 4,543            | 0              | Explanation is under point 4.15                                                                            |
| Bermuda Balancing Lake                 | 20,134           | 19,835           | 299              | 0              | Explanation is under point 4.15                                                                            |
| Pingles & Jubilee Investment Programme | 1,506,400        | 1,510,000        | (3,600)          |                | Agreed Cabinet 16/07/2025                                                                                  |
| Town Hall - Public Realm Improvements  | 41,159           | 15,000           | 26,159           |                | Explanation is under point 4.15                                                                            |
| Grants - Allotment Provision           | 44,744           | 57,600           | (12,856)         | 12,856         | Application process has begun                                                                              |

|                                            |                   |                   |                     |                  |                                                                                                            |
|--------------------------------------------|-------------------|-------------------|---------------------|------------------|------------------------------------------------------------------------------------------------------------|
| Improvements to Paul's Land sports fields  | 0                 | 15,000            | (15,000)            | 15,000           | Roll budget into 2026/27                                                                                   |
| Leisure Strategy                           | 0                 | 106,008           | (106,008)           | 106,008          | Roll budget into 2026/27                                                                                   |
| Marleborough Road Community Park           | 7,460             | 23,460            | (16,000)            | 0                | Project complete - underspend to pay for Attleborough Rec                                                  |
| Sorrell Road Community Park                | 58,737            | 63,630            | (4,893)             | 0                | Project complete                                                                                           |
| Attleborough Rec                           | 8,940             | 0                 | 8,940               | 0                | Financed by the underspend on Marleborough Rd Community Park                                               |
| Pauls Land Pavillion                       | 0                 | 10,500            | (10,500)            | 0                |                                                                                                            |
| Sandon Park/Jack Whetstone Pavillion       | 0                 | 26,859            | (26,859)            | 26,859           | Rollover to 26/27                                                                                          |
| Cemetery Works                             | 23,306            | 24,611            | (1,305)             | 1,305            | Rollover to 26/27                                                                                          |
| Community Centre Grants                    | 0                 | 73,017            | (73,017)            | 73,017           | Rollover to 26/27                                                                                          |
| Buttermere Recreation Ground Redevelopment | 2,207             | 22,100            | (19,893)            | 0                |                                                                                                            |
| Environment Bill Food Waste Grant          | 0                 | 981,000           | (981,000)           | 0                |                                                                                                            |
| BPAH - Green Gym                           | 17,445            | 33,600            | (16,155)            | 16,155           |                                                                                                            |
| MAJOR REPAIRS                              | 279,481           | 363,913           | (84,432)            | 84,432           | Plan to be drawn up for works required to corporate assets                                                 |
| Vehicle & Plant Replacement                | 0                 | 1,313,541         | (1,313,541)         | 551,079          | Budget to be rolled into 26/27 as lead in time for delivery means the vehicles will not arrive until 26/27 |
| <b>Leisure, Communities and Health</b>     | <b>21,623,937</b> | <b>25,944,174</b> | <b>(4,320,237)</b>  | <b>2,082,795</b> |                                                                                                            |
| Miscellaneous Schemes                      | 0                 | 50,000            | (50,000)            | 0                |                                                                                                            |
| <b>Capital: General</b>                    | <b>0</b>          | <b>50,000</b>     | <b>(50,000)</b>     | <b>0</b>         |                                                                                                            |
| <b>General Fund Capital</b>                | <b>44,346,087</b> | <b>55,243,808</b> | <b>(10,897,721)</b> | <b>7,152,257</b> |                                                                                                            |

| <b>Housing Revenue Account: Capital</b>   | <b>14,126,983</b> | <b>18,070,519</b> | <b>(3,943,536)</b> | <b>2,858,722</b> |                                                             |
|-------------------------------------------|-------------------|-------------------|--------------------|------------------|-------------------------------------------------------------|
| Decent Homes                              | 1,197,337         | 1,199,000         | (1,663)            | 0                |                                                             |
| Roof Coverings/Modifications              | 1,538,610         | 1,500,000         | 38,610             | 0                |                                                             |
| Windows & Doors                           | 650,883           | 764,451           | (113,568)          | 0                |                                                             |
| Door Entry Scheme                         | (608)             | 12,375            | (12,983)           | 0                |                                                             |
| Shops Improvements                        | 0                 | 50,000            | (50,000)           | 0                |                                                             |
| New Properties (Construction)             | 3,440,155         | 5,562,347         | (2,122,192)        | 2,122,192        | Roll into 2026/27                                           |
| Byford Court - Rebuild                    | (107,441)         | 44,803            | (152,244)          | 0                | Project complete but final retention payment is due 2026/27 |
| Fire Safety Works                         | 1,662,790         | 2,288,833         | (626,043)          | 626,043          | Roll into 2026/27                                           |
| Cleaver Gardens                           | 9,513             | 120,000           | (110,487)          | 110,487          | Roll into 2026/27                                           |
| Electric Storage Heating                  | 71,194            | 80,000            | (8,806)            | 0                |                                                             |
| EXTERNAL AREAS FOR IMPROVEMENTS           | 0                 | 130,093           | (130,093)          | 0                | Budget reduced to help with voids budget                    |
| ROAD SURFACING                            | 0                 | 25,000            | (25,000)           | 0                | Budget reduced to help with voids budget                    |
| DRAINAGE RENEWALS                         | 0                 | 12,940            | (12,940)           | 0                | Budget reduced to help with voids budget                    |
| BALCONIES AND BALUSTRADIES                | 0                 | 18,352            | (18,352)           | 0                | Budget reduced to help with voids budget                    |
| EXTERNAL FABRIC                           | 10,165            | 304,843           | (294,678)          | 0                |                                                             |
| EPC PROGRAMME                             | 21,350            | 70,000            | (48,650)           | 0                | Revenue cost should not be in the capital programme         |
| Acquisition of Properties                 | 227,271           | 0                 | 227,271            | 0                |                                                             |
| 25 Cheveral Place - Conversion of Wardens | 2,791             | 0                 | 2,791              | 0                |                                                             |
| Concrete/Structural Repairs               | 305,934           | 402,188           | (96,254)           | 0                | Budget reduced to help with voids budget                    |
| Level Access Showers                      | 521,225           | 530,888           | (9,663)            | 0                |                                                             |
| Aids & Adaptations                        | 794,992           | 950,000           | (155,008)          | 0                |                                                             |
| Central Heating                           | 898,934           | 950,000           | (51,066)           | 0                | Budget reduced to help with voids budget                    |
| Garages                                   | 17,722            | 25,000            | (7,278)            | 0                |                                                             |

|                                |           |           |           |   |                                                                       |
|--------------------------------|-----------|-----------|-----------|---|-----------------------------------------------------------------------|
| Slabs to Tarmac                | 121,957   | 130,356   | (8,399)   | 0 |                                                                       |
| Lift Renewal Works             | 0         | 100,000   | (100,000) | 0 | Budget reduced to help with voids budget                              |
| District Heating Upgrade Works | 56,990    | 50,000    | 6,990     | 0 |                                                                       |
| EICR Electrical Works          | 190,215   | 450,000   | (259,785) | 0 |                                                                       |
| Voids                          | 1,451,135 | 1,113,750 | 337,385   | 0 | High level of void properties                                         |
| EWI                            | 641,295   | 755,300   | (114,005) | 0 |                                                                       |
| Housing Management System      | 0         | 200,000   | (200,000) | 0 | No response to tender process                                         |
| CCTV in Priority Locations     | 0         | 30,000    | (30,000)  |   | UKSPF funded project                                                  |
| Contingency                    | 228,004   | 200,000   | 28,004    | 0 | For Awaabs Law & other contingency matters                            |
| Fire Damage Properties         | 174,570   | 0         | 174,570   | 0 | There have been a number of instances in year requiring major repairs |

**Appendix 2**

| Project                                 | 2026/27<br>Approved<br>Budget | 2025/26<br>Budget<br>Slippage | 2026/27<br>Final<br>Budget | Comments              |
|-----------------------------------------|-------------------------------|-------------------------------|----------------------------|-----------------------|
| Grayson Place                           | 0                             | 2,085,305                     | 2,085,305                  | Slippage from 2025/26 |
| Bridge To Living                        | 0                             | 814,104                       | 814,104                    | Slippage from 2025/26 |
| Wheat Street Junction                   | 0                             | 140,000                       | 140,000                    | Slippage from 2025/26 |
| E-mobility Hub                          | 0                             | 250,000                       | 250,000                    | Slippage from 2025/26 |
| Corporation Street                      | 0                             | 140,000                       | 140,000                    | Slippage from 2025/26 |
| George Eliot Visitor Centre             | 0                             | 222,500                       | 222,500                    | Slippage from 2025/26 |
| Parks Revival                           | 1,305,307                     | 129,229                       | 1,434,536                  | Slippage from 2025/26 |
| Bedworth Market                         | 0                             | 95,950                        | 95,950                     | Slippage from 2025/26 |
| Town Hall - Office Reconfiguration      | 0                             | 60,450                        | 60,450                     | Slippage from 2025/26 |
| Pride in Place Impact Fund              | 750,000                       | 750,000                       | 1,500,000                  | Slippage from 2025/26 |
| Business & Regeneration                 | 2,055,307                     | 4,687,538                     | 6,742,845                  |                       |
| ICT Strategy Programme                  | 100,000                       | 0                             | 100,000                    |                       |
| Planning & Land Charges Software (IDOX) | 0                             | 47,826                        | 47,826                     | Slippage from 2025/26 |
| Camp Hill                               | 0                             | 197,583                       | 197,583                    | Slippage from 2025/26 |
| Digitalisation of Cemetery Records      | 0                             | 5,327                         | 5,327                      | Slippage from 2025/26 |
| Resources and Corporate Services        | 100,000                       | 250,736                       | 350,736                    |                       |
| Empty Homes Works in Default            | 40,000                        | 0                             | 40,000                     |                       |
| Disabled Facilities Grants - HEART      | 6,359,027                     | 0                             | 6,359,027                  |                       |
| Empty Property Loans                    | 100,000                       | 0                             | 100,000                    |                       |
| Boundary Paddock - Utility Block        | 0                             | 131,188                       | 131,188                    | Slippage from 2025/26 |
| Warm Homes Local Grant                  | 1,400,000                     | 0                             | 1,400,000                  |                       |
| Housing                                 | 7,899,027                     | 131,188                       | 8,030,215                  |                       |
| Planning and Enforcement                |                               |                               |                            |                       |
| Bedworth Physical Activity Hub (BPAH)   | 4,000,000                     | 942,945                       | 4,942,945                  | Slippage from 2025/26 |
| Pingles LC Decarbonisation              | 0                             | 62,017                        | 62,017                     | Slippage from 2025/26 |
| Sandon/Weddington Cycleway              | 138,494                       | 96,293                        | 234,787                    | Slippage from 2025/26 |
| Coronation Walk Footpath/Cycleway       | 142,413                       | 94,829                        | 237,242                    | Slippage from 2025/26 |

|                                           |            |           |            |                       |
|-------------------------------------------|------------|-----------|------------|-----------------------|
| Clovelly Way Footpath                     | 31,675     | 0         | 31,675     |                       |
| Leisure Strategy                          | 0          | 106,008   | 106,008    | Slippage from 2025/26 |
| Grants - Allotment Provision              | 0          | 12,856    | 12,856     | Slippage from 2025/26 |
| Improvements to Paul's Land sports fields | 0          | 15,000    | 15,000     | Slippage from 2025/26 |
| Chaucer Drive - Play Area                 | 165,000    | 0         | 165,000    |                       |
| Tiverton Drive - Play Area                | 258,000    | 0         | 258,000    |                       |
| Greenmoor Road - Play Area                | 44,000     | 0         | 44,000     |                       |
| Pauls Land Pavilion                       | 10,500     | 0         | 10,500     |                       |
| Sandon Park/Jack Whetstone Pavillion      | 0          | 26,859    | 26,859     | Slippage from 2025/26 |
| Cemetery Works                            | 0          | 1,305     | 1,305      | Slippage from 2025/26 |
| Community Centre Grants                   | 0          | 73,017    | 73,017     | Slippage from 2025/26 |
| BPAH - Green Gym                          | 0          | 16,155    | 16,155     | Slippage from 2025/26 |
| Major Repairs                             | 250,000    | 84,432    | 334,432    | Slippage from 2025/26 |
| Environmental Bill - Food Waste           | 1,244,951  | 0         | 1,244,951  |                       |
| Vehicle & Plant Replacement               | 762,462    | 551,079   | 1,313,541  | Slippage from 2025/26 |
| Leisure, Communities and Health           | 7,047,495  | 2,082,795 | 9,130,290  |                       |
| Miscellaneous Schemes                     | 50,000     | 0         | 50,000     |                       |
| Capital: General                          | 50,000     | 50,000    | 50,000     |                       |
| General Fund Capital                      | 17,151,829 | 7,202,257 | 24,304,086 |                       |

