Dear Sir/Madam,

A meeting of the ECONOMIC AND CORPORATE OVERVIEW AND SCRUTINY PANEL will be held in Committee Room 'A', Town Hall, Nuneaton on Monday, 5th November, 2012 at 5.00 p.m.

Public Consultation will commence at 5.00 p.m.

Yours faithfully,

ALAN FRANKS
Managing Director

To: All Members of the Economic and Corporate Overview and Scrutiny Panel
   (Councillors B.L. Hawkes (Chair), K.D. Wilson (Vice-Chair), R.G. Copland, J. Haynes, A.A. Lloyd, B.J. Longden, G.D. Pomfrett, G. Smith and K. Young)
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 Yorkshire Bank on the opposite side of the road.

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

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

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

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

3. **MINUTES** - To confirm the minutes of the meeting of the Economic and Corporate Scrutiny Panel held on 6th September, 2012. (Page 5).

4. **DECLARATIONS OF INTEREST/PARTY WHIP** - To receive declarations of Disclosable Pecuniary and Other interests in accordance with the Members' Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

**Note (1):** 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 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.

**N.B.** 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.

Note (2): Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b) states "when considering any matter in respect of which a Member must declare the existence of the whip, and the nature of it before the commencement of the OSP's deliberations on the matter".

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

6. EQUALITY AND DIVERSITY- report of the Director - Governance and Recreation attached. (Overview) (Page 7)

7. ACCESS TO INFORMATION – POLICY REVIEWS - report of the Director - Governance and Recreation attached. Overview (Page 33)

8. NEW WEBSITE DEVELOPMENT- report of the Director – Business Improvement attached. (Scrutiny) (Page 79)

9. EMERGENCY PLANNING - report of the Communications, Events and Emergency Planning Manager (Overview) (Page 89)

10. OPERATIONAL INTEGRATED PERFORMANCE REPORT- SECOND QUARTER 2012- 13 – joint report of the Director – Finance and Procurement and Performance and Quality Manager attached. (Scrutiny) (Page 99)

11. WORK PROGRAMME - presented by the Principal Democratic Services Officer (Overview and Scrutiny) attached. (Overview) (Page 132)

12. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

N.B Agenda Item Descriptors

Scrutiny = Members to consider the evidence presented in detail (e.g. service delivery, value for money, performance, customer satisfaction, social outcomes) and make recommendations for any necessary changes/improvements to service provision or resources and/or request further information.

Overview = Members to consider the information presented and make observations, comments and/or recommend further considerations to be taken into account and any additions or amendments required.
CORPORATE PLAN AIMS AND PRIORITIES

**Aim 1**
- To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire.

**Priority 1**
- To provide a choice of housing to meet the needs of the residents of the Borough.

**Priority 2**
- To create a healthy, diverse and robust economy which provides employment opportunities for local people.

**Priority 3**
- To work in partnership to improve health and reduce health inequalities for residents in the Borough.

**Priority 4**
- To develop a confident, cohesive and diverse community.

**Aim 2**
- To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.

**Priority 1**
- Dealing with anti-social behaviour by working in partnership and provide diversionary activities to engage with youngsters.

**Priority 2**
- Environmental improvements and support for selective CCTV to reduce fear of crime.

**Priority 3**
- Use of the Council's enforcement powers to support community safety initiatives.

**Aim 3**
- To provide a pleasant environment for those living, working and visiting the Borough.

**Priority 1**
- To create a greener and cleaner environment.

**Priority 2**
- To lead in environmental issues addressing climate change and protection of the environment.

**Aim 4**
- To provide quality services which represent value for money.

**Priority 1**
- To continue to improve the performance and quality of key services.

**Priority 2**
- To improve access arrangements for all Council services and the way that those who use them are treated.

**Priority 3**
- To use value for money procedures to test the way all services are delivered.
An additional meeting of the Economic and Corporate Overview and Scrutiny Panel was held at the Town Hall, Nuneaton, on Thursday, 6th September, 2012.

Present
Councillor B. Hawkes – Chair


Apologies for absence were received from Councillors G. Smith and K.D. Wilson.

Courtesies
The Chair welcomed Councillor A.A. Lloyd to his first meeting of the Economic and Corporate Overview and Scrutiny Panel.

Minutes
RESOLVED that the minutes of the meeting held on 23rd July, 2012 be confirmed.

Declarations of Interest
Councillor B.J. Longden declared an Other Interest in any relevant item by reason of him being a Member of Warwickshire County Council.

Councillor J. Foster declared an Other Interest in any relevant item by reason of him being a Member of Warwickshire County Council.

Councillor J. Haynes declared an Other Interest by reason of holding a Power of Attorney in respect of another person who is in receipt of Benefits.

Welfare Reform and Housing and Council Tax Benefit Performance
The Director – Finance and Procurement submitted a report providing an update on Welfare Reform changes that have taken place and that are due to take place during the next 12 months, Localisation of Council Tax Support and information relating to the current performance for processing Housing and Council Tax Benefit payments.

Members asked various questions and raised a number of concerns.
RESOLVED that

(a) the Panel expressed serious concerns regarding the Welfare Reforms and Localisation of Council Tax Support and the severe impact this will have on some of the residents of Nuneaton and Bedworth;

(b) concern was expressed regarding the lack of provision within the Welfare Reforms to provide support during the transition from weekly benefit payments to monthly payments;

(c) all Members be invited to attend a further seminar on Welfare Reform during November 2012;

(d) the current performance and actions being undertaken to address the processing of Housing and Council Tax Benefit be noted; and

(e) the report be noted.

144 Responses from Cabinet (5.9.12)

The Panel received the Cabinet’s response to the Panels recommendation to convene a Voluntary and Community Sector Seminar which had been endorsed by Cabinet.

RESOLVED that the Cabinet’s response to the Panels recommendation be noted.

145 Work Programme 2012/13

The Principal Democratic Services Officer (Overview and Scrutiny) verbally updated the Panel on the current issues relating to the Work Programme 2012/13.

RESOLVED that the Work programme be amended as follows:

- a review of Member Training and Development be included in the Work Programme 2012/13.

- it be noted that Councillors B. Hawkes, B. Longden and J. Haynes expressed an interest in being a member of the Member Training and Development Working Group.

- Website Development and Improvement be moved from the meeting scheduled for 5th November, 2012 and considered with the Member Training and Development Working Group report at the meeting scheduled for 6th February, 2013.

- Assessment of Blue Badge Parking Charges be moved from the meeting scheduled for 6th February 2013 and considered at the meeting scheduled for 5th March, 2013.
AGENDA ITEM NO. 6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to:   Economic and Corporate Overview Scrutiny Panel
Date:     Monday 5th November 2012
From:           Director Governance and Recreation
Subject:        Equality and Diversity
Portfolio:     Central Services (Councillor R. Taylor)

Corporate Aim:  Aim 1, Priority 1
                Aim 1, Priority 4
                Aim 4, Priority 1
                Aim 4, Priority 2

1   Objectives of Scrutiny
1.1 To scrutinise the Council’s activity in relation to Equality and Diversity.

2   What is the Panel being asked to consider?
2.1 The effectiveness of the Council in meeting its legal obligations in relation to Equality and Diversity from 1st April 2012 to current date.

3   Who can the Panel influence?
3.1 The Panel’s considerations will influence future support and commitment the Council gives towards the Equality and Diversity agenda. The outcomes of the Panel’s debate will be provided to the Portfolio Holder for Central Services when considering any future work surrounding Equality and Diversity.

4   Legal Obligation – Equality Act 2010
4.1 The Equality Act 2010 has replaced all previous anti-discrimination laws and the majority of it came into force on the 1st October 2010. Section 149 of the Act, known as the Public Sector Equality Duty, came into force on the 5th April 2011. The Council was required by law to publish its Equality information by the 31st January 2012.

4.2 The Act builds on the previous Equality duties for Race, Disability and Gender and provides a single Equality Duty to cover the following groups:

   • Age
• Disability
• Gender Reassignment
• Race – which includes ethnic or national origins, colour or nationality
• Religion or Belief – this also includes no Religion/Belief
• Gender
• Sexual Orientation
• Pregnancy and Maternity

The above groups are now known as ‘Protected Characteristics’ in the Act.

4.3 Within the Act, there consists a general duty and specific duties. The general duty applies to public bodies listed in the Equality Act and the specific duties only apply to certain public bodies. Nuneaton and Bedworth Borough Council is subject to all duties.

4.4 The general duty requires the Council to publish information to show compliance with the Equality Duty at least annually. In determining what information to publish consideration must be given to the three aims of the general duty. These are to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups; and
- Foster good relations between people from different groups.

4.5 The specific duties require the Council to set equality objectives which help further the three aims of the general duty and publish these at least every four years.

4.6 Therefore, the Council needs to:

- Show that it has a procedure in place to ensure that it consciously considers the three aims as part of the decision making process
- Publish information relating to Council employees who share the protected characteristics outlined in paragraph 4.2 above
- Publish information relating to people who are affected by the Council’s policies, practices and services and how these have contributed to the three aims of the duty

4.0 The Equality Scheme

4.1 To comply with the above requirements the Council published an Equality Scheme at Appendix A to this report. The main sections of the Scheme to consider are:

- Section 4 details equality information on the residents of the Borough and our employees.
- Section 5 sets out the Councils Equality Objectives. These are expanded on further in the Equality Objectives Action Plan in Section 9.

- Section 7 shows examples of how the Council is complying with the three aims of the General Duty.

- Section 8.5 publishes the Councils recruitment information which details who applied for Council vacancies, who was interviewed, who was offered and who was hired broken down by equality information.

4 Other Equality Work

5.1 Discrimination Incidents

5.1.1 Discrimination Incidents is the term used for all forms of Hate Crime which the Council have an involvement in and/has control over.

5.1.2 A discrimination incident is any incident which is perceived to cause discrimination to the victim, or any other person. This can be due to a person’s Race, Disability, Gender, Gender Reassignment, Religion/Belief/Non-Belief, Age or Sexual Orientation.

5.1.3 Since April 2012 to the current date of this report, there have been 5 discrimination incidents. 2 were based on Sexual Orientation, 2 Racial and 1 Disability related.

5.1.4 All incident of discrimination are investigated internally and aimed to be concluded within 15 working days.

5.2 Equality Impact Assessments

5.2.1 One of the main mechanisms to ensure that the Council does not discriminate against any Protected Characteristics is via an Equality Impact Assessment (EIA).

5.2.2 Any significant decision the Council makes which has Equality considerations should be subject to the EIA process.

5.2.3 An EIA analyses any Policy/Procedure/Service/Function, and establishes whether there is any adverse impact on any of the Protected Characteristics. If there is adverse impact, it establishes whether this can be minimised in any way.

5.2.4 An EIA will always feature some form of consultation as part of the process with stakeholders.

5.2.5 A recent example of an EIA was during the Blue Badge Parking Review, which, while introducing charging for Blue Badge Parking, recommended a consideration for additional parking time for Disabled

Economic & Scrutiny Overview & Scrutiny Panel 5.11.12
people. This has resulted in one free hour of parking for Blue Badge holders. E.g. paying for 2 hours and being able to park for 3 hours.

5.3 Translation and Interpretation

5.3.1 The Council carries out translation and interpretation for customers whose first language is not English. This covers telephone, written and in person translation.

5.3.2 Over recent years the demand for translation and interpretation has reduced. The last 5 years costs for translation and interpretation are as below:

- 2008/2009 = £1484.09
- 2009/2010 = £1542.02
- 2010/2011 = £560.77
- 2011/2012 = £75.01
- 2012 to date = £12.00

5.3.3 It is unknown why there has been a reduced demand for translation over the last few years. It has been estimated nationally that 2 out of 5 people from Eastern Europe have left England to return to their native country; however there is still a significant population in the Borough.

5.4 Equality Champions Group

5.4.1 The Council has an internal Equality group which has been set up to oversee all of the Equality work carried out within the Council.

5.4.2 This group meets on a quarterly basis and is represented by each Service Unit within the Council.

5.4.3 The group is chaired by the Director for Governance and Recreation.

PHILIP RICHARDSON
Demonstrating Equality for everyone who lives in, works in and visits our Borough
<table>
<thead>
<tr>
<th>First Policy Date:</th>
<th>October 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2nd Version:</strong></td>
<td>December 2011 (Updated October 2012)</td>
</tr>
<tr>
<td><strong>Member Champion for Equality:</strong></td>
<td>Councillor Julie Jackson</td>
</tr>
</tbody>
</table>
| **Equality Champion:** | Philip Richardson (Director for Governance and Recreation)  
Town Hall, Coton Road  
Nuneaton, Warks  
CV11 5AA  
Telephone: 024 7637 6233  
Email: philip.richardson@nuneatonandbedworth.gov.uk |
| **Policy written by:** | Craig Dicken (Equality and Child Protection Officer)  
Town Hall, Coton Road  
Nuneaton, Warks  
CV11 5AA  
Telephone: 024 7637 6333  
Email: craig.dicken@nuneatonandbedworth.gov.uk |
| **Equality Impact Assessment:** | Initial Screening completed Thursday 15th December 2011. |
# Contents

1) Forward 4

2) Introduction 5

3) Equality Act 2010 5

4) Our Borough and our Employees 7
   4.1) Our Borough
   4.2) Our Employees

5) Equality Objectives 10

6) What the Council will do to ensure it is fulfilling its duties under the Equality Act 2010 11

7) Putting the Equality Act 2010 into practice 11

8) Council Equality Work 13
   8.1) Equality Champions Group 13
   8.2) Service Unit Equality Action Plans 13
   8.3) Equality Impact Assessments 13
   8.4) Equality Monitoring 14
   8.5) Recruitment and Employment Practises 14
   8.6) Serving our customers 16
   8.7) Council Decision Making 16
   8.8) Working with other Organisations 17
   8.9) Buying in Services 17
   8.10) Involving Communities and Consultation 17

9) Equality Objectives Action Plan 18

Appendix - Glossary of Definitions 21
1) Forward

I am pleased to be introducing the Council’s Equality Scheme. This Scheme follows on from our previous work in equalities and is being introduced in light of the Equality Act 2010.

The Scheme sets out our ambition for building and improving on our achievements so far and describes how we will continue to meet our legal equality duties. It also covers our workforce profile and that of our communities in the Borough.

The Scheme demonstrates the Council’s commitment to promote equality and diversity in all areas of our work. It provides an overview of what we have achieved already and what we are proposing to do.

I personally want to make sure equality happens. I want us to be the best we can be as an Authority and do as much as we can. I am very confident that we have the procedures in place to fulfil our duties under the Act.

J. Jackson

Councillor Julie Jackson, Portfolio Holder for Resources and Support
2) Introduction

This document is the Councils Equality Scheme which sets out how the Authority will fulfil its statutory duties and obligations under the Equality Act 2010.

A Scheme has been published to contain all equality information and requirements of the duties which will be easily accessible in one document and presented with the highest regard for transparency.

This Scheme demonstrates the Council’s commitment to equality, how this will influence our working practises and our evidence to demonstrate compliance with the Equality Act 2010.

3) The Equality Act 2010

The Equality Act 2010 brings together, harmonises and extends current equality law. The Equality Act has replaced all previous discrimination law with a single Act.

Its aim is to make the law simpler, making it easier for people to understand and comply with it. It also strengthens the law in important ways so that discrimination and inequality can be tackled.

The majority of the Act came into force on the 1st October 2010. As part of the Act, there is a public sector Equality Duty which came into force on the 6th April 2011. The Equality Duty applies to public bodies and others carrying out public functions.

What is covered under the new Act?

The Act builds on the previous equality duties for race, disability and gender and provides a single equality duty to cover the following. These are:

- Age
- Disability
- Gender Reassignment
- Race – which includes ethnic or national origins, colour or nationality
- Religion or Belief – this also includes no religion/belief
- Gender
- Sexual Orientation
- Pregnancy and Maternity
- Marriage and Civil Partnership

The above are now known as ‘protected characteristics’ in the Act. They used to be called ‘grounds’.

The Public Sector Equality Duty

The Public Sector Equality Duty consists of a general duty and specific duties, which applies to the Council.

The General Duty

The General Duty requires the Council to:

1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
2) Advance equality of opportunity between people from different groups; and
3) Foster good relations between people from different groups.

What this means in practice is that the Council is required to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Specific Duties

The specific duties underpin the general duty. This requires the Council to:

- Publish Equality objectives, reviewed at least every four years, starting from April 2012; and
- Publish Information to demonstrate compliance with the Equality Duty, at least annually.

Further on in this Scheme it will explain how the Council is working towards fulfilling its duties under the Equality Act 2010.
4) Our Borough and our Employees

4.1) Our Borough

Below is a breakdown of the Borough of Nuneaton and Bedworth. Some of the following figures are taken from the last census results published (2001) however this information will be updated once the results of the 2011 census are known in mid 2012.