| Project                      | 2026/27<br>Approved<br>Budget | 2025/26<br>Budget<br>Slippage | 2026/27<br>Final<br>Budget | Comments              |
|------------------------------|-------------------------------|-------------------------------|----------------------------|-----------------------|
| HRA Total Capital            | 14,124,891                    | 736,530                       | 16,983,613                 |                       |
| Major Repairs                | 12,686,500                    | 736,530                       | 13,423,030                 |                       |
| Decent Homes                 | 1,800,000                     |                               | 1,800,000                  |                       |
| Roof Coverings/Modifications | 1,800,000                     |                               | 1,800,000                  |                       |
| Windows and Doors            | 1,300,000                     |                               | 1,300,000                  |                       |
| Door Entry Scheme            | 150,000                       |                               | 150,000                    |                       |
| Fire Safety Works            | 2,300,000                     | 626,043                       | 2,926,043                  | Slippage from 2025/26 |
| Electric Storage Heating     | 80,000                        |                               | 80,000                     |                       |
| Drainage renewals            | 44,500                        |                               | 44,500                     |                       |
| Balconies and Balustrades    | 250,000                       |                               | 250,000                    |                       |
| Concrete Structural Repairs  | 400,000                       |                               | 400,000                    |                       |
| Level Access Showers         | 530,000                       |                               | 530,000                    |                       |
| Aids & Adaptations           | 950,000                       |                               | 950,000                    |                       |
| Central heating              | 950,000                       |                               | 950,000                    |                       |
| Slabs to Tarmac              | 156,000                       |                               | 156,000                    |                       |
| Lift Renewal Works           | 150,000                       |                               | 150,000                    |                       |
| District Heating Works       | 350,000                       |                               | 350,000                    |                       |
| EICR Electrical              | 200,000                       |                               | 200,000                    |                       |
| Voids                        | 950,000                       |                               | 950,000                    |                       |
| Underground Bursts           | 70,000                        |                               | 70,000                     |                       |
| Contingency                  | 56,000                        |                               | 56,000                     |                       |
| Cleaver Gardens              | 0                             | 110,487                       | 110,487                    | Slippage from 2025/26 |
| Housing IT System            | 200,000                       |                               | 200,000                    |                       |
| New Build & Acquisition      | 1,438,391                     |                               | 3,560,583                  |                       |
| New Properties - New Build   | 1,438,391                     | 2,122,192                     | 3,560,583                  | Slippage from 2025/26 |
| Acquisition of Properties    | 0                             |                               | 0                          |                       |

**AGENDA ITEM NO. 11d**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**Report to:** Cabinet

**Date of Meeting:** 9<sup>th</sup> September 2026

**Subject:** General Fund Budget Monitoring Quarter 1 2026/27

**Portfolio:** Finance, Enabling Services and Communities

**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

**Ward Relevance:** All

**Amendment to Budget:** No                      **Council Tax Related:** No

**Recommendation to Council/Cabinet/Committee:** No

**Forward Plan:** Yes

**Subject to Call-in:** Yes

- 
1. Purpose of report
    - 1.1. To present the forecast revenue outturn position for the General Fund as at 30<sup>th</sup> June 2026 unless otherwise stated in the report.
  2. Recommendations
    - 2.1. That the forecast outturn position for the General Fund for 2026/27 be noted, with consideration given to key variances.

- 2.2. To recommend to Council an update to the budget for reasons outlined in section 4.

3. Body of report

- 3.1. Apart from Council housing, day-to-day revenue income and expenditure for Council services is accounted for through the General Fund. The net expenditure is financed through the Council's Core Spending Power which includes Council Tax, Retained Business Rates and other general Government Grants.

- 3.2. The revenue budget for 2026/27 was set as a net expenditure of £23,838,704 with core income expected of £23,849,460 resulting in a minor surplus of £10,756. Currently there are forecasted pressures and savings which are resulting in a favourable variance to the approved budget.

- 3.3. The tables have been updated to reflect the changes to portfolio's following the annual Council meeting which was held on the 13<sup>th</sup> May 2026. This report does not contain the changes following the by-election for Camp Hill in July as it was after the 30<sup>th</sup> June 2026. These changes will take effect in the quarter 2 update.

- 3.4. A summary of the Council's budget and forecasted expenditure is contained in the following table with more detail included in Appendix 1.

|                                                   | Forecast<br>£     | Approved<br>Budget<br>£ | Variance<br>£    |
|---------------------------------------------------|-------------------|-------------------------|------------------|
| Town Centre Regeneration and Business Development | 1,164,941         | 1,172,154               | (7,213)          |
| Finance, Enabling Services and Communities        | 9,011,346         | 9,057,437               | (46,091)         |
| Leisure and Health                                | 4,594,996         | 4,513,833               | 81,163           |
| Planning, Enforcement and Public Services         | 10,180,221        | 10,330,803              | (150,582)        |
| Housing                                           | 162,137           | 161,594                 | 543              |
| <b>Portfolio Total</b>                            | <b>25,113,641</b> | <b>25,235,821</b>       | <b>(122,180)</b> |
| Other Operating Costs/Income                      | (1,400,329)       | (1,397,117)             | (3,212)          |
| Core Funding                                      | (23,849,460)      | (23,849,460)            | 0                |
| <b>Total (Surplus) / Deficit</b>                  | <b>(136,148)</b>  | <b>(10,756)</b>         | <b>(125,392)</b> |

- 3.5. The key variances are included below with commentary:

|                                  | £'000 |
|----------------------------------|-------|
| Additional Vehicle Hire costs    | 205   |
| Reduced Leisure income           | 45    |
| Additional Utility Costs         | 38    |
| Vacancy Savings net of Agency    | (244) |
| Delay in implementing food waste | (104) |

|                                            |       |
|--------------------------------------------|-------|
| Additional Recycling Rebate income         | (50)  |
| Software Implementation no longer required | (9)   |
| Additional Markets Income                  | (7)   |
| Minor Variances                            | 1     |
|                                            | (125) |

### Spend Pressures

- 3.6. Due to delays with the delivery of the new refuse vehicles the Council has had to incur vehicle hire costs for the continuation of bin collections.
- 3.7. As a result of the delay in handover for the pitch facilities at Bedworth Physical Activity Hub, the Council are anticipating a pressure of £45k. These are expected to be handed over to the leisure operator January 2027.
- 3.8. Additional costs for utilities are driven by a delay in installing PV panels at the Pingles Leisure centre and minor costs for business rates and utilities for properties.

### Savings

- 3.9. Anticipated vacancy savings net of agency costs across various service areas are expected to be approximately £244k for the year.
- 3.10. A delay in delivering food waste collections has resulted in an underspend of £104k for 2026/27.
- 3.11. Due to the market for recycling materials, the Council has received higher than budgeted recycling rebate income.
- 3.12. A budgeted requirement for one-off costs in relation to the implementation of a system is no longer required causing a small underspend of £9k.
- 3.13. Additional markets income as a result of more traders than anticipated has created a minor variance.

### 4. Financial Implications

- 4.1. Contained throughout the report.

### Budget Updates

- 4.2. Following the notification of an Assistant Director leaving, there is a need to backfill the role temporarily whilst trying to recruit a

more permanent replacement. This is expected to go on for no longer than 5 months.

- 4.3. The cost of the temporary replacement is anticipated to be £70k. The budget will be adjusted following approval for the funding to come from the planning for the future earmarked reserve.

## **Public Practice Grant Funding**

- 4.4. An expression of interest for a funded salary support programme was approved 29<sup>th</sup> June 2026 to expand the capacity of planning teams within the Council.
- 4.5. Following the Delegated Authority by officers published on the 9<sup>th</sup> July 2026 the budget will be adjusted for the 2 sets of £40k funding allocated to the Council.

## **5. Legal Implications**

- 5.1. No specific legal implications have been identified.

## **6. Equalities implications**

- 6.1. A review has been undertaken, and it has been identified that no assessment is required following consultation and liaison with the appropriate officer.

## **7. Health implications**

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

## **8. Climate and environmental implications**

- 8.1. No specific climate and environmental implications have been identified.

## **9. Section 17 Crime and Disorder Implications**

- 9.1. No direct Section 17 crime and disorder implications have been identified.

## **10. Risk management implications**

- 10.1. The financial risk register is updated on an annual basis as part of the budget setting reports. The current financial risks were included within the General Fund Revenue Budget 2026/27 Budget Report under Appendix D presented to Cabinet and Council on the 25<sup>th</sup> February 2026.

## **11. Human resources implications**

11.1. No direct human resource implications have been identified.

12. Biodiversity Implications

12.1. No direct biodiversity implications have been identified.

13. Local Government Reorganisation (LGR) Implications

13.1. No direct LGR implications have been identified.

14. Options considered and reason for their rejection

14.1. 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 to note the forecast position.                                                  |

15. Conclusion

15.1. Early pressures have been mitigated through vacancy savings, additional income and delay in delivering food waste is resulting in a potential underspend in year.

15.2. Careful consideration of financial risks is key to remain financially sustainable, and a transformation strategy is in development to identify longer term savings.

16. Appendices

16.1. Appendix 1 – General Fund Forecast 2026/27

17. Background Papers

17.1. General Fund Revenue Budget 2026/27 reported February 2026

17.2. Delegated Authority by officer re: Public Practice Planning Policy Grant Funding Salary Support – 9<sup>th</sup> July 2026

17.3. Delegated Authority by officer re: Public Practice Development Control Grant Funding Salary Support – 9<sup>th</sup> July 2026

18. Report Writer Details:

Officer Job Title: Assistant Director – Finance

Officer Name: Liam Brown

## Appendix 1

### SUMMARY GENERAL FUND FORECAST OUTTURN

as at end of June 2026

|                                                   | 2026/27<br>Current<br>Budget<br>£ | 2026/27<br>Current<br>Forecast<br>£ | 2026/27<br>Forecast<br>Variance<br>£ | Key Reason for Forecast Variance to Budget                                                                                                                                                                        |
|---------------------------------------------------|-----------------------------------|-------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Town Centre Regeneration and Business Development | 1,172,154                         | 1,164,941                           | (7,213)                              | Overspends on utilities and business rates are offset by vacancy savings and additional markets income.                                                                                                           |
| Finance, Enabling Services and Communities        | 9,057,437                         | 9,011,346                           | (46,091)                             | Underspend anticipated due to vacancy savings and an underspend in relation to a software implementation which is no longer required.                                                                             |
| Leisure and Health                                | 4,513,833                         | 4,594,996                           | 81,163                               | Expected overspends due to reduced income from a delay in handing over pitch facilities at Bedworth Physical Activity Hub and additional electricity costs from a delay in installing PV panels at the Pingles.   |
| Planning, Enforcement and Public Services         | 10,330,803                        | 10,180,221                          | (150,582)                            | Large vacancy savings, increased recycling rebates during Q1 and the delay in implementing food waste are partially offset by the increase hire vehicle costs whilst waiting for delivery of new refuse vehicles. |
| Housing                                           | 161,594                           | 162,137                             | 543                                  | Minor variance.                                                                                                                                                                                                   |
| <b>Portfolio Total</b>                            | <b>25,235,821</b>                 | <b>25,113,641</b>                   | <b>(122,180)</b>                     |                                                                                                                                                                                                                   |
| Central Provisions                                | 636,591                           | 633,379                             | (3,212)                              |                                                                                                                                                                                                                   |
| Depreciation & Impairment                         | (3,169,390)                       | (3,169,390)                         | 0                                    |                                                                                                                                                                                                                   |

|                                                |                     |                     |                  |  |
|------------------------------------------------|---------------------|---------------------|------------------|--|
| Contributions To/From Reserves                 | (1,435,806)         | (1,435,806)         | 0                |  |
| Financing of Capital Expenditure               | 1,125,000           | 1,125,000           | 0                |  |
| PWLB Premiums                                  | 21,120              | 21,120              | 0                |  |
| Investment Income                              | (458,820)           | (458,820)           | 0                |  |
| Minimum Revenue Provision                      | 828,862             | 828,862             | 0                |  |
| External Interest                              | 1,055,326           | 1,055,326           | 0                |  |
| <b>Total Council Net Expenditure</b>           | <b>23,838,704</b>   | <b>23,713,312</b>   | <b>(125,392)</b> |  |
| Council Tax                                    | (11,565,945)        | (11,565,945)        | 0                |  |
| New Homes Bonus                                | 0                   | 0                   | 0                |  |
| General Government Grants                      | (6,879,184)         | (6,879,184)         | 0                |  |
| Business Rates Retention                       | (5,303,229)         | (5,303,229)         | 0                |  |
| NDR Collection Fund (Surplus)/ Deficit         | 0                   | 0                   | 0                |  |
| Council Tax Collection Fund (Surplus)/ Deficit | (101,102)           | (101,102)           | 0                |  |
| <b>Total Funding</b>                           | <b>(23,849,460)</b> | <b>(23,849,460)</b> | <b>0</b>         |  |
| <b>(Surplus) / Deficit</b>                     | <b>(10,756)</b>     | <b>(136,148)</b>    | <b>(125,392)</b> |  |

**AGENDA ITEM NO. 11e**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**Report to:** Cabinet

**Date of Meeting:** 9<sup>th</sup> September 2026

**Subject:** Capital Monitoring Quarter 1 2026/27

**Portfolio:** Finance, Enabling Services and Communities

**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

**Ward Relevance:** All

**Amendment to Budget:** Yes      **Council Tax Related:** No

**Recommendation to Council/Cabinet/Committee:** Yes

**Forward Plan:** Yes

**Subject to Call-in:** Yes

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1. Purpose of report

- 1.1. To update on the Council's Q1 forecasted outturn position on capital expenditure for both the General Fund and Housing Revenue Account (HRA).

2. Recommendations

- 2.1. To consider the Q1 forecasted capital outturn position for 2026/27 for the General Fund and HRA.
- 2.2. To recommend to Council an update to the budget for projects as outlined in section 5.

3. Background

- 3.1. Nuneaton and Bedworth Borough Council has a large capital programme to provide community value and improve facilities. The Q1 outturn position for 2026/27 updates on how the programme is progressing.

#### 4. Body of report

- 4.1. The Council's capital programme covers many projects for both the General Fund and Housing Revenue Account.
- 4.2. General Fund projects are developed in line with strategies reported to Cabinet/Council and are funded through Section 106 developer contributions, grant funding (from the Government and other external providers), internal and external borrowing plus capital receipts generated through asset sales.
- 4.3. HRA projects are mainly for refurbishment of council houses, disabled adaptations to council housing plus new build. They are funded from HRA reserves, capital receipts from Right to Buy plus grant income.
- 4.4. The capital budget for 2026/27 of £31,276,720 was approved in February 2026 with further updates being approved March 2026 and April 2026, resulting in the current budget £33,120,720.
- 4.5. The outturn position was reported to Cabinet in July and the proposed carry forwards are included in the table below taking the budget to £42,601,699.
- 4.6. A summary of the General Fund and HRA forecasted expenditure versus budget is below alongside financing of the programme with further detail included in Appendix 1.

|                                                   | Approved Budget<br>£ | Proposed Carry Forward<br>£ | Total Budget<br>£ | Forecast Actual<br>£ | Variance<br>£      |
|---------------------------------------------------|----------------------|-----------------------------|-------------------|----------------------|--------------------|
| Town Centre Regeneration and Business Development | 3,107,307            | 4,241,970                   | 7,349,277         | 5,438,332            | (1,910,945)        |
| Enabling Services and Communities                 | 100,000              | 250,736                     | 350,736           | 350,736              | 0                  |
| Leisure and Health                                | 5,410,082            | 1,447,284                   | 6,857,366         | 6,820,124            | (37,242)           |
| Housing                                           | 7,899,027            | 131,188                     | 8,030,215         | 8,030,215            | 0                  |
| Planning, Enforcement and Public Services         | 2,007,413            | 551,079                     | 2,558,492         | 2,024,951            | (533,541)          |
| Capital General                                   | 50,000               | 0                           | 50,000            | 0                    | 0                  |
| <b>General Fund</b>                               | <b>18,573,829</b>    | <b>6,622,257</b>            | <b>25,196,086</b> | <b>22,664,358</b>    | <b>(2,481,728)</b> |
| <b>HRA</b>                                        | <b>14,546,891</b>    | <b>2,858,722</b>            | <b>17,405,613</b> | <b>17,405,613</b>    | <b>0</b>           |
| <b>Total</b>                                      | <b>33,120,720</b>    | <b>9,480,979</b>            | <b>42,601,699</b> | <b>40,069,971</b>    | <b>(2,481,728)</b> |

## **General Fund**

- 4.7. The majority of the 2026/27 Capital Programme is progressing in line with the approved plan.
- 4.8. There are three projects in Town Centre Regeneration and Business Development that are committed in full but expected to be complete during 2027/28. These budgets will be carried forward. Funding through Government grants for these projects is still within the timeframe for completion. If projects are completed alongside the original grant approval, the funds are available until March 2028.
- 4.9. Three refuse freighters have been ordered due to the aging fleet and cost of repairs and vehicle hire. There is a surplus budget of just over £500k but this is required to fund further necessary acquisitions. The available funding is being considered, and any outstanding budget will be carried forward.
- 4.10. Coronation Walk Footpath/Cycleway is due to start in quarter 4 and will run into early 2027/28. The budget will be carried forward.

## **HRA**

- 4.11. The HRA is reported in quarter 1 to be on target. There is however significant work currently being undertaken to review both revenue and capital budgets after feedback from the Regulator for Social Housing.
- 4.12. Any alterations to major planned works will be reported to Cabinet and Council in quarter 2.

## **Capital Reserves**

- 4.13. Reserves are held by the Council for capital purposes either generated through sales of assets, setting aside sums from underspends or receipts of grants for capital purposes.
- 4.14. The Council's capital reserve position at the end of March 2026 is as follows.

|                    | 2025 / 26 |
|--------------------|-----------|
|                    | £         |
| Capital Receipts   | 622,010   |
| Capital Grants     | 6,348,771 |
| Earmarked Reserves | 5,727,862 |

|                                |                   |
|--------------------------------|-------------------|
| <b>GF Total</b>                | <b>12,698,643</b> |
| Capital Receipts               | 3,279,209         |
| 1-4-1 Receipts                 | 6,071,289         |
| Earmarked Capital              | 3,773,387         |
| Major Repairs Reserve          | 2,780,933         |
| <b>HRA Total</b>               | <b>15,904,818</b> |
| <b>Total Capital Resources</b> | <b>28,603,461</b> |

- 4.15. Capital reserves are allocated against specific projects with no residual unallocated amount available. This poses risks to any movement in the projected capital expenditure as there is nothing available to cover any fluctuations in expenditure.

## 5. Budget Updates

### General Fund

#### **Selby Way Bridge**

- 5.1. The bridge located on Selby Way needs repair; without the repairs the bridge would need to be condemned. This is currently on a desired footpath for children to walk to school and poses a risk to the public if the necessary works are not completed.
- 5.2. It is proposed to fund the £216k repair via the bridge maintenance earmarked reserve. There are currently sufficient funds available within this earmark reserve to cover the project.

#### **Cemetery Works**

- 5.3. Previously solutions to the Lawn Burial Provision were reported to Environment and Leisure Overview and Scrutiny Panel on the 26<sup>th</sup> March 2026 and it was resolved at Cabinet 22<sup>nd</sup> April 2026 that £95k of funding would be allocated for works at Bucks Hill and Oaston Road Cemeteries to deliver additional lawn burial plots.
- 5.4. Funding has been identified with the proposal to utilise £50k of from the Capital General budget which is available for miscellaneous projects with the additional £45k being reallocated from the General Fund revenue budget for climate and sustainability to the cemetery work via a revenue contribution to capital.

#### **Pride In Place**

- 5.5. Phase 1 of the Pride in Place Programme saw Bedworth chosen to shape their future via setting up a neighbourhood board and

submitting a plan to spend the allocated funding over the next 10 years. The Council is the administering body for the funding.

- 5.6. To date we have received £360k for the Pride in Place Bedworth Plan and subsequently the capital programme needs to be updated to track spend against the allocated funding.

### **Chamber AV Project**

- 5.7. Previously a revenue budget was added for the upgrading of the audio and visual devices within the Council Chamber. The project is to be delivered during 2026/27 and the project should be delivered through the capital programme.
- 5.8. The recommendation is to update the capital programme with an £100k budget to deliver the project. This funding will be split £50k via earmarked reserves set a-side for the upgrade and £50k via a revenue contribution to capital.

### **Playgrounds**

- 5.9. A grant has been received from MHCLG of £240k capital and £30k revenue to purchase new or refurbish existing playgrounds in areas of greatest need. It is proposed to add £240k to the capital programme.

### **Fire Doors**

- 5.10. Replacement of fire doors is required at Eaton House to maintain fire safety compliance. These were not budgeted and will cost £150k. It is proposed to utilise earmarked reserves allocated specifically for major works to assets.

### Housing Revenue Account

### **Cleaver Gardens**

- 5.11. Electrical works are required at Cleaver Gardens to ensure safety measures are met and the property is compliant with regulations. The estimated costs of remedial works is anticipated to be completed within £200k.
- 5.12. The funding mechanism for these works to go ahead is to utilise £200k of funding which was previously approved for the use on Balconies and Balustrades. These works are not as urgent as the electrical works needed at Cleaver Gardens and can be slipped into the 2027/28 budget.

## **6. Financial Implications**

- 6.1. Contained throughout the report.

7. Legal Implications

7.1. No specific 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 following the completion of an impact assessment.

10. Climate and environmental implications

10.1. No specific climate and 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 financial risk register is updated on an annual basis as part of the budget setting reports. The current financial risks were included within the General Fund Revenue Budget 2026/27 Budget Report under Appendix D presented to Cabinet and Council on the 25<sup>th</sup> February 2026.

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   | Not applicable as the report is to note the forecast position.                                                  |

## 17. Conclusion

17.1. The capital programme is fully funded in its present form. The biggest risks to the Council are inflation, price increases for building supplies plus any delays which could occur result in funding being withdrawn.

17.2. Adjustments to the programme in light of the difficulties around cost and delivery will be reported to Cabinet but projects are continually under review for viability. Interest rates on projects where prudential borrowing is required will be carefully assessed for affordability prior to progressing.