Ethnicity

The table below outlines the ethnic groups in the Borough of Nuneaton & Bedworth as reported from the 2007 mid estimates by the Office of National Statistics:

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>Population of 122,000</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>112,600</td>
<td>92.3%</td>
</tr>
<tr>
<td>Mixed</td>
<td>1,500</td>
<td>1.2%</td>
</tr>
<tr>
<td>Asian</td>
<td>6,000</td>
<td>4.9%</td>
</tr>
<tr>
<td>Black</td>
<td>1,100</td>
<td>0.9%</td>
</tr>
<tr>
<td>Other</td>
<td>800</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

Religion

Data obtained from the 2001 Census provides a breakdown of religious belief as set out in the table below:

<table>
<thead>
<tr>
<th>RELIGIOUS BELIEF</th>
<th>NUMBER</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christian</td>
<td>91,666</td>
<td>76.94%</td>
</tr>
<tr>
<td>Buddhist</td>
<td>111</td>
<td>0.09%</td>
</tr>
<tr>
<td>Hindu</td>
<td>716</td>
<td>0.60%</td>
</tr>
<tr>
<td>Jewish</td>
<td>29</td>
<td>0.02%</td>
</tr>
<tr>
<td>Muslim</td>
<td>1,878</td>
<td>1.58%</td>
</tr>
<tr>
<td>Sikh</td>
<td>1,790</td>
<td>1.50%</td>
</tr>
<tr>
<td>Other Religions</td>
<td>218</td>
<td>0.18%</td>
</tr>
<tr>
<td>No Religion</td>
<td>13,961</td>
<td>11.73%</td>
</tr>
<tr>
<td>Religion Not Stated</td>
<td>8,763</td>
<td>7.36%</td>
</tr>
</tbody>
</table>

Age & Gender

Mid 2009 estimates from the Warwickshire Observatory reveal key age and gender information for residents in the Borough of Nuneaton and Bedworth:

<table>
<thead>
<tr>
<th></th>
<th>Children</th>
<th>Working Age</th>
<th>Pensionable Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>20%</td>
<td>65.1%</td>
<td>14.9%</td>
</tr>
<tr>
<td>Females</td>
<td>18.9%</td>
<td>56.4%</td>
<td>24.7%</td>
</tr>
<tr>
<td>All</td>
<td>19.5%</td>
<td>60.7%</td>
<td>19.8%</td>
</tr>
</tbody>
</table>

From the 2001 Census, the Borough consists of 49.12% males and 50.88% females.
Disability

The 2001 Census data tells us that 19.1% of the population have a Limiting Long Term Illness\(^1\).

Sexual Orientation

The information below is based on 2009 estimated by the Office National Statistics (ONS) of volume of adults who may identify as lesbian, gay or bisexual (LGBT). Recent work by the ONS has indicated the percentage of the population who may belong to this group as 1.5% but other percentages are used by other organisations which are reflected below:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Population</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.5%</td>
<td>98,200</td>
<td>1,473</td>
</tr>
<tr>
<td>5%</td>
<td>98,200</td>
<td>4,910</td>
</tr>
<tr>
<td>7%</td>
<td>98,200</td>
<td>6,874</td>
</tr>
</tbody>
</table>

4.2) Our Employees

The below information is as of September 2011. Information on Religion and Belief and Sexual Orientation is not currently collected:

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTE</td>
<td>301.7</td>
<td>331.1</td>
<td>632.8</td>
</tr>
<tr>
<td>Headcount</td>
<td>316</td>
<td>409</td>
<td>725</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part Time (headcount)</td>
<td>47</td>
<td>177</td>
<td>224</td>
</tr>
<tr>
<td>Full Time (headcount)</td>
<td>269</td>
<td>232</td>
<td>501</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Age (headcount)</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-19</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>20-24</td>
<td>7</td>
<td>17</td>
<td>24</td>
</tr>
<tr>
<td>25-29</td>
<td>22</td>
<td>24</td>
<td>46</td>
</tr>
<tr>
<td>30-44</td>
<td>100</td>
<td>142</td>
<td>242</td>
</tr>
<tr>
<td>45-59</td>
<td>148</td>
<td>182</td>
<td>330</td>
</tr>
<tr>
<td>60-64</td>
<td>28</td>
<td>26</td>
<td>54</td>
</tr>
<tr>
<td>65+</td>
<td>10</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Average Age</td>
<td>45.14</td>
<td>58.43</td>
<td>51.79</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability disclosed (headcount)</td>
<td>9</td>
<td>3</td>
<td>12</td>
</tr>
</tbody>
</table>

\(^1\) A limiting long term illness is defined as something which has lasted for 12 months or is likely to last longer than 12 months.
<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>British</td>
<td>235</td>
<td>338</td>
<td>573</td>
</tr>
<tr>
<td>Irish</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Any other White Background</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>White and Black Caribbean</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White and Black African</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White and Asian</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Any other Mixed background</td>
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<td>1</td>
</tr>
<tr>
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<td>8</td>
<td>14</td>
<td>22</td>
</tr>
<tr>
<td>Pakistani</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Any other Asian background</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Caribbean</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>African</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Any other Black background</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Chinese</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Any other ethnic background</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Not stated</td>
<td>71</td>
<td>46</td>
<td>117</td>
</tr>
</tbody>
</table>

Gender Pay Gap information

The information below is the average salary of male employees and female employees at the Council. This is as of 16th August 2011.

<table>
<thead>
<tr>
<th>Average Salary Per Annum</th>
<th>Male</th>
<th>Female</th>
<th>All employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£22,871.79</td>
<td>£20,370.94</td>
<td>£22,899.89</td>
</tr>
</tbody>
</table>

The average pay difference between men and women at the Borough Council is £2,500.85 per annum.
5) Equality Objectives

The Council’s Equality Objectives have been developed so that they are not just compliant with the Equality Act 2010, but also to ensure the Council has meaningful objectives which are measurable and have a realistic aim of improving the services that the Council provides.

These objectives are intended to be reviewed on an annual basis. Some objectives will be retained while others could be introduced depending on the progress of the objective and the identification and need for other objectives to be introduced.

The objectives below have been broken down by Corporate Equality Objectives and also by Service Unit Equality Objectives.

Corporate Equality Objectives

1) Ensure Fair treatment when accessing and receiving services from the Council.

2) To record the number of incidents reported (that the Council has an influence over) where an individual has suffered discrimination because of one or more of their characteristics.

Service Unit Equality Objectives

3) Monitor the number of Disabled users who are satisfied when using the Customer Service function ‘Face to Face’

4) Monitor the satisfaction rates of males while accessing Housing services

5) Maintain the number of Blue Badge parking spaces within Council owned pay and display car parks at 6% or above

6) All external organisations who provide services on behalf of the Council have equality and diversity policies in place or adhere to Council policies
6) What the Council will do to ensure it is fulfilling its duties under the Equality Act 2010

- Meeting our responsibilities for equality and diversity under the Equality Act 2010 via our policies, procedures, functions and services
- Making equality an integral part of our work. This means making sure that all aspects of what we do reflect and incorporate the principles of this scheme and equality and diversity as a whole
- Tackling all forms of bullying, harassment and intimidation
- Taking positive action to address social, economic and geographical disadvantage or exclusion
- Making equalities the responsibility of every employee, elected member and every representative of the Borough Council
- Using the Social Model of Disability as the basis for our work to promote equality of opportunity for and to tackle discrimination against disabled people
- Working with other agencies to improve our policy, procedures and services
- Provide mandatory training for all our employees in fairness and diversity and refresher training every five years
- Monitoring our progress by producing a progress report every 12 months and publishing this on our website
- Constantly working so that the services we deliver and the buildings we deliver them from are as accessible as possible. This includes offering various ways for customers and service users to obtain our services and information.
- Working with the Borough’s diverse communities to tackle disadvantage and discrimination
- Increasing the opportunities for people to influence Council decisions, policies and services.

7) Putting the Equality Act 2010 into practice

Examples of our work to comply with the Equality Duty

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;

The Council has in place various policies and procedures to ensure that there is no discrimination, harassment or victimisation in the services the Council provides. These include:

*Recruitment and Section Policy:* This ensures nobody is unfairly treated whilst trying to obtain employment with the Council. The Council removes personal details from the application form so a person cannot be identified, either via their name or by their characteristics. The Council does not request the dates of academic qualifications as this could identify the age of an applicant.

*Housing Allocations Policy:* This has been moved to a system known as Uchoose which is a choice based lettings scheme. This system ensures fairness as housing is allocated on a need basis, taking into consideration peoples requirements.

*Discrimination Incidents:* The Council monitors incidents which a person feels is discriminatory in their nature that the Council has an influence over, for example a Council service provided or Council Tenants. This is carried out to ensure that there is no discrimination in any aspect of the Council’s work. Any incidents reported will be examined and investigated as appropriate.
**Equality Impact Assessments:** The Council carries out Equality Impact Assessments as one of its main mechanisms to ensure equality within the services we provide. Each function is screened for relevance to the equality duty and then initially screened to establish whether there is adverse impact on the protected characteristics. If there is deemed to be adverse impact, or a function is deemed to have a major impact on a group or the whole borough, then a full Equality Impact Assessment will be carried out at appropriate stages during the process. These assessments are an integral part of the Council’s decision making process.

Some other policies which are in place include:

Adoption Leave Policy  
Attendance Management Policy  
Authorised Leave Policy  
Capability Procedure  
Child Protection Policy  
Community Cohesion Strategy  
Complaints Procedure  
Corporate Plan  
Customer 1st – Corporate Customer Service Standards  
Dismissal and Disciplinary Procedures  
Harassment Policy  
Home working Scheme  
Redeployment Policy  
Stress Policy

Advance equality of opportunity between people from different groups

**Blue Badge Parking Review:** Following a Cabinet decision to re-introduce charging for Blue Badge motorists, the Council undertook a major review to ensure that Council car parks were fully accessible and practical for Blue Badge Holders. Several consultation events across the Borough were accompanied with an on-line questionnaire to establish what improvements could be made to Council parking in the Borough. Following this consultation exercise and Cabinet approval there has been a range of improvement to Council car parks including a 59% increase in Blue Badge spaces across the Borough from 102 to 162 spaces.

**Hate Crime Reporting:** The Council has worked closely with the Local Ethnic Minority Advisory Council (LEMAC) to introduce Hate Crime Reporting Points in the Borough. With the under-reporting of hate crime incidents nationally along with local concerns, the Council is working closely with LEMAC to support and maintain 15 points across the Borough to make reporting easier as these points will be in more familiar and comfortable surroundings to victims.

**Council Website:** The Council has in place various mechanisms to ensure the website is fully accessible. The website is speech enabled which means it will work with such programmes as Brousealoud. The site uses the government access key system. A ‘breadcrumb trail’ ensures users know where they are on the site. The colour and the font size can be adjusted and instructions are listed on the website.

**Customer Service One Stop Shop:** The One Stop Shop is equipped to meet the needs of all Council residents who visit. All desks are at a low level for access. There is a visual and verbal indicator to call customers through to the centre. A loop system is installed for those hard of hearing. Translation and interpretation services are available for those whose first language is not English.
**Funding of Race Equality Body:** The Council has acknowledged that BME communities require additional support within their communities. The Council has part funded the Warwickshire Race Equality Partnership for the last five years in order to assist with casework, promoting good relations and community engagement specific to the BME community.

**Elections:** The elections service ensures that everyone who is entitled to vote is able to vote via a number of different methods. For those people who are unable to attend a polling station because of, for example, a disability, the Council issue a postal vote so they can vote from home. At the polling station, voters have access to such things as magnifying glasses and Braille in order to vote. All polling stations are fully accessible and a review is carried out yearly to ensure that this level is maintained.

Foster good relations between people from different groups.

**Religion and Belief work:** To promote understanding between the different religions in the Borough, guidance has been produced for employees and the public to outline some introductory guidance to the major religions that are practised in the Borough. This includes main beliefs, dress, food eaten and major festivals throughout the year.

**Access and Mobility Group:** The Council works closely with the Borough’s Access and Mobility Group which deals with related issues across the Borough. Part of the Group’s work is to promote good relations within the community and, with Council assistance, has worked with various shops and organisations in the Borough to make them more accessible.

**Intergenerational work:** A community project brought Nicolas Chamberlain School students together with the Alms Houses (Sheltered Complex) in Bedworth. This was set up in order to promote a better understanding between the younger and older people in the community. A similar project is being initiated between the students at St Thomas More School and the Poplars Sheltered Housing Complex.

8) **Council Equality Work**

8.1) **Equality Champions Group**

The Council has an Equality Champions Group which oversees the equality agenda across the Council.

A representative from each Service Unit is a member of the group. The group is chaired by the Director for Governance and Recreation.

8.2) **Service Unit Equality Action Plans**

Each Service Unit has in place an action plan specific to equalities. This is specific to the work of the Service Unit so that equality considerations are addressed within each area of the Council.

A Service Unit Equality Action Plan covers Equality Impact Assessments, equality training, conducting equality monitoring, carrying out consultation, monitoring their equality objective/objectives and how the service unit is contributing to the Public Sector Equality Duty.

8.3) **Equality Impact Assessments**

Equality Impact Assessments (EIA) is a mechanism to ensure that the Councils policies, procedures, functions and services are not discriminating against anyone who it may affect.
The purpose of an EIA is to ensure that any issues which might have adverse impact on a persons characteristic or characteristics is identified and removed or reduced as much as reasonably possible.

The Council has three levels when going through the EIA process:

1) Relevance – to establish whether the function have any relevance to any equality issues
2) Initial Screening – the function is screened to establish whether there is any adverse impact on any of the protected characteristics
3) Full EIA – the function is subject to a full detailed assessment to establish what impact it has on protected groups and how this can be removed or minimised or even justified.

8.4) Equality Monitoring

Many different people live in, work in and visit the Borough. It is therefore vital that the Council carries out monitoring to ensure that a service is provided which meets the needs of the community.

Equality monitoring is required under the Equality Act 2010 but is flexible to ensure that only appropriate information is collected which will be relevant to service delivery.

When conducting monitoring, there will always be an option to not disclose information so that a persons privacy can be maintained if they so wish.

8.5) Recruitment and Employment Practises

The Council will have due regard for equality in all aspects of employment. This will cover advertising, recruitment, selection, terms and conditions of employment, training, personal development and ending employment. This will be achieved by:

- Recruiting people on the basis of ‘the best person for the job’
- Encourage applications from all areas of the community
- Ensuring no job applicant receives more or less favourable treatment because of their characteristics
- Asking only for the skills and abilities needed to carry out a job
- Not imposing any conditions or requirements which will unfairly affect one group of people more than another
- Making sure all job applicants demonstrate they are competent and qualified to do the job they have applied for
- Keeping a record of both applicants and employees characteristics (where disclosed) to ensure the Councils policies are working
- Supporting and recognising the potential of all employees by offering opportunities for training and development
- Ensuring all employees have an employee review on an annual basis to discuss achievement and future development
- Making sure the Council’s working environment is supportive and non-threatening by not tolerating any acts of discrimination or harassment.
As part of our published information under the Equality Act 2010, below is information which details our recruitment broken down by equality information. The data below is from December 2010 to July 2011:

Disability:

<table>
<thead>
<tr>
<th></th>
<th>Disabled</th>
<th>Able</th>
<th>Not Stated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants</td>
<td>7</td>
<td>280</td>
<td>23</td>
</tr>
<tr>
<td>Interviewed</td>
<td>1</td>
<td>59</td>
<td>1</td>
</tr>
<tr>
<td>Offered</td>
<td>0</td>
<td>20</td>
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</tr>
<tr>
<td>Hired</td>
<td>0</td>
<td>20</td>
<td>0</td>
</tr>
</tbody>
</table>

Ethnicity

<table>
<thead>
<tr>
<th></th>
<th>Applicants</th>
<th>Interviewed</th>
<th>Offered</th>
<th>Hired</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian Bangladeshi</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian Chinese</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian Indian</td>
<td>29</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian Other</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian Pakistani</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black African</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Black Caribbean</td>
<td>3</td>
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<td>0</td>
</tr>
<tr>
<td>Gypsy or Irish Traveller</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mixed Other</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mixed White &amp; Asian</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mixed White &amp; Black</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mixed White &amp; Caribbean</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Not Stated</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Prefer not to say</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White British</td>
<td>210</td>
<td>51</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>White Irish</td>
<td>3</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>White Other</td>
<td>28</td>
<td>1</td>
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Religion

<table>
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<tr>
<th></th>
<th>Buddhist</th>
<th>Christian</th>
<th>Hindu</th>
<th>Jewish</th>
<th>Muslim</th>
<th>None</th>
<th>Other</th>
<th>Prefer not to say</th>
<th>Sikh</th>
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<td>87</td>
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<td>16</td>
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<td>17</td>
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<td>0</td>
<td>3</td>
<td>16</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Offered</td>
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<td>13</td>
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<td>0</td>
<td>0</td>
<td>7</td>
<td>0</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hired</td>
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<td>7</td>
<td>0</td>
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</tr>
</tbody>
</table>
Gender

<table>
<thead>
<tr>
<th></th>
<th>Applicants</th>
<th>Interviewed</th>
<th>Offered</th>
<th>Hired</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Prefer not to say</td>
<td>Not Stated</td>
</tr>
<tr>
<td>Applicants</td>
<td>162</td>
<td>129</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>Interviewed</td>
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<td>34</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Offered</td>
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<tr>
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</table>