## 18. Appendices

18.1. Appendix 1 – Quarter 1 Forecast General Fund Capital Outturn 2026/27

18.2. Appendix 2 – Quarter 1 Forecast Housing Revenue Account Capital Outturn 2026/27

## 19. Background papers

19.1. Capital Budget 2026/27 reported February 2026

19.2. General Fund Revenue Budget 2026/27 – Appendix D – Cabinet / Council February 2026

## 20. Report Writer Details:

Officer Job Title: Assistant Director - Finance

Officer Name: Liam Brown

## APPENDIX 1

| Project                                                  | Approved Budget  | Proposed Carry Forward | Total Budget     | Current Forecast | Forecast Variance  | Comments                                                         |
|----------------------------------------------------------|------------------|------------------------|------------------|------------------|--------------------|------------------------------------------------------------------|
| Grayson Place                                            | 777,000          | 2,085,305              | 2,862,305        | 2,000,000        | (862,305)          | Delay submitting planning application - complete early 2027/28   |
| Bridge To Living                                         | 0                | 814,104                | 814,104          | 400,000          | (414,104)          | Works to site under review and will complete in 2027/28          |
| George Eliot Visitor Centre                              | 0                | 222,500                | 222,500          | 222,500          | 0                  |                                                                  |
| Parks Revival                                            | 1,305,307        | 129,229                | 1,434,536        | 800,000          | (634,536)          | Up to 12 months to complete starting by October 2026             |
| Bedworth Market                                          | 25,000           | 95,950                 | 120,950          | 120,950          | 0                  |                                                                  |
| Town Hall - Office Reconfiguration                       | 0                | 60,450                 | 60,450           | 60,450           | 0                  |                                                                  |
| Major Repairs                                            | 250,000          | 84,432                 | 334,432          | 334,432          | 0                  |                                                                  |
| Pride in Place Impact Fund                               | 750,000          | 750,000                | 1,500,000        | 1,500,000        | 0                  |                                                                  |
| <b>Town Centre Regeneration and Business Development</b> | <b>3,107,307</b> | <b>4,241,970</b>       | <b>7,349,277</b> | <b>5,438,332</b> | <b>(1,910,945)</b> |                                                                  |
| ICT Strategy Programme                                   | 100,000          | 0                      | 100,000          | 100,000          | 0                  |                                                                  |
| Planning & Land Charges Software (IDOX)                  | 0                | 47,826                 | 47,826           | 47,826           | 0                  |                                                                  |
| Camp Hill                                                | 0                | 197,583                | 197,583          | 197,583          | 0                  |                                                                  |
| Digitalisation of Cemetery Records                       | 0                | 5,327                  | 5,327            | 5,327            | 0                  |                                                                  |
| <b>Enabling Services and Communities</b>                 | <b>100,000</b>   | <b>250,736</b>         | <b>350,736</b>   | <b>350,736</b>   | <b>0</b>           |                                                                  |
| Empty Homes Works in Default                             | 40,000           | 0                      | 40,000           | 40,000           | 0                  |                                                                  |
| Disabled Facilities Grants - HEART                       | 6,359,027        | 0                      | 6,359,027        | 6,359,027        | 0                  |                                                                  |
| Empty Property Loans                                     | 100,000          | 0                      | 100,000          | 100,000          | 0                  |                                                                  |
| Boundary Paddock - Utility Block                         | 0                | 131,188                | 131,188          | 131,188          | 0                  |                                                                  |
| Warm Homes Local Grant                                   | 1,400,000        | 0                      | 1,400,000        | 1,400,000        | 0                  |                                                                  |
| <b>Housing</b>                                           | <b>7,899,027</b> | <b>131,188</b>         | <b>8,030,215</b> | <b>8,030,215</b> | <b>0</b>           |                                                                  |
| Environmental Bill - Food Waste                          | 1,244,951        | 0                      | 1,244,951        | 1,244,951        | 0                  | Procurement timetable complete - delivery Q4                     |
| Vehicle & Plant Replacement                              | 762,462          | 551,079                | 1,313,541        | 780,000          | (533,541)          | 3 x freighters ordered - Q4 delivery. Carry forward into 2027/28 |
| <b>Planning, Enforcement and Public Services</b>         | <b>2,007,413</b> | <b>551,079</b>         | <b>2,558,492</b> | <b>2,024,951</b> | <b>(533,541)</b>   |                                                                  |
| Bedworth Physical Activity Hub (BPAH)                    | 4,620,000        | 942,945                | 5,562,945        | 5,562,945        | 0                  |                                                                  |
| Pingles LC Decarbonisation                               | 0                | 62,017                 | 62,017           | 62,017           | 0                  |                                                                  |
| Sandon/Weddington Cycleway                               | 138,494          | 96,293                 | 234,787          | 234,787          | 0                  |                                                                  |
| Coronation Walk Footpath/Cycleway                        | 142,413          | 94,829                 | 237,242          | 200,000          | (37,242)           | Works start Q4 and will run into 2027/28                         |
| Clovelly Way Footpath                                    | 31,675           | 0                      | 31,675           | 31,675           | 0                  |                                                                  |
| Leisure Strategy                                         | 0                | 106,008                | 106,008          | 106,008          | 0                  |                                                                  |
| Grants - Allotment Provision                             | 0                | 12,856                 | 12,856           | 12,856           | 0                  |                                                                  |

|                                           |                   |                  |                   |                   |                    |                                               |
|-------------------------------------------|-------------------|------------------|-------------------|-------------------|--------------------|-----------------------------------------------|
| Improvements to Paul's Land sports fields | 0                 | 15,000           | 15,000            | 15,000            | 0                  |                                               |
| Chaucer Drive - Play Area                 | 165,000           | 0                | 165,000           | 165,000           | 0                  |                                               |
| Tiverton Drive - Play Area                | 258,000           | 0                | 258,000           | 258,000           | 0                  |                                               |
| Greenmoor Road - Play Area                | 44,000            | 0                | 44,000            | 44,000            | 0                  |                                               |
| Pauls Land Pavilion                       | 10,500            | 0                | 10,500            | 10,500            | 0                  |                                               |
| Sandon Park/Jack Whetstone Pavillion      | 0                 | 26,859           | 26,859            | 26,859            | 0                  |                                               |
| Cemetery Works                            | 0                 | 1,305            | 1,305             | 1,305             | 0                  |                                               |
| Community Centre Grants                   | 0                 | 73,017           | 73,017            | 73,017            | 0                  |                                               |
| BPAH - Green Gym                          | 0                 | 16,155           | 16,155            | 16,155            | 0                  |                                               |
| <b>Leisure and Health</b>                 | <b>5,410,082</b>  | <b>1,447,284</b> | <b>6,857,366</b>  | <b>6,820,124</b>  | <b>(37,242)</b>    |                                               |
| Miscellaneous Schemes                     | 50,000            | 0                | 50,000            | 50,000            | 0                  | Proposed to contribute towards cemetery works |
| <b>Capital: General</b>                   | <b>50,000</b>     | <b>0</b>         | <b>50,000</b>     |                   |                    |                                               |
| <b>General Fund Capital</b>               | <b>18,573,829</b> | <b>6,622,257</b> | <b>25,196,086</b> | <b>22,664,358</b> | <b>(2,481,728)</b> |                                               |

## APPENDIX 2

| Project                            | Approved Budget   | Proposed Carry Forward | Total Budget      | Current Forecast  | Forecast Variance | Comments |
|------------------------------------|-------------------|------------------------|-------------------|-------------------|-------------------|----------|
| <b>HRA Total Capital</b>           | <b>14,546,891</b> | <b>2,858,722</b>       | <b>17,405,613</b> | <b>17,405,613</b> | <b>0</b>          |          |
| <b>Major Repairs</b>               | <b>12,686,500</b> | <b>736,530</b>         | <b>13,423,030</b> | <b>13,423,030</b> | <b>0</b>          |          |
| Decent Homes                       | 1,800,000         | 0                      | 1,800,000         | 1,800,000         | 0                 |          |
| Roof Coverings/Modifications       | 1,800,000         | 0                      | 1,800,000         | 1,800,000         | 0                 |          |
| Windows and Doors                  | 1,300,000         | 0                      | 1,300,000         | 1,300,000         | 0                 |          |
| Door Entry Scheme                  | 150,000           | 0                      | 150,000           | 150,000           | 0                 |          |
| Fire Safety Works                  | 2,300,000         | 626,043                | 2,926,043         | 2,926,043         | 0                 |          |
| Electric Storage Heating           | 80,000            | 0                      | 80,000            | 80,000            | 0                 |          |
| Drainage renewals                  | 44,500            | 0                      | 44,500            | 44,500            | 0                 |          |
| Balconies and Balustrades          | 250,000           | 0                      | 250,000           | 250,000           | 0                 |          |
| Concrete Structural Repairs        | 400,000           | 0                      | 400,000           | 400,000           | 0                 |          |
| Level Access Showers               | 530,000           | 0                      | 530,000           | 530,000           | 0                 |          |
| Aids & Adaptations                 | 950,000           | 0                      | 950,000           | 950,000           | 0                 |          |
| Central heating                    | 950,000           | 0                      | 950,000           | 950,000           | 0                 |          |
| Slabs to Tarmac                    | 156,000           | 0                      | 156,000           | 156,000           | 0                 |          |
| Lift Renewal Works                 | 150,000           | 0                      | 150,000           | 150,000           | 0                 |          |
| District Heating Works             | 350,000           | 0                      | 350,000           | 350,000           | 0                 |          |
| EICR Electrical                    | 200,000           | 0                      | 200,000           | 200,000           | 0                 |          |
| Voids                              | 950,000           | 0                      | 950,000           | 950,000           | 0                 |          |
| Underground Bursts                 | 70,000            | 0                      | 70,000            | 70,000            | 0                 |          |
| Contingency                        | 56,000            | 0                      | 56,000            | 56,000            | 0                 |          |
| Cleaver Gardens                    | 0                 | 110,487                | 110,487           | 110,487           | 0                 |          |
| Housing IT System                  | 200,000           | 0                      | 200,000           | 200,000           | 0                 |          |
| <b>New Build &amp; Acquisition</b> | <b>1,860,391</b>  | <b>2,122,192</b>       | <b>3,982,583</b>  | <b>3,982,583</b>  | <b>0</b>          |          |
| New Properties - New Build         | 1,438,391         | 2,122,192              | 3,560,583         | 3,560,583         | 0                 |          |
| Acquisition of Properties          | 422,000           |                        | 422,000           | 422,000           | 0                 |          |

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

|                                   |                                                                               |                             |    |
|-----------------------------------|-------------------------------------------------------------------------------|-----------------------------|----|
| <b>Report to:</b>                 | Audit and Standards Committee                                                 |                             |    |
| <b>Date of Meeting:</b>           | 15 <sup>th</sup> September 2026                                               |                             |    |
| <b>Subject:</b>                   | Planning Applications Committee                                               |                             |    |
| <b>Portfolio:</b>                 | Not Applicable                                                                |                             |    |
| <b>Responsible Officer:</b>       | Assistant Director – Democracy and Governance & Assistant Director – Planning |                             |    |
| <b>Corporate Plan – Theme:</b>    | Not applicable                                                                |                             |    |
| <b>Corporate Plan – Aim:</b>      | Not applicable                                                                |                             |    |
| <b>Ward Relevance:</b>            | All                                                                           |                             |    |
| <b>Public or Private:</b>         | Public                                                                        |                             |    |
| <b>Amendment to Budget:</b>       | No                                                                            | <b>Council Tax Related:</b> | No |
| <b>Recommendation to Council:</b> | Yes                                                                           |                             |    |
| <b>Forward Plan:</b>              | Yes                                                                           |                             |    |
| <b>Subject to Call-in:</b>        | Not applicable – not a Cabinet decision                                       |                             |    |

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

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. Financial Implications**

- 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
- Assistant Director – Planning
- Planning Manager (Development Control)

Officer Name:

- 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.

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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"     | = | <a href="#">Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026</a> |
| "PCPA04"     | = | <a href="#">Planning and Compulsory Purchase Act 2004</a>                                                              |
| "PA08"       | = | <a href="#">Planning Act 2008</a>                                                                                      |
| "CILR10"     | = | <a href="#">Community Infrastructure Levy Regulations 2010 (as amended)</a>                                            |
| "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                                                   |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                                                                                                       |
| <b>A. Functions Relating to Town and Country Planning and Development Control</b> |                                                                                                           |                                                                                                                                                    |
| S 70(1)(a) and (b) and S 72, TCPA90(c8)                                           | 1. Power to determine application for planning permission                                                 | Planning Applications Committee <a href="#"><u>unless National Schedule of Delegation ("TCPA26") overrides</u></a>                                 |
| S 73, TCPA90.                                                                     | 2. Power to determine applications to develop land without compliance with conditions previously attached | <a href="#"><u>Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides</u></a> Planning Applications Committee |
| S 73A, TCPA90.                                                                    | 3. Power to grant planning permission for development already carried out                                 | <a href="#"><u>Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides</u></a> Planning Applications Committee |
| S 70A, TCPA90.                                                                    | 4. Power to decline to determine application for planning permission                                      | <a href="#"><u>Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides</u></a> Planning Applications Committee |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                              | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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                | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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 | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 106, TCPA90.                                                                                                                                       | 8 Power to enter into agreement regulating development or use of land                                                                    | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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 | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 94(2), TCPA90.                                            | 10. Power to serve a Completion Notice                                            | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992. | 11. Power to grant consent for the display of advertisements                      | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 196A, TCPA90.                                             | 12. Power to authorise entry onto land                                            | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