Sexual Orientation

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<tr>
<th></th>
<th>Bisexual</th>
<th>Gay man</th>
<th>Heterosexual/straight</th>
<th>Lesbian/Gay woman</th>
<th>Prefer not to say</th>
<th>Not Stated</th>
</tr>
</thead>
<tbody>
<tr>
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<td>273</td>
<td>1</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Interviewed</td>
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<td>0</td>
<td>58</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Offered</td>
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<td>0</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hired</td>
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<td>20</td>
<td>0</td>
<td>0</td>
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</table>

Age

<table>
<thead>
<tr>
<th></th>
<th>16 - 17</th>
<th>18 - 24</th>
<th>25 - 29</th>
<th>30 - 39</th>
<th>40 - 49</th>
<th>50 - 59</th>
<th>60 - 64</th>
<th>65+</th>
<th>Not Stated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants</td>
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<td>52</td>
<td>75</td>
<td>63</td>
<td>43</td>
<td>5</td>
<td>4</td>
<td>17</td>
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<tr>
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<td>7</td>
<td>10</td>
<td>14</td>
<td>13</td>
<td>15</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Offered</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>0</td>
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</tr>
<tr>
<td>Hired</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

8.6) Serving our customers

The Council is one of the biggest suppliers of services in the Borough. Therefore it is important that equality considerations are one of the principles of serving our customers. Therefore, we will:

- Deliver services throughout the Borough to people who need them without discriminating against them.
- Aspire to improve access to our services and information
- Ensure that our buildings that are open to the public can be accessed and used by all communities
- Make sure our employees are trained and supported to deliver the highest possible levels of customer service
- Make sure our services meet the needs of our diverse communities by involving them in identifying their needs and shaping these into the design and delivery of services
- Develop our services to make sure there is a maximum take up by communities
- Provide information where possible in plain English
- Offer services in other formats and languages on request where possible

8.7) Council Decision Making

The Council is aware that its decisions and actions affect residents, visitors and people who work/have a business in the Borough. Therefore, we will:
• Consider the impact and assess the effect on customers and communities of our policies and practises and take action to improve them if they result in discrimination or disadvantage to any groups or communities
• Consider the potential impact on customers and communities before making important decisions
• Carry out equality impact assessments in relation to the important decisions the Council makes where there is an equality consideration within the decision
• Commit to consulting with communities, community groups and organisations over major proposals or changes carried out by the Council before implementing changes.

8.8) Working with other Organisations

The Council knows that it cannot work alone in achieving its aims and objectives. Therefore, we will:

• Use our standing as a community leader to help promote equality across the Borough.
• Work with other public, private, voluntary and community groups to ensure our equality scheme is put into action.
• Share information and examples of good practise with other agencies and organisations
• Involve people from the Borough’s whole community to influence our work and services

8.9) Buying in Services

With the introduction of the Equality Act 2010, the Council now has more scope to influence external parties as to how they work, as under the Act the responsibility of equalities still rests with the Council even though a service or function has been delegated to a third party.

With the above in mind, the Council has specific criteria when we tender for contracts and services. This includes equality criteria which we require a contractor to comply with.

The Council therefore ensures that each contractor has their own equality and diversity policy or adheres to the Council’s own Equality Scheme.

8.10) Involving Communities and Consultation

The Council plays a vital role in the lives of communities of the Borough. The Council aims to:

• Develop and support all forms of consultation and involve residents where possible in the planning of services and decision making
• Develop effective working relationships with all communities in the Borough via appropriate groups, forums and networks
• Work closely with partner agencies and organisations
• Support opportunities in local communities for people to be involved in decision making processes
### 9) Equality Objectives Action Plan

<table>
<thead>
<tr>
<th>Equality Objective</th>
<th>Why is this an objective?</th>
<th>How will this be measured?</th>
<th>Current Data/Information available</th>
<th>Outcomes</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Ensure Fair Treatment when accessing and receiving services from the Council</td>
<td>The Council needs to ensure that everyone who receives a service is treated fairly and consistently while considering their individual needs.</td>
<td>The Council conduct a ‘Big Survey’ on an annual basis which includes this equality indicator as a question. This is on a scale of: A great deal, To some extent, Not very much, Not at all and Don't know.</td>
<td>The ‘Big Survey’ results (which includes this equality indicator) will be published once completed in February 2012.</td>
<td>All customers who access Council services will feel that they are treated fairly by the Council. The Council will take action to address any areas where improvements are required.</td>
<td>Equality and Child Protection Officer in conjunction with all posts which offer a service to the public</td>
</tr>
<tr>
<td>2) To record the number of incidents reported (that the Council has an influence over) where an individual has suffered discrimination because of one or more of their characteristics.</td>
<td>The Council has a legal responsibility to deal effectively and consistently with any discrimination. Therefore, this mechanism is in place to ensure that such complaints are recorded and investigated.</td>
<td>The data will be collected from complaints made to the Council which fall under the category of discrimination.</td>
<td>There were 13 incident in the financial year 2010/2011. 10 of these were Racial, 2 Disability and 1 Sexual Orientation.</td>
<td>All cases of discrimination which involve the Council are recorded and investigated.</td>
<td>All Front Line Council services in conjunction with Equality and Child Protection Officer</td>
</tr>
<tr>
<td>3) Improve the number of Disabled user’s satisfaction rates when using the</td>
<td>The Council do not want there to be any barriers when a Disabled person</td>
<td>Data is collected via a GovMetric survey, which is optionally completed by a</td>
<td>From figures collected from 1st April 2011 to 10th August 2011, there</td>
<td>An increase to 70% in Disabled people who believe they have a</td>
<td>Customer Services, Business Improvement in conjunction with</td>
</tr>
<tr>
<td></td>
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<td>Equality Objective</td>
<td>Why is this an objective?</td>
<td>How will this be measured?</td>
<td>Current Data/Information available</td>
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<td>Customer Service function ‘Face to Face’</td>
<td>access a Council building in person.</td>
<td>customer on exit from Customer Services.</td>
<td>were 288 people who classed themselves as Disabled. Out of these, 186 (65%) felt they received a good service, 26 (9%) people believed they had an average service and 76 (26%) stated they received a poor service.</td>
<td>good service.</td>
<td>Equality and Child Protection Officer</td>
</tr>
<tr>
<td>4) Improve the satisfaction rates of males while accessing Housing services</td>
<td>To ensure that both genders are receiving a consistent service from the Housing function.</td>
<td>Data is collected via a GovMetric survey, which is optionally completed by a customer on exit from a Customer Services function, such as Face to Face, Telephone, Email or Internet.</td>
<td>From figures collected from 1st April 2011 to 10th August 2011: Out of 125 males, 74 (59%) felt the service was good, 2 (2%) said the service was average and 49 (39%) believed it was poor. Out of 177 females, 133 (75%) felt the service was good, 17 (10%) believed it was average and 27 (15%) described the service as poor.</td>
<td>An increase to 70% of males who feel they receive a good service.</td>
<td>Housing and Communities in conjunction with Equality and Child Protection Officer</td>
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<td>Equality Objective</td>
<td>Why is this an objective?</td>
<td>How will this be measured?</td>
<td>Current Data/Information available</td>
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<td>5) Maintain the number of Blue Badge parking spaces within Council owned pay and display car parks at 6% or above</td>
<td>The Council wishes to ensure that there is an appropriate provision for parking spaces for Blue Badge holders.</td>
<td>The data on the number of parking spaces within Council car parks is held by the Parking Manager.</td>
<td>For current year 2011 to 2012, there are 160 disabled parking spaces which equates to 6.8% of the overall spaces.</td>
<td>Blue Badge holders have more parking choice and accessibility to park in Council car parks.</td>
<td>Parking Manager in conjunction with Equality and Child Protection Officer</td>
</tr>
<tr>
<td>6) All external organisations who provide services on behalf of the Council have equality and diversity policies in place or adhere to Council policies</td>
<td>As per our requirements under the Equality Act 2010, to ensure that any organisation that the Council commissions to carry out work either has its own equality policies in place or adheres to the Council’s own policy.</td>
<td>From tendering documentation during the procurement process.</td>
<td>All companies currently tendering have declared to have their own equality policies.</td>
<td>All companies who carry out work on behalf of the Council commit to equality within their practises.</td>
<td>Strategic Procurement and Creditors Manager</td>
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Appendix - Glossary of Definitions

Below are definitions that you might hear or see when connected to equality work:

**Black**: This term is used in a variety of ways. For example: the term black is used to refer to people of African and Caribbean origin, it is also used to refer to people of African, Caribbean, South Asian and other Asian origin and at other times it is used within its political context to refer to individuals or groups who suffer discrimination or harassment based upon race, ethnicity, or colour.

**Black and Minority Ethnic (BME)**: This term is used to include people from minority backgrounds such as Black African, Black Caribbean, Asian, Chinese, Dual-Heritage or Multi-heritage, Gypsy and Traveller.