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

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| Statutory Provision                                                                                                                                          | Function                                                                                                                                                                                                                                        | Who Discharges                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| S 187B, TCPA90                                                                                                                                               | 17. Power to apply for an injunction restraining a breach of planning control                                                                                                                                                                   | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.                                                                                                    | 18. Power to determine applications for hazardous substances consent, and related powers                                                                                                                                                        | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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 | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 215(1), TCPA90.                                                                                                                                            | 20. Power to require proper maintenance of land                                                                                                                                                                                                 | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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            | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 16(1), LBA90, as applied by S74(3) of that Act                                                                                                                                                                                              | 22. Power to determine applications for Conservation Area Consent                             | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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 | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| Ss 3(1) and 4(1), LBA90.                                                                                                                                                                                                                      | 24. Power to serve a Building Preservation Notice, and related powers                         | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                            | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| Ss 47 and 48, LBA90                | 26. Powers to acquire a listed building in need of repair and to serve a Repairs Notice                                                   | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 44A, LBA90                       | 27. Power to apply for an injunction in relation to a listed building                                                                     | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 54, LBA90                        | 28. Power to execute urgent works                                                                                                         | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| <a href="#">S 17 - S20 PCPA04</a>  | <a href="#">29. To submit a Development Plan Document for examination</a><br><a href="#">30. To adopt a Development Plan Document</a>     | <a href="#">Full Council</a>                                                                                                                |
| <a href="#">S212 and S213 PA08</a> | <a href="#">31. To submit a draft Charging Schedule for examination</a><br><a href="#">32. To approve or withdraw a Charging Schedule</a> | <a href="#">Full Council</a>                                                                                                                |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| Statutory Provision                                                                                                                                                                                                                                      | Function                                                                                   | Who Discharges                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>B. Licensing and Registration Functions</b>                                                                                                                                                                                                           |                                                                                            |                                                                                                                                             |
| 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") | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S 269(1) Public Health Act 1936                                                                                                                                                                                                                          | 2. Power to license the use of moveable dwellings and camping sites                        | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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, LGMPA 1976. | 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                                                                                                                         |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                                                                                                                                                                                                                                                                                                                                  | <b>Function</b>                                                                                                                                                                                                                           | <b>Who Discharges</b>                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 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<br>S.29 of the Gambling 2005 Act<br><br>S.30 of the 2005 Act<br><br>S.39 of the 2005 Act                                                                                                                                                                                                                                                                 | 14a Functions relating to licensing<br><br>14aa Duty to comply with requirements to provide information to Gambling Commission<br>14ab Functions relating to exchange of information<br>14ac Functions relating to Occasional Use Notices | Licensing Committee<br>Licensing Committee<br>Licensing Committee<br>Licensing Committee |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                            | <b>Function</b>                                                                                                                                                                                                              | <b>Who Discharges</b> |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 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<br><br>S.284 of the 2005 Act                    | 14c Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises<br>14ca 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   |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                                                                                                                                                | <b>Function</b>                                                                         | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------|
| 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                                         |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                                                                                                                                                      | <b>Function</b>                                                                                                                   | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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                                         |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                                                       | <b>Function</b>                                                                                                                                                                                                                                                                                                                    | <b>Who Discharges</b>                          |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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<br>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<br>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 |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                      | <b>Function</b>                                                                                                                                | <b>Who Discharges</b>                        |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| 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                                       |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                    | <b>Function</b>                                                                                                                                                                          | <b>Who Discharges</b>                          |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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 |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                                             | <b>Function</b>                                                                              | <b>Who Discharges</b>                          |
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------|
| 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                                            |
| <b>C. Functions Relating to Health and Safety at Work</b>                              |                                                                                              |                                                |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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 |
| <b>D. Functions Relating to Elections</b>                                                |                                                                                                                                                                                                                                                                                                                                               |                                                |
| 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        |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| <b>Statutory Provision</b>                                               | <b>Function</b>                                                                                                                                                                             | <b>Who Discharges</b>                   |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 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                            |
| <b>E. Functions Relating to Name and Status of Areas and Individuals</b> |                                                                                                                                                                                             |                                         |
| 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                            |
| <b>EA. Functions Relating to Changing Governance Arrangements</b>        |                                                                                                                                                                                             |                                         |
| <b>EB. Functions Relating to Community Governance</b>                    |                                                                                                                                                                                             |                                         |
| 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                            |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                   |
| <b>F. Power to Make, Amend, Revoke, Re-Enact or Enforce Byelaws</b>                                                          |                                                                                    |                                                |
| 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                                   |
| <b>FA. Functions Relating to Smoke-Free Premises etc.</b>                                                                    |                                                                                    |                                                |
| 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<br>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 |
| <b>G. Power to promote or oppose local or personal Bills</b>                                                                 |                                                                                    |                                                |
| S 239 LGA 1972                                                                                                               | Power to promote or oppose local or personal Bills                                 | Full Council                                   |
| <b>H. Functions Relating to Pensions etc</b>                                                                                 |                                                                                    |                                                |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                                                                                                      |
| <b>I. Miscellaneous Functions</b>                     | <b>Part I: Functions Relating to Public Rights of Way</b>                                                                                                                                      |                                                                                                                                             |
| S. 25 Highways Act 1980                               | 1. Power to create footpath [bridleway or restricted byway] by agreement                                                                                                                       | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S. 26 Highways Act 1980.                              | 2. Power to create footpaths [bridleways and restricted byways]                                                                                                                                | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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]                                                                                                                               | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

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

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

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

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| Statutory Provision                    | Function                                                                                                       | Who Discharges                                                                                                                              |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| S. 119D Highways Act 1980.             | 13. Power to make an SSSI Diversion Order                                                                      | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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                                                         | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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                                                                                                                                      |

Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                             | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S.247 of the Town and Country Planning Act 1990 | 30a. Power to authorise stopping up or diversion of highway                                                                              | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| S.257 TCPA90.                                   | 31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]                                           | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| Statutory Provision                                  | Function                                                                                                                                   | Who Discharges                                                                                                                              |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| S.258 TCPA90.                                        | 32. Power to extinguish public rights of way over land held for planning purposes                                                          | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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                                                                                                                                      |
|                                                      | <b>Part II: Other Miscellaneous Functions</b>                                                                                              |                                                                                                                                             |
| 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                                                                                                                                |

# Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                                                                         | <a href="#">Planning Applications Committee unless National Schedule of Delegation ("TCPA26") overrides Planning Applications Committee</a> |
| 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                                                                                                                                |

## Appendix B.1 – Part 3B Responsibility for Council Functions – Track Changes

| 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                                                                                |
| <b>A. Functions Relating to Town and Country Planning and Development Control</b>                                                                    |                                                                                                           |                                                                                             |
| 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 |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                                                    | <b>Function</b>                                                                                                                          | <b>Who Discharges</b>                                                                       |
|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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 |

| <b>Statutory Provision</b>       | <b>Function</b>                                                                               | <b>Who Discharges</b>                                                                       |
|----------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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 |

| <b>Statutory Provision</b>                                                                                                                                   | <b>Function</b>                                                                                                                                                                                                                                 | <b>Who Discharges</b>                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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<br>30. To adopt a Development Plan Document     | Full Council                                                                                |
| S212 and S213 PA08                                                                                                                                                                                                                                      | 31. To submit a draft Charging Schedule for examination<br>32. To approve or withdraw a Charging Schedule | Full Council                                                                                |
| <b>B. Licensing and Registration Functions</b>                                                                                                                                                                                                          |                                                                                                           |                                                                                             |
| 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                                                                         |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                        | <b>Function</b>                                                                             | <b>Who Discharges</b> |
|---------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------------|
| 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   |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| 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<br>S.29 of the Gambling 2005 Act<br><br>S.30 of the 2005 Act<br><br>S.39 of the 2005 Act                                                                                                                                                                                                                                                                 | 14a Functions relating to licensing<br><br>14aa Duty to comply with requirements to provide information to Gambling Commission<br>14ab Functions relating to exchange of information<br>14ac Functions relating to Occasional Use Notices | Licensing Committee<br>Licensing Committee<br>Licensing Committee<br>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<br><br>S.284 of the 2005 Act                                                                                                                                                                                                                                                                                                                                          | 14c Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises<br><br>14ca 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                                                                      |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                            | <b>Function</b>                                                                                                           | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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 |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                                                                                                                                                | <b>Function</b>                                                          | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------|
| 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 |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                                                                                                                                                      | <b>Function</b>                                                                                                                   | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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                                         |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                                                | <b>Function</b>                                                                                                                                                                                                                                                                                                                    | <b>Who Discharges</b>                          |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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<br>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<br>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                                         |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                  | <b>Function</b>                                                                                                                                | <b>Who Discharges</b>                          |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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 |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                    | <b>Function</b>                                                                                                                                                                          | <b>Who Discharges</b>                          |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 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                                            |
| <b>C. Functions Relating to Health and Safety at Work</b>                              |                                                                                                                                                                                                                                                                                                                                               |                                                |
| 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 |
| <b>D. Functions Relating to Elections</b>                                              |                                                                                                                                                                                                                                                                                                                                               |                                                |
| 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                                   |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                                               | <b>Function</b>                                                                                                                                                                             | <b>Who Discharges</b>                   |
|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 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 |

| <b>Statutory Provision</b>                                               | <b>Function</b>                                                                     | <b>Who Discharges</b>                   |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------|
| 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                            |
| <b>E. Functions Relating to Name and Status of Areas and Individuals</b> |                                                                                     |                                         |
| 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                            |
| <b>EA. Functions Relating to Changing Governance Arrangements</b>        |                                                                                     |                                         |
| <b>EB. Functions Relating to Community Governance</b>                    |                                                                                     |                                         |
| 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                            |
| <b>F. Power to Make, Amend, Revoke, Re-Enact or Enforce Byelaws</b>      |                                                                                     |                                         |

| 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                                      |
| <b>FA. Functions Relating to Smoke-Free Premises etc.</b>                                                                    |                                                                                                                                                                                                |                                                   |
| S 10(3) of the 2006 Act                                                                                                      | 1. Duty to enforce Chapter 1 and regulations made under it                                                                                                                                     | Assistant Director<br>- Environment & Enforcement |
| S 10(5) of, and para 1 of Sched 2 to, the 2006 Act                                                                           | 2. Power to authorise officers                                                                                                                                                                 | Assistant Director<br>- Environment & Enforcement |
| Paras 13, 15 and 16 of Sched 1 to the 2006 Act<br>Smoke-free (Vehicle Operators and Penalty Notices) Regs 2007 (SI 2006/760) | 3. Functions relating to Fixed Penalty Notices                                                                                                                                                 | Assistant Director<br>- Environment & Enforcement |
| Smoke-free (Premises and Enforcement) Regs 2006 (SI 2006/3368)                                                               | 4. Power to transfer enforcement functions to another enforcement authority                                                                                                                    | Assistant Director<br>- Environment & Enforcement |
| <b>G. Power to promote or oppose local or personal Bills</b>                                                                 |                                                                                                                                                                                                |                                                   |
| S 239 LGA 1972                                                                                                               | Power to promote or oppose local or personal Bills                                                                                                                                             | Full Council                                      |
| <b>H. Functions Relating to Pensions etc</b>                                                                                 |                                                                                                                                                                                                |                                                   |
| 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                                            |
| <b>I. Miscellaneous Functions</b>                                                                                            | <b>Part I: Functions Relating to Public Rights of Way</b>                                                                                                                                      |                                                   |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>               | <b>Function</b>                                                                           | <b>Who Discharges</b>                                                                       |
|------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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 |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>               | <b>Function</b>                                                                                                | <b>Who Discharges</b>                                                                       |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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                                                               |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>               | <b>Function</b>                                                                                                                          | <b>Who Discharges</b>                                                                       |
|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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                                                                                      |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| 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                                                                                      |
|                                                      | <b>Part II: Other Miscellaneous Functions</b>                                                                                              |                                                                                             |
| 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                                                          |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                                 | <b>Function</b>                                                                                                                                          | <b>Who Discharges</b>                                                                       |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 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                                                                                |

Appendix B.2 – Part 3B Responsibility for Council Functions – Clean Version

| <b>Statutory Provision</b>                          | <b>Function</b>                                                                                                                                  | <b>Who Discharges</b> |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 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.

- e)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 or 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;

i.

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

ii.

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~~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.

~~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.

~~e~~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) Notwithstanding 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.

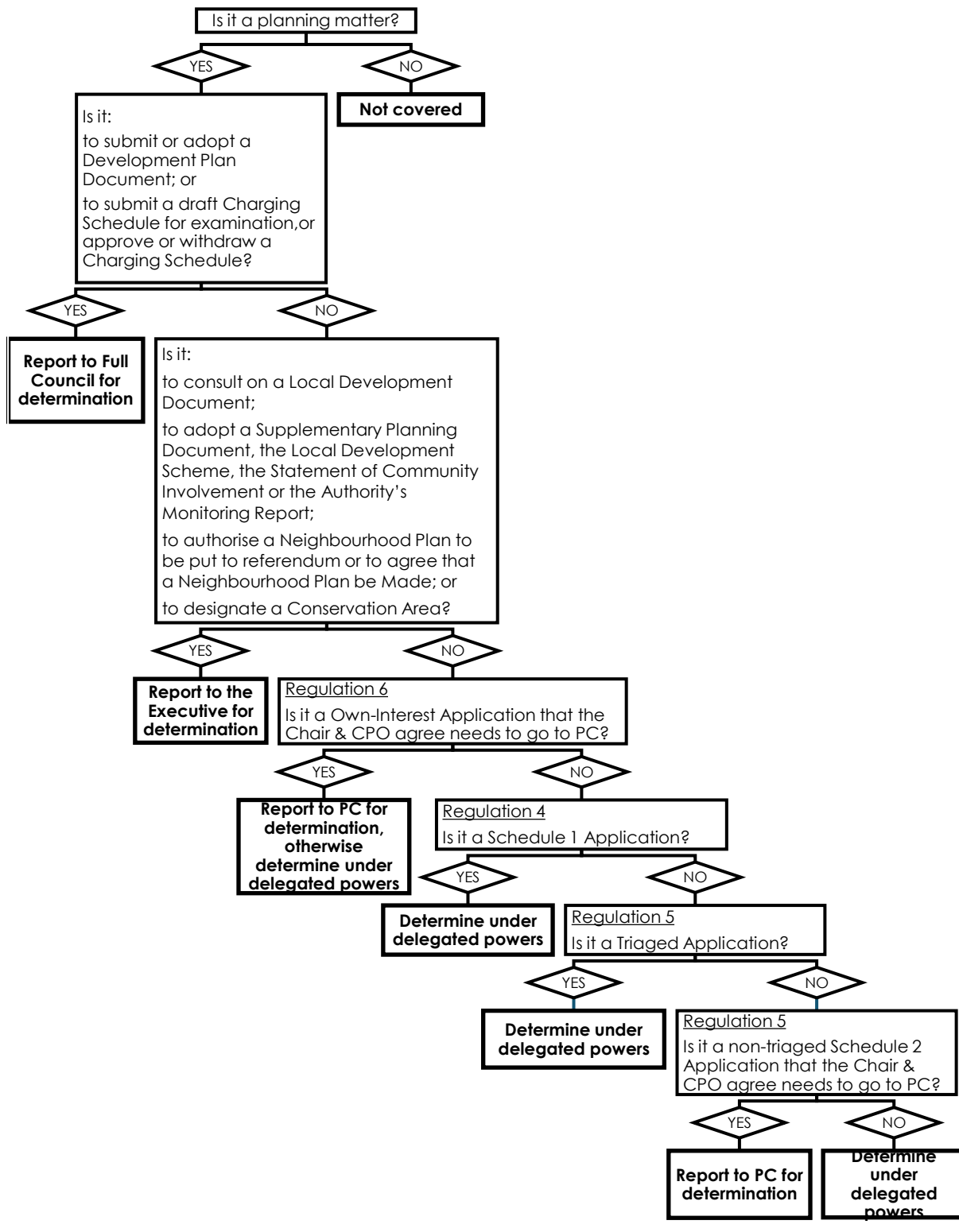
- ii. If the recommendation in the officer report constitutes a Departure, the justification will be included in that report, and the necessary advertisement would have been undertaken.
- iii. If the Committee is minded to make a decision which would be contrary to the officer recommendation and that 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.

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## **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 or 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) Notwithstanding 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

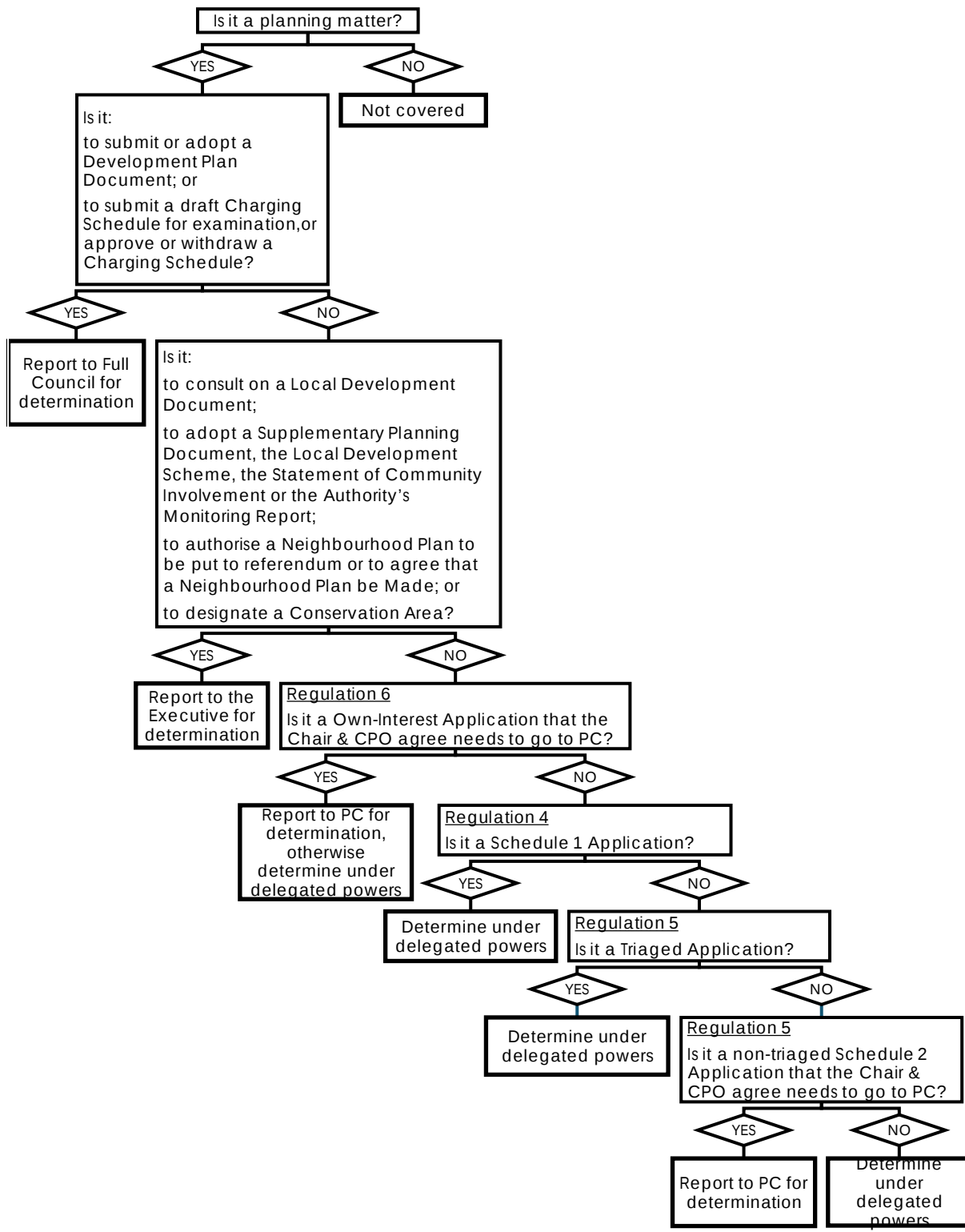
- i. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise. If the Committee intends to approve an application which does not accord 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                                           |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <a href="#">Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026</a> | <a href="#">Nominated Officer further to 3 (1) (b)</a>      |
| 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, 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.~~

- ~~e. 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:~~

| <del>Scale of Application</del> | <del>Number of valid objections required</del> |
|---------------------------------|------------------------------------------------|
| <del>f)</del>                   |                                                |
| <del>g)</del>                   |                                                |
| <del>h)</del>                   |                                                |
| <del>i)</del>                   |                                                |
| <del>j)</del>                   |                                                |
| <del>k)</del>                   |                                                |
| <del>l)</del>                   |                                                |
| <del>m)</del>                   |                                                |
| <del>n)</del>                   |                                                |

|                                                                                                                                                                           |                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| o)<br>p)<br>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.

| <u>Application category</u>                            | <u>Officer title</u>      | <u>Officer title</u>      | <u>Officer title</u>      |
|--------------------------------------------------------|---------------------------|---------------------------|---------------------------|
| <u>State the category from the respective schedule</u> | <u>State job title(s)</u> | <u>State job title(s)</u> | <u>State job title(s)</u> |

Appendix D.1 – Part 3E Officer Delegations – 3E.7 – Assistant Director – Planning – Track Changes

| <u>Application category</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>Officer title</u>                        | <u>Officer title</u>              | <u>Officer title</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>- <u>Householder development;</u></li> <li>- <u>Minor residential;</u></li> <li>- <u>Minor commercial development;</u></li> <li>- <u>Discharge of conditions;</u></li> <li>- <u>Variation of conditions (where the previous planning permission was a Schedule 1 planning permission);</u></li> <li>- <u>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);</u></li> <li>- <u>Lawful development certificates (existing and proposed);</u></li> <li>- <u>Lawful development certificates (proposed works to listed buildings);</u></li> <li>- <u>Prior approval or determination as to whether prior approval is required;</u></li> <li>- <u>Permission in principle;</u></li> <li>- <u>Non-material amendments;</u></li> <li>- <u>Certificates of Appropriate Alternative Development;</u></li> <li>- <u>Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and</u></li> <li>- <u>The submission of a biodiversity gain plan.</u></li> </ul> | <u>Planning Manager-Development Control</u> | <u>Principal Planning Officer</u> |                      |

b. Schedule 2 Triaged Applications (Regulation 5)

Triaged Applications identified in the Scheme of Delegation.

| <u>Application category</u>                                                                                                                                                                                                                                                                                                                                             | <u>Officer title</u>                        | <u>Officer title</u>              | <u>Officer title</u>      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|---------------------------|
| <u>State the category from the respective schedule</u>                                                                                                                                                                                                                                                                                                                  | <u>State job title(s)</u>                   | <u>State job title(s)</u>         | <u>State job title(s)</u> |
| <ul style="list-style-type: none"> <li>- <u>Requests to agree to modify or discharge a planning obligation</u></li> <li>- <u>Modification of a S106 where it's connected to a Schedule 2 application</u></li> <li>- <u>Retrospective applications (under S73A)</u></li> <li>- <u>Tree preservation order consent</u></li> <li>- <u>Advertisement consent</u></li> </ul> | <u>Planning Manager-Development Control</u> | <u>Principal Planning Officer</u> |                           |

c. Schedule 2 Residual Applications (Regulation 5)

Triaged Applications capable of being identified and determined by officers.

| <u>Application category</u>                                                                                                                                                                                                                                                                                                                                         | <u>Officer title</u>                        | <u>Officer title</u>              | <u>Officer title</u>      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|---------------------------|
| <u>State the category from the respective schedule</u>                                                                                                                                                                                                                                                                                                              | <u>State job title(s)</u>                   | <u>State job title(s)</u>         | <u>State job title(s)</u> |
| <ul style="list-style-type: none"> <li>—<u>Requests to agree to modify or discharge a planning obligation</u></li> <li>—<u>Modification of a S106 where it's connected to a Schedule 2 application</u></li> <li>—<u>Retrospective applications (under S73A)</u></li> <li>—<u>Tree preservation order consent</u></li> <li>- <u>Advertisement consent</u></li> </ul> | <u>Planning Manager-Development Control</u> | <u>Principal Planning Officer</u> |                           |

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)

Appendix D.1 – Part 3E Officer Delegations – 3E.7 – Assistant Director – Planning – Track Changes

| <u>Application category</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Officer title</u>                        | <u>Officer title</u>              | <u>Officer title</u>      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|---------------------------|
| <u>State the category from the respective schedule</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>State job title(s)</u>                   | <u>State job title(s)</u>         | <u>State job title(s)</u> |
| <ul style="list-style-type: none"> <li>- <u>Applications for planning permission which are not householder, minor commercial or minor residential applications;</u></li> <li>—<u>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</u></li> <li>—<u>Applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission ;</u></li> <li>—<u>Reserved matters approvals where it relates to a large outline permission;</u></li> <li>—<u>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.;</u></li> </ul> | <u>Planning Manager-Development Control</u> | <u>Principal Planning Officer</u> |                           |

b) Own-Interest Applications (Regulation 6)