**Disability**: This defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

**Discrimination**: When a person or group of people are treated more or less favourably on the grounds of their race, colour, ethnicity or beliefs, gender, sexuality, disability or religion.

**Diversity**: The differences in the values, attitudes, cultural perspectives, beliefs, ethnic backgrounds, sexuality, skills, knowledge and life experiences of each individual in any group of people. This term refers to differences between people and is used to highlight individual need.

**Ethnicity**: An individual's identification with a group sharing any or all of the following: nationality, lifestyles, religion, customs and language.

**Equalities**: A short hand term to refer to all work addressing issues of discrimination and disadvantage, particularly as it relates to race, disability, gender, sexuality, faith and age.

**Equality**: The vision of a society (or aspects of society) where all individuals have fair and equal chances to develop their full potential in all aspects of life and where barriers of discrimination and oppression have been removed.

**Equality Act 2010**: This is the piece of legislation which covers all equality legislation and has replaced all previous legislation.

**Equal opportunities**: The development of practices that promote the possibility of all people starting out in life from a level playing field. All should have equal opportunities in life, regardless of where they were born or who their parents were.

**Identity**: The state of having unique identifying characteristics held by no other person.

**Migrant**: This refers to an individual who has relocated her/his activities from one place to another. Migration can be international.

**Nationality**: The state of belonging to a particular country because you were born there or have been legally accepted as belonging to it. Nationality can be different from cultural heritage/background.

**Race**: An artificial classification of human beings according to certain characteristics such as skin colour.
Racism: Refers to a set of attitudes, behaviours and actions towards people from a different ethnic group than oneself. The Stephen Lawrence inquiry report defines racism as "...conduct or words which disadvantage people because of their colour, culture, or ethnic origin"

Racial harassment: The Equality and Human Rights Commission defines racial harassment as "violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality, and ethnic origins, where the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism"

Social Model of Disability: The social model of disability makes the important distinction between “impairment” and “disability”. It holds that disability is a social phenomenon, and while many individuals have physical or sensory impairments or learning difficulties or are living with mental health needs, it is the way society responds to these, that is the source of “disability”. The alternative model, often called the "Medical Model of Disability" encourages explanations for the discrimination and disadvantage experienced by disabled people in terms of the features of an individual's physical or mental impairments. The social model, however, encourages explanations in terms of how society is organised.

Stereotyping: Is a, false or generalised assumption about a particular group or person and believing the assumption to be true

Transgender/Transsexual: It is a term for referring to a person with a recognised medical condition known as gender dysphoria, where an individual identifies with and has the desire to live and be accepted as a member of the opposite sex.
1. Purpose of Report

1.1 To review and approve the Council Policies on:
   - Freedom of Information Act 2000
   - Data Protection Act 1998
   - Environmental Information Regulations 2004

2. Background

2.1 Members will be aware that the Council has in place policies setting out rights and obligations in respect of information under the above legislation. The policies are all due for review and are attached at Appendices A to C for consideration and approval. In each case there have been no changes in legislation and as such, the substance of the policies remain unchanged. Updates have been made to reflect changes in structure and operational responsibility for compliance.


3.1 The Act came into force in 2005 and provides the right, subject to certain exemptions, to obtain copies of all information held by the Council.

3.2 The Council has a centralised computer system for logging and tracking requests for information which can be received, in person, by post or via the Council’s website. Requests under the Act must be dealt with in 20 days. Freedom of Information co-ordinators in each unit take responsibility for ensuring that requests are forwarded to officers best placed to respond. Between the period 1st February 2012 to 30th September 2012 150 Freedom of Information / Data Protection requests were received by the Council.

4.1 The Data Protection Act 1998 regulates the use of data held about individuals and provides rights of access to that data. It also sets out principles which must be adhered to in terms of security of data, use of data and accuracy.

4.2 The Council has the Corporate Data Protection Policy and each unit then holds a departmental policy dealing with the purposes for which they hold personal data, and the security and systems they have in place. Each unit will be asked to update its departmental policy in due course.

5. Environmental Information Regulations 2004

5.1 These specifically relate to information about environmental issues which include for example information relating to emissions, contamination and any plans, policies and measures taken to protect the environment. The Regulations require the publication by the Council of environmental information and gives the public rights of access to environmental information, subject to certain exemptions.

6. Training

It is imperative that officers are trained to recognise requests under the various pieces of legislation, and to deal with them promptly and efficiently. A programme of training is currently being looked into with a view to ensuring compliance with the legislation.

7. Recommendations

It be recommended THAT

7.1 the Policies attached at appendices A-C be agreed and referred to Cabinet for approval
NUNEATON AND BEDWORTH BOROUGH COUNCIL

FREEDOM OF INFORMATION ACT 2000
POLICY

NOVEMBER 2012
Title: Freedom of Information Act Policy

Date: 2012

Version: 1.0

Reference: X520.57

Author: Wendy Davies-White

Director: Philip Richardson – Governance and Recreation

Managing Director: Alan Franks

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Section 1  Introduction

1.1  Background

The Freedom of Information Act Policy is a statement of what Nuneaton and Bedworth Borough Council (referred to as the Council) will do to ensure compliance with the Act.

The Freedom of Information Act 2000 has brought greater openness in the public sector. It enables members of the public to question the decisions of public authorities more closely and to ensure that the services we provide are efficiently and properly delivered.

The main features of the Act are:

1. A general right of access from 1st January 2005 to recorded information held by public authorities, subject to certain conditions and exemptions;

   - in cases where information is exempted from disclosure, except where an absolute exemption applies, the act creates a duty on public authorities to inform the applicant whether they hold the information requested, and communicate the information to him or her, unless the public interest in maintaining the exemption in question outweighs the public interest in disclosure.

2. A duty on every public authority to adopt and maintain a Publication Scheme;

3. The office of Information Commissioner with wide powers to enforce the rights created by the Act and to promote good practice, and a new Information Tribunal;

4. A duty on the Lord Chancellor to promulgate Codes of Practice for guidance on specific issues.

1.2  Scope

The Freedom of Information Act Policy applies to all Council employees and Elected Members.

The Policy provides a framework within which the Council will ensure compliance with the requirements of the Act.

The Policy underpins any operational procedures and activities connected with the implementation of the Act.

1.3  General Principles

The Policy supports the principle that openness and not secrecy should be the norm in public life. The Council wants to create a climate of openness and dialogue with
all stakeholders and improved access to information about the Council will facilitate the development of such an environment.

The Council believes that individuals also have a right to privacy and confidentiality. This Policy does not overturn the common law duties of confidence or statutory provisions that prevent disclosure of personal identifiable information. The release of such information is still covered by the subject access provisions of the Data Protection Act 1998 and is dealt with in other Council policies.

The Council believes that public authorities should be allowed to discharge their functions effectively. This means that the Council will use the exemptions contained in the Act where an absolute exemption applies or where a qualified exemption can reasonably be applied in terms of the public interest of disclosure.

The Council believes that employees should have access to expert knowledge to assist and support them in understanding the implications of the Act. The Policy sets out a framework to provide this knowledge. Employees and Elected Members requiring specific advice should contact the Director – Governance & Recreation.

The Council believes that common standards are required to ensure that the organisation is compliant with the Act. The Policy outlines the areas in which common standards will be established through other Council policies and procedures.
Section 2  Policy Detail

2.1 Statement

The Council will use all appropriate and necessary means to ensure that it complies with the Freedom of Information Act 2000 and associated Codes of Practice issued by the Lord Chancellor’s Department pursuant to sections 45(5) and 46(6) of the Act.

2.2 Utilising Our Publication Scheme

The Council has adopted a Publication Scheme.

The Council’s Publication Scheme is an evolving document, detailing the information that the Council publishes at this point as well as what it intends to publish in the future. It details the format in which the information is available and whether or not a charge is to be made for the provision of that information. The Publication Scheme is available through our website. It will be subject to regular review in terms of content.

2.3 General Right of Access

Section 1 of the Act gives a general right of access from 1st January 2005 to recorded information held by the Council, subject to certain conditions and exemptions contained in the Act. Simply, any person making a request for information to the Council is entitled:

- to be informed in writing whether the Council holds the information of the description specified in the request, and
- if the Council holds the information to have that information communicated to them.

This is referred to as the ‘duty to confirm or deny’. These provisions are fully retrospective in that if the Council holds the information it must provide it, subject to the certain conditions and exemptions. The Council will ensure that procedures and systems are in place to facilitate access by the public to recorded information from this date.

In accordance with section 8 of the Act, a request for information under the general rights of access must be received in writing, stating the name of the applicant and an address for correspondence, and describe the information requested. Requests received electronically are also acceptable under the Act.

The Council has established systems and procedures to process applications arising from the introduction of general rights of access on 1st January 2005.

2.4 Conditions and Exemptions
The duty to confirm or deny is subject to certain conditions and exemptions. Under section 1(3) the duty to confirm or deny does not arise where the Council:

- reasonably requires further information in order to identify and locate the information requested, and
- has informed the applicant of that requirement.

The Council will make reasonable efforts to contact the applicant for additional information pursuant to their request should further information be required.

Under section 2 of the Act the Council does not have to comply with this duty if the information is exempt under the provisions of Part II of the Act, sections 21 to 44. These provisions either confer an absolute exemption or a qualified exemption. A qualified exemption may be applied if, in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Council holds the information. The Part II exemptions are listed in Appendix A of this Policy. The Council will seek to use the qualified exemptions sparingly and will, in accordance with section 17 of the Act justify the use of such exemptions.

The duty to confirm or deny does not arise if a fees notice has been issued to an applicant and the fee has not been paid within the period of three months beginning on the day on which the fees notice is given to the applicant.

The duty to comply with a request for information does not arise if the Council estimates that the cost of compliance with the request would exceed the appropriate limit established in national Fees Regulations. The Council will work with applicants to keep compliance costs to a minimum but reserves the right to either (a) refuse or (b) charge for the communication of information that exceeds this limit.

The Council is not obliged to comply with a request for information if the request is vexatious. Where the Council has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or subsequently similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. The Council will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests.

### 2.5 Charges and Fees

The Council will generally not charge for information that it has chosen to publish in its Publication Scheme. Charges may be levied for hard copies, multiple copies or copying onto media such as a CD-ROM.

The Council will follow the national Fees Regulations for general rights of access under the Act. These set an appropriate limit on costs of compliance, a manner in which an appropriate fee may be calculated and circumstances in which no fee should be levied.
In all cases where the Council chooses to charge for information published through the Publication Scheme or levy a fee arising from an information request under general rights of access, a fees notice will be issued to the applicant as required by section 9 of the Act. Applicants will be required to pay any fees within a period of three months beginning with the day on which the fees notice is given to them.

2.6 Time Constraints: Compliance with Requests

The Council has established systems and procedures to ensure that the organisation complies with the duty to confirm or deny and to provide the information requested within twenty working days of a request in accordance with section 10 of the Act. All employees and Elected Members will be required to comply with the requirements of these procedures; failure to do so may result in disciplinary action.

If the information requested by the applicant incurs a charge or a fee and the applicant has paid this, the working days in the period from when the applicant received the fees notice to when they paid will be disregarded for the purposes of calculating the twentieth working day following receipt.

If the Council chooses to apply an exemption to any information or to refuse a request as it appears to be vexatious or repeated, or exceeds the appropriate limit for costs of compliance, a notice shall be issued within twenty working days informing the applicant of this decision.

2.7 Information Dissemination

When an applicant, on making their request for information, expresses a preference for communication in a particular manner, be it in the form of a copy or summary or the applicant may ask to inspect the record, the Council shall so far as reasonably practicable give effect to that preference, in accordance with section 11 of the Act.

In determining whether it is reasonably practicable to communicate information by a particular means, the Council will consider all the circumstances, including the cost of doing so. If the Council determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making their request, the Council will notify the applicant of the reasons for its determination and will provide the information by such means as which it deems to be reasonable in the circumstances.

The Council has established systems and procedures to monitor the provision of information arising from requests under the Act.

2.8 Refusal of Requests

1. As indicated above, the duty to confirm or deny does not arise if the Council:

(a) using section 2 of the Act applies an exemption under Part II of the Act, as illustrated in Appendix A,

(b) has issued a fees notice under section 9 of the Act and the fee has not been paid within a period of three months beginning with the day on which the fees notice was given to the applicant,
(c) under section 12 of the Act estimates that the cost of compliance with the request for information exceeds the appropriate limit,

(d) can demonstrate that the request for information is vexatious or repeated, as indicated by section 14 of the Act.

If the Council chooses to refuse a request for information under any of the above clauses, the applicant will be informed of the reasons for this decision within twenty working days. The applicant will also be informed of the procedures for making a complaint about the discharge of the duties of the Council under the Act and of the right conferred by section 50 of the Act.

2. If the Council is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information a notice will be issued within twenty working days under s17 of the Act. The notice will:

(a) state that fact,

(b) specify the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.

3. Where the Council is relying on a claim:

(a) that any provision of Part II which relates to the duty to confirm or deny and is not specified in section 2(3) of the Act as an absolute exemption is relevant to the request, or

(b) that the information is exempt only by virtue of a qualified exemption, a provision not specified in section 2(3), and at the time when the notice above is given to the applicant has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2 of the Act – the application of an exemption – the notice will indicate that no decision as to the application of an exemption has been reached and contain an estimate of the date by which the Council expects that a decision will have been reached.

Such estimates should be realistic and reasonable and compliance is expected unless there are extenuating circumstances. If an estimate is exceeded, the applicant will be given a reason(s) for the delay and offered an apology by the Council. If the Council finds, while considering the public interest, that the estimate is proving unrealistic, the applicant will be kept informed.

If applying a qualified exemption under subsection (1)(b) or (2)(b) of section 2 of the Act the Council will, either in the notice issued under 2.8.2 above or a separate notice given within such a time as is reasonable in the circumstances, state the reasons for claiming:
(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Council holds the information, or

(b) that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The statement should not involve the disclosure of information which would itself be exempt information.

If the Council is relying on a claim that section 12 (cost of compliance) or 14 of the Act apply, the notice will state that fact. If the Council is relying on a claim that the request is vexatious or repeated under section 14 of the Act, and a notice under section 17 has already been issued to the applicant stating this fact, a further notice is not required.

The Council will keep a record of all notices issued to refuse requests for information.

2.9 Duty to Provide Advice and Assistance

The Council will ensure that systems and procedures are in place to meet the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the Council to do so, to persons who propose to make, or have made, requests for information. This is a duty under section 16 of the Act.

The Council will ensure that the systems and procedures that are deployed to meet the section 16 duty also conform to the Code of Practice issued under section 45 of the Act.

2.10 Transferring Requests for Information

A request can only be transferred where the Council receives a request for information which it does not hold, within the meaning of section 3(2) of the Act, but which is held by another public authority. If the Council in receipt of a request holds some of the information requested, a transfer can only be made in respect of the information it does not hold (but is held by another public authority). The Council recognises that "holding" information includes holding a copy of a record produced or supplied by another person or body (but does not extend to holding a record on behalf of another person or body as provided for in section 3(2)(a) of the Act).

Upon receiving the initial request for information, the Council will process it in accordance with the Act in respect of such information relating to the request as it holds. The Council will also advise the applicant that it does not hold part of the requested information, or all of it, whichever applies.

If the Council believes that some or all of the information requested is held by another public authority, the Council will, in order to assist the applicant, transfer the request to the other authority. If necessary, consultation will take place with the other authority to ascertain whether it does hold the information prior to transferring the request to it. The Council will inform the applicant that it has transferred the request.
Where there are reasonable grounds to believe that an applicant is likely to object to
the transfer, the applicant will be contacted with a view to suggesting that he or she
makes a new request to the other authority.

All transfers of requests will take place as soon as is practicable, and the applicant
will be informed as soon as possible once this has been done. Where the Council
does not hold the requested information or is unable to facilitate the transfer of the
request to another authority (or considers it inappropriate to do so) it will consider
what advice, if any, it can provide to the applicant to enable him or her to pursue his
or her request.

2.11 Consultation with Third Parties

The Council recognises that in some cases the disclosure of information pursuant to
a request may affect the legal rights of a third party, for example where information is
subject to the common law duty of confidence or where it constitutes "personal data"
within the meaning of the Data Protection Act 1998 ("the DPA"). Unless an
exemption provided for in the Act applies in relation to any particular information, the
Council will be obliged to disclose that information in response to a request.

Where a disclosure of information cannot be made without the consent of a third
party (for example, where information has been obtained from a third party and in the
circumstances the disclosure of the information without their consent would
constitute an actionable breach of confidence such that the exemption at section 41
of the Act would apply), the Council will consult that third party with a view to seeking
their consent to the disclosure, unless such a consultation is not practicable, for
example because the third party cannot be located or because the costs of
consulting them would be disproportionate. Where the interests of the third party
which may be affected by a disclosure do not give rise to legal rights, consultation
may still be appropriate.

2.12 Public Sector Contracts

When entering into contracts the Council will not generally include contractual terms
which purport to restrict the disclosure of information held by the Council and relating
to the contract beyond the restrictions permitted by the Act. Unless an exemption
provided for under the Act is applicable in relation to any particular information, the
Council will be obliged to disclose that information in response to a request,
regardless of the terms of any contract.

Every request for information held in respect of a contract will be considered in
accordance with the provisions of the Act however generally, any information held by
the Council in respect of a contract, prior to the award of that contract will be
considered to be exempt from disclosure. Additionally, the Council considers that for
a period of six months following the award of a contract, information held in respect
of that contract remains commercially sensitive and will not generally be disclosed.

It is for the Council to disclose information pursuant to the Act, and not the non-public
authority contractor. The Council will take steps to protect from disclosure by the
contractor information which the authority has provided to the contractor which would
clearly be exempt from disclosure under the Act, by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible, and according to the individual circumstances of the case. Apart from such cases, the Council will not generally impose terms of secrecy on contractors.

2.13 Accepting Information in Confidence from Third Parties

The Council will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the authority's functions and it would not otherwise be provided.

The Council will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

2.14 Complaints

The Council has implemented a procedure for dealing with complaints about the discharge of the duties of the Council under the Act, including the handling of requests for information.

The procedure will refer applicants to the right under section 50 of the Act to apply to the Information Commissioner if they remain dissatisfied with the conduct of the Council following attempts at local resolution of their complaint.

2.15 Records Management


The policy and associated guidelines address issues of active records management – creation, keeping, maintenance and disposal – according to the requirements that the law places upon the Council.

2.16 Data Protection Act

Where information constitutes "personal data" within the meaning of the Data Protection Act, the Council will have regard to section 40 of the Freedom of Information Act which makes detailed provision for cases in which a request relates to such information and the interplay between the Freedom of Information Act and the Data Protection Act in such cases.

The Council will undertake consultation where:

(a) the views of the third party may assist the authority to determine whether an exemption under the Act applies to the information requested; or
(b) the views of the third party may assist the authority to determine where the public interest lies under section 2 of the Act.

The Council may consider that consultation is not appropriate or practicable for example where the cost of consulting with third parties would be disproportionate. In such cases, the Council will consider what is the most reasonable course of action for it to take in light of the requirements of the Act and the individual circumstances of the request. Consultation will be unnecessary where:

(a) the public authority does not intend to disclose the information relying on some other legitimate ground under the terms of the Act;

(b) the views of the third party can have no effect on the decision of the authority, for example, where there is other legislation preventing or requiring the disclosure of this information;

(c) no exemption applies and so under the Act's provisions, the information must be provided.

Where the interests of a number of third parties may be affected by a disclosure, and those parties have a representative organization which can express views on behalf of those parties, the Council will, if it considers consultation appropriate, consider that it would be sufficient to consult that representative organization. If there is no representative organization, the Council may consider that it would be sufficient to consult a representative sample of the third parties in question.

The fact that the third party has not responded to consultation does not relieve the Council of its duty to disclose information under the Act, or its duty to reply within the time specified in the Act. In all cases, it is for the Council, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Act. A refusal to consent to disclosure by a third party does not, in itself, mean information should be withheld.
Section 3  Defining Responsibilities

3.1 Employees and Elected Members

All employees and Elected Members are obliged to adhere to this policy. A failure to adhere to this Policy and its associated procedures may result in disciplinary action or in the case of elected members, action pursuant to the Members Code of Conduct. Managers at all levels are responsible for ensuring that the employees for whom they are responsible are aware of and adhere to this Policy. They are also responsible for ensuring employees are updated in regard to any changes in this Policy.

3.2 Corporate Oversight

Management Team will oversee the operation of this Policy on behalf of the Managing Director.

3.3 Training

The Council will work to ensure that training on the Act is available to employees and Elected Members who require it.

3.4 Key Reference Documents

- Data Protection Act 1998
- Freedom of Information Act 2000
Appendix A    Exemptions

There are two types of class exemption:

(a)  absolute, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure.

(b)  qualified by the public interest test, which require the public body to decide whether it is in the balance of public interest to not disclose information.

With the exception of s21 (information available by other means) exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that itself would disclose information that it is reasonable to withhold.

The absolute exemptions under the Act are:

- section 21 - Information accessible to applicant by other means
- section 23 - Information supplied by, or relating to, bodies dealing with security matters.
- section 32 - Court Records
- section 34 - Parliamentary Privilege
- section 36 - Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
- section 40 - Personal Information (where disclosure may contravene the Data Protection Act 1998)
- section 41 - Information provided in confidence
- section 44 - Prohibitions on disclosure

The exemptions that are qualified by the public interest test are:

- section 22 - Information intended for future publication
- section 24 - National Security
- section 26 - Defence
- section 27 - International Relations
- section 28 - Relations within the United Kingdom
- section 29 - The Economy
• section 30 - Investigations and proceedings conducted by public authorities
• section 31 - Law Enforcement
• section 33 - Audit Functions
• section 35 - Formulation of Government Policy
• section 36 - Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
• section 37 - Communications with Her Majesty, etc. and honours
• section 38 - Health and Safety
• section 39 - Environmental Information
• section 42 - Legal Professional Privilege
• section 43 - Commercial Interests

Appendix B  Glossary of Terms

Absolute exemption – applied to information that does not have to be released to the applicant either through a Publication Scheme or through the general right of access under the Act. Information to which an absolute exemption applies does not require a public authority to take a test of prejudice or the balance of public interest to be in favour of non-disclosure. Reference to absolute exemptions can be found in Part I, section 2 and Part II of the Act.

Applicant - the individual(s), group or organisation requesting access to information under the Act.

Duty to confirm or deny - any person making a request for information to a public authority is entitled to be informed in writing by that authority whether the public authority the information specified in the request or not.

Fees Notice – a written notification issued to an applicant stating that a fee is payable and exempts public authorities from being obliged to disclose information until the fee has been paid. The applicant will have three months from the date of notification to pay the fee before his request lapses.

Fees Regulations – national regulations that will prohibit a fee with regard to certain types of request, set an upper limit on amounts that may be charged and prescribe the manner in which any fees are to be calculated. The regulations will not apply where provision is made under another Act as to the fee that may be charged for the provision of particular information.
HANDLING REQUESTS UNDER THE FOI ACT 2000 – KEY PROCESSES

1. Initial receipt of requests
   - validate and record
   - satisfy ‘easy’ requests
   - direct to advice and assistance
   - distribute to FOI resource

2. Advice and assistance
   - clarify request
   - advise, help, submit
   - direct elsewhere

3. Receipt by FOI resource
   - log in FOI recording system
   - validate/to advice and assistance
   - to DP Act or EIR process
   - allocate responsibility for handling
   - decide process and plan

4. Easy/fast track
   (releasable, easily satisfied, limited volume)
   - collect and send information
   - update recording system

5. Complex A - preliminaries
   - vexatious or repeated
   - dialogue with applicant to clarify
   - fees estimated and charged
   - issues: timescales; environmental information
   - plan to handle

6. Complex B – collect and consult
   - collect: incl. From multiple sources
   - consultations: internal, external

7. Complex C - review exemptions
   - Which exemptions apply?
   - Subject to public Interest test

8. Public interest test process
   - disclose within 20 days
   - if not advise applicant
   - decision on release

9. Refusal process
   - senior review?
   - refuse with reasons
   - details of complaints
   - record

10. Release process
    - apply any charges
    - release
    - consider for publication scheme
    - record

Absolute Exemptions
None

Release Information

Release Information

Easy/fast track

DP Act Process
EIR process
NUNEATON AND BEDWORTH BOROUGH COUNCIL

DATA PROTECTION ACT 1998

DATA PROTECTION POLICY

NOVEMBER 2012
Report Control Information

Title: Data Protection Policy
Date: 2012
Version: 1.0
Reference: X540.2
Author: Wendy Davies-White
Director: Philip Richardson – Director Governance and Recreation
Managing Director Alan Franks

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<tr>
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<td>2012</td>
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</tr>
</tbody>
</table>
Contents Page

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Co ordination of Data Protection Issues</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Duties of Data Protection Officer</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Training</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Breach of Act</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>Service Related Policies</td>
<td>5</td>
</tr>
<tr>
<td>7</td>
<td>Audit and Review of Data Protection Systems</td>
<td>6</td>
</tr>
<tr>
<td>8</td>
<td>Duties of Contractors and Partners</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>Requests for Access</td>
<td>6</td>
</tr>
<tr>
<td>10</td>
<td>Security of Data</td>
<td>7</td>
</tr>
<tr>
<td>11</td>
<td>Notification</td>
<td>7</td>
</tr>
<tr>
<td>12</td>
<td>Queries</td>
<td>7</td>
</tr>
<tr>
<td>A</td>
<td>Appendix A Definition of Personal Data</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Definition of Processing</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Data Protection Principles</td>
<td>8</td>
</tr>
<tr>
<td>B</td>
<td>Appendix B Conditions for Processing</td>
<td>11</td>
</tr>
</tbody>
</table>
Nuneaton