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

~~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 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, 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) |
| <ul style="list-style-type: none"> <li>- Householder development;</li> <li>- Minor residential;</li> <li>- Minor commercial development;</li> <li>- Discharge of conditions;</li> <li>- Variation of conditions (where the previous planning permission was a Schedule 1 planning permission);</li> </ul> | Planning Manager-Development Control | Principal Planning Officer |                    |

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

| Application category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Officer title | Officer title | Officer title |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|---------------|
| <ul style="list-style-type: none"> <li>- 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);</li> <li>- Lawful development certificates (existing and proposed);</li> <li>- Lawful development certificates (proposed works to listed buildings);</li> <li>- Prior approval or determination as to whether prior approval is required;</li> <li>- Permission in principle;</li> <li>- Non-material amendments;</li> <li>- Certificates of Appropriate Alternative Development;</li> <li>- Requests to agree to modify or discharge a planning obligation (where it is connected to a Schedule 1 application); and</li> <li>- The submission of a biodiversity gain plan.</li> </ul> |               |               |               |

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) |
| <ul style="list-style-type: none"> <li>- Requests to agree to modify or discharge a planning obligation</li> </ul> | Planning Manager-Development Control | Principal Planning Officer |                    |

| Application category                                                                                                                                                                                                                                       | Officer title | Officer title | Officer title |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|---------------|
| <ul style="list-style-type: none"> <li>- Modification of a S106 where it's connected to a Schedule 2 application</li> <li>- Retrospective applications (under S73A)</li> <li>- Tree preservation order consent</li> <li>- Advertisement consent</li> </ul> |               |               |               |

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) |
| <ul style="list-style-type: none"> <li>- Requests to agree to modify or discharge a planning obligation</li> <li>- Modification of a S106 where it's connected to a Schedule 2 application</li> <li>- Retrospective applications (under S73A)</li> <li>- Tree preservation order consent</li> <li>- Advertisement consent</li> </ul> | 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) |
| <ul style="list-style-type: none"> <li>- Applications for planning permission which are not householder, minor commercial or minor residential applications;</li> </ul> | Planning Manager-Development Control | Principal Planning Officer |                    |

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

| Application category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer title | Officer title | Officer title |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|---------------|
| <ul style="list-style-type: none"> <li>- 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</li> <li>- 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;</li> <li>- 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.</li> </ul> |               |               |               |

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. 11g**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

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

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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 30<sup>th</sup> 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 25<sup>th</sup> 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 30<sup>th</sup> 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

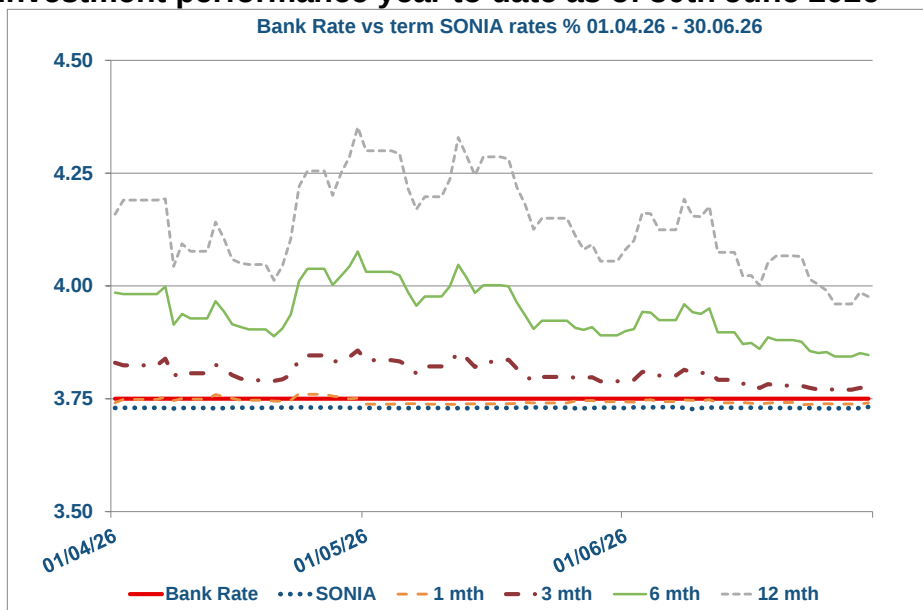
5.2. The Council aims to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also 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:

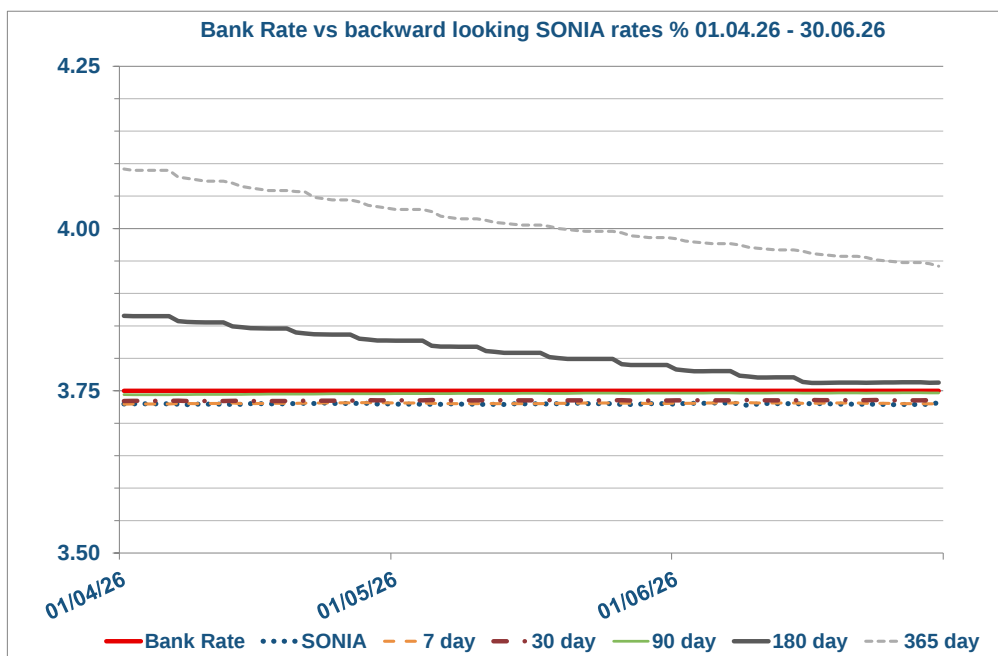
| Counterparty                        | Amount Invested | Deposit Period | Maturity Date | Interest Rate |
|-------------------------------------|-----------------|----------------|---------------|---------------|
| <b>Fixed Term Deposit:</b>          |                 |                |               |               |
| <b>Total Fixed Term Deposits</b>    | <b>£0.0m</b>    |                |               | <b>N/A</b>    |
| <b>Notice Accounts:</b>             |                 |                |               |               |
| <b>Total Notice Accounts</b>        | <b>£0.0m</b>    |                |               | <b>N/A</b>    |
| <b>Property Funds</b>               |                 |                |               |               |
| CCLA Local Authority Property Fund  | £2.0m           | N/A            | N/A           | 4.59%         |
| <b>Total Property Funds</b>         | <b>£2.0m</b>    |                |               | <b>4.59%</b>  |
| <b>Money Market Funds:</b>          |                 |                |               |               |
| Federated Prime Rate                | £6.5m           | N/A            | N/A           | 3.87%         |
| <b>Total Money Market Funds</b>     | <b>£6.5m</b>    |                |               | <b>3.87%</b>  |
| <b>Instant Access/Call Accounts</b> |                 |                |               |               |
| Lloyds Bank (Current Account)       | £1.15m          | Overnight      | N/A           | 3.65%         |
| <b>Total Instant Access</b>         | <b>£1.15m</b>   |                |               | <b>3.65%</b>  |
| <b>Total Investments</b>            | <b>£9.65m</b>   |                |               | <b>3.99%</b>  |

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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> 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 30<sup>th</sup> June 2026 is shown below:

| <b>Borrowing</b>                     | <b>2026/27 Opening<br/>Balance<br/>£m</b> | <b>Balance as of<br/>30<sup>th</sup> June 2026<br/>£m</b> | <b>2026/27 Closing<br/>Forecast<br/>£m</b> |
|--------------------------------------|-------------------------------------------|-----------------------------------------------------------|--------------------------------------------|
| <b>General Fund</b>                  |                                           |                                                           |                                            |
| PWLB<br>(Public Works Loan<br>Board) | 19.75                                     | 19.75                                                     | 34.75                                      |
| Market LOBO                          | 2.00                                      | 2.00                                                      | 2.00                                       |
| LA Loan                              | 5.00                                      | 0.00                                                      | 0.00                                       |
| <b>HRA</b>                           |                                           |                                                           |                                            |
| PWLB                                 | 53.96                                     | 51.46                                                     | 53.96                                      |
| <b>Total</b>                         | <b>80.71</b>                              | <b>73.21</b>                                              | <b>90.71</b>                               |

## 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%                           |
| <b>Total Debt</b>           | <b>73.21</b> | <b>100.0%</b>   | <b>100.0%</b>           |                                     |

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

**AGENDA ITEM NO. 11h**

**NUNEATON AND BEDWORTH BOROUGH COUNCIL**

|                                   |                                                                                                                                           |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report to:</b>                 | Audit and Standards Committee                                                                                                             |
| <b>Date of Meeting:</b>           | 15 September 2026                                                                                                                         |
| <b>Subject:</b>                   | Constitution Update – Report from<br>Constitution Review Working Party –<br>Proposal for an Annual Report of the<br>Shareholder Committee |
| <b>Portfolio:</b>                 | Not Applicable                                                                                                                            |
| <b>Responsible Officer:</b>       | Monitoring Officer                                                                                                                        |
| <b>Corporate Plan – Theme:</b>    | Your Council                                                                                                                              |
| <b>Corporate Plan – Aim:</b>      | Strive for transparency and<br>accountability, in all that we do.<br>Increase public scrutiny                                             |
| <b>Ward Relevance:</b>            | Not applicable                                                                                                                            |
| <b>Public or Private:</b>         | Public                                                                                                                                    |
| <b>Amendment to Budget:</b>       | No                                                                                                                                        |
| <b>Council Tax Related:</b>       | No                                                                                                                                        |
| <b>Recommendation to Council:</b> | Yes                                                                                                                                       |
| <b>Forward Plan:</b>              | Not Applicable (not a Cabinet Decision)                                                                                                   |
| <b>Subject to Call-in:</b>        | 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

Motion for full Council 30<sup>th</sup> September 2026.

1. Seek resolution that officers investigate the possibility of introduction of DBS checks for elected members.
2. Members are asked to voluntarily sign a declaration agreeing to abide by the principles of the Council's Drug and Alcohol Policy while undertaking council business.

#### Preamble

This motion seeks to strengthen public confidence in elected members by ensuring they are held accountable, particularly as elected members sit on panels of the highest scrutiny.

Council notes that:

- Council employees in many roles may be required to undergo Disclosure and Barring service (DBS) checks, and all employees are expected to comply with the Council's Drug and Alcohol policy
- Elected members make decisions affecting vulnerable residents, regularly visit council premises, schools and care settings, including community facilities and represent the council in the community.
- Elected members make important decisions regarding licensing committees, particularly where complaints or appeals are relevant.
- Public confidence in local government, depends upon transparency, accountability and the highest standards of conduct.

Council believes that:

Although Elected members are not employees, they should demonstrate the same commitment to safeguarding and professional standards expected of council officers.

Adopting equivalent standards would help to strengthen public trust in the integrity of the Council.

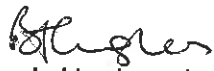
Council therefore resolves to:

1. Request that officers investigate the possibility that DBS checks could be undertaken for Elected Members at their own cost, with the level of check determined appropriate and to bring the outcome to audit and standards committee.

2. Those members with current DBS checks in place provide a copy to the council officers for record keeping.
3. Request that all elected members voluntarily sign a declaration agreeing to abide by the principles of the Council's Drug and Alcohol Policy while undertaking Council business
4. Instruct the Monitoring Officer to prepare a report for the next audit and standards committee setting out the Council's legal position on DBS checks and Drugs and alcohol misuse for elected members and the practical implications of administering point 1 and 2, costs and any necessary amendments to the Constitution or Members' Code of Conduct required to implement these measures.
5. Ensure all political groups represented on the Council to support these measures in the interests of openness, safeguarding and public confidence.

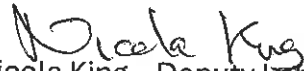
Signed

PRINT



Brady Hughes -Labour Group Leader

B. HUGHES



Nicola King – Deputy Labour Group Leader

N. King

Christopher Watkins Stockingford West



TONY JENSON



T. Sheppard

# Motion for Full Council

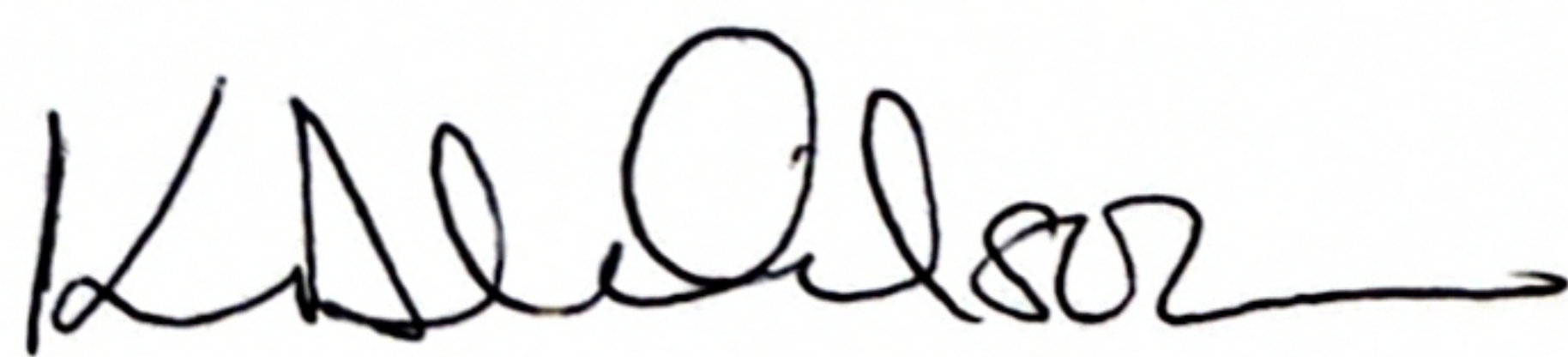
Agenda Item 12b)

**To:** Tom Shardlow, Chief Executive and Head of Paid Service

We request that the following motion be placed on the agenda for the next ordinary council meeting:

Nuneaton and Bedworth Borough Council condemns the incompetent handling by the Labour Government of its imposed policy of Local Government Reform and resolves:

1. The Leader of the Council and political group leaders be requested to write to the Secretary of State for Housing, Communities and Local Government to:
  - a. Express our anger and dissatisfaction at the way local councils and residents have been treated throughout the LGR process
  - b. Request that the Government reimburses Nuneaton and Bedworth Borough Council for all expenses incurred (including wasted officer time) in the LGR process to date once calculated by the Head of Paid Service
  - c. Call upon her to only pursue any further local government reform where there is consensus amongst all local councils in a shire county backed by evidence of support from their local communities
2. To reconfirm its commitment to a two-unitary solution for Warwickshire if LGR is progressed by central government
3. The Chief Executive be requested to send a copy of the letter to the Secretary of State to all 3 Members of Parliament covering our Borough and request that each MP:
  - a. Endorses our request to MHCLG to be reimbursed for all costs incurred by NBBC so far in pursuing LGR
  - b. Endorses the original two-unitary proposal for Warwickshire and lobbies MHCLG to retain the proposal should LGR be progressed further by government



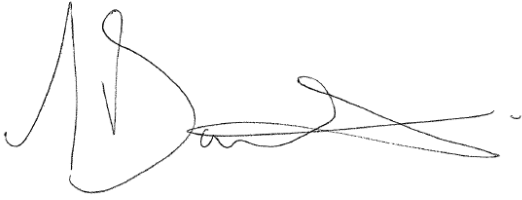
**Motion 1**

That Full Council notes that the proposed post of Strategic Director for Culture and Environment is a Director-level appointment and, having regard to the Council's Constitution, Employment Procedure Rules and Officer Delegations, considers it appropriate that the recruitment process be undertaken through a Sub-Committee of Council established pursuant to paragraph 4H.8(vi) of the Employment Procedure Rules.

Full Council therefore resolves:

- a. To grant authority to the Chief Executive to commence the recruitment to the post of the Strategic Director for Culture and Environment;
- b. To establish an Appointments Sub-Committee comprising five Members, appointed in accordance with the political balance requirements applicable to Council committees and sub-committees, and operating in accordance with the Council Procedure Rules applicable to Council committees and sub-committees;
- c. That the membership of the Appointments Sub-Committee shall be the same as the membership of the Officer Remuneration Panel for the 2026/2027 Municipal Year;
- d. That the Appointments Sub-Committee be authorised to oversee stages of the recruitment process for the post of Strategic Director for Culture and Environment, including consideration of the job description, person specification, recruitment strategy, advertising arrangements, longlisting, shortlisting, candidate assessment and interviews;
- e. That the Appointments Sub-Committee be supported by the Chief Executive and such other officers as the Chief Executive may nominate, who shall act in an advisory capacity throughout the recruitment and selection process;
- f. That the Chief Executive be granted delegated authority in consultation with the Appointments Sub-Committee to make an appointment in accordance with the Council's Constitution, Employment Procedure Rules and any applicable statutory requirements;
- g. Noting the current recruitment process underway for the post of Assistant Director for Environment and Enforcement, that the Appointments Sub-Committee participate in the candidate assessment and interview process, to support the Chief Executive in appointing to the post;
- h. To request that the Monitoring Officer and the Head of Paid Service prepare and submit a report to the Constitution Review Working Party setting out proposals for the establishment of a permanent Committee of Full Council to be known as the Senior Officer Appointments and Employment Committee; and

i. That the report consider the replacement of the existing Officer Remuneration Panel with the proposed Senior Officer Appointments and Employment Committee.

A handwritten signature in black ink, appearing to be 'Mike Bannister', written in a cursive style.

Cllr Mike Bannister

A handwritten signature in black ink, appearing to be 'George Finch', written in a cursive style with a large loop at the end.

Cllr George Finch

## **NUNEATON AND BEDWORTH BOROUGH COUNCIL**

### **MOTION ON NOTICE – FULL COUNCIL**

#### **Full Public Disclosure of Decision-Making on Grayson Place (and Associated Transforming Nuneaton Regeneration)**

**To be moved by:** \_\_\_\_\_, Councillor

**Seconded by:** \_\_\_\_\_, Councillor

#### **THIS COUNCIL NOTES:**

1. Grayson Place (also referred to as Graysons Place) on and around Abbey Street, Nuneaton, forms a major element of the Transforming Nuneaton regeneration programme. It has been under development for approximately 10–15 years from initial conception and planning through to delivery. Phase 1 (Hampton by Hilton hotel) opened in September 2024; Phase 2 remains ongoing into 2026, with Phase 3 (originally residential) shelved due to cost.

2. The project has been characterised by repeated scaling-back, cancellation or fundamental change of key elements originally promised to the public, including:

- The **proposed NHS health centre / community medical hub**, which featured in early plans for the Abbey Street / Grayson Place site (near the multi-storey car park) but was removed from the scheme and has not been delivered as part of it;
- The **cinema**, which was a headline feature of Phase 2, was cancelled at a reported cost to the Council of approximately £231,000 to exit the agreement with the operator (Really Local Group, which later entered liquidation), with the building now converted to padel courts;
- The **food court**, originally promoted as containing six units / concessions offering a multi-operator food court experience, which has been reconfigured into a food hall limited to two distinct units, requiring substantial extra works (drainage, ventilation, fire safety, second staircase and lift) that contributed to an overspend of approximately £812,000;
- The **multi-storey car park**, which was dropped entirely in favour of a surface-level car park.

3. Publicly reported costs for wider regeneration projects (including Grayson Place, the Bedworth Physical Activity Hub and Bridge to Living) have reached approximately £95 million. Individual elements have seen repeated budget increases, scope reductions, funding reallocations from other schemes and government programmes, and the creation of Grayson Place (NBBC) Ltd as a wholly owned local authority trading company (LATC).

4. The Hampton by Hilton hotel is owned and operated through Grayson Place (NBBC) Ltd. While the LATC structure was established in part to limit certain direct liabilities of the Council, the company is wholly owned by Nuneaton and Bedworth Borough Council. Any significant trading losses, underperformance or insolvency of the company therefore represents a residual financial risk and potential liability that ultimately falls on the taxpayer. This exposure has not been fully and transparently quantified or explained to the public.

5. These prolonged delays, cost escalations, cancelled or diminished elements, and the ongoing contingent liability associated with the hotel have seriously damaged public confidence in the Council. Residents are openly questioning whether public funds have been mismanaged and whether there has been inadequate transparency or a reluctance to place the full decision trail in the public domain.

6. This administration is newly formed following the recent elections. It did not initiate or control the majority of the decisions spanning the previous 10–15 years. It has already taken initial steps toward greater openness and has no interest in inheriting or absorbing blame for historic failures. Its duty is to restore trust by placing the complete record before the public so that accountability can be exercised without fear or favour.

7. Openness is a core principle of good local government. The Local Government Transparency Code, the Freedom of Information Act 2000, the Environmental Information Regulations and the Council's own constitution all support the proactive release of information in the public interest, subject only to strictly necessary legal redactions.

## THIS COUNCIL THEREFORE RESOLVES:

**1. To commission and publish a comprehensive, independent-led public disclosure package** covering the entire history of Grayson Place and the related Transforming Nuneaton elements from initial feasibility and master-planning (circa 2010–2015 onward) to the present day. The package shall include, as a minimum:

- All Cabinet, Full Council, Shareholder Committee, Overview & Scrutiny and relevant officer decision reports, minutes, exempt appendices (with commercial or personal data redacted only where strictly required by law and with a public-interest test applied);
- Full financial history: original business cases, successive budget approvals, variations, contingencies, overspends, funding sources and reallocations, grant conditions, borrowing decisions, and final outturn to date;
- All contracts, development agreements, leases, appointments and variations with Queensberry Real Estate, BAM Construct UK, hotel operator / Hilton arrangements, cinema / Really Local Group (and full exit costs), padel operator, college, consultants, and any other key parties;
- Decision trails and justifications for the removal of the health centre / medical hub from the scheme, the cancellation of the cinema, the reduction of the food offer from six units to two, the abandonment of the multi-storey car park, and the shelving of Phase 3;
- Full details of the governance, funding, risk allocation and residual taxpayer exposure arising from Grayson Place (NBBC) Ltd and the Hampton by Hilton hotel, including any guarantees, underwriting arrangements, loss scenarios and contingency planning;
- Risk registers, gateway reviews, external assurance reports, value-for-money assessments and any internal or external audit findings;
- Timeline of key decisions with named decision-makers (elected and officer) at each stage.

**2. That the Chief Executive / Head of Paid Service and Monitoring Officer** be instructed to prepare and present to the next practicable Full Council (or an extraordinary meeting if necessary) a detailed project plan and timetable for the above disclosure, including:

- Identification of any documents claimed to be exempt and the precise legal basis for each proposed redaction;
- A clear public-interest test for every redaction;
- Arrangements for secure, searchable online publication on the Council's website (with hard-copy access available on request);
- A deadline for completion of the full release no later than [insert preferred date, e.g. three or six months from the date of this resolution].

**3. That an independent external review** (or expansion of any existing internal review) be commissioned to examine the decision-making process, financial controls, governance, the specific project failures and scope reductions listed above, the residual liabilities attached to the hotel LATC, and lessons learned over the full period, with the final report published in full alongside the document package. The terms of reference shall be approved by Full Council or the Audit & Standards Committee and shall explicitly include examination of whether public funds were managed with due diligence and whether any cover-up or deliberate opacity occurred.

**4. That the Cabinet and relevant Portfolio Holder** report progress on the disclosure and review to every subsequent Full Council meeting until the package is complete and published, and that Overview & Scrutiny be invited to monitor delivery.

**5. That this Council affirms** its commitment to operate with maximum transparency on all major regeneration projects going forward, so that the people of Nuneaton and Bedworth can have confidence that decisions are taken, and can be scrutinised, in the full light of day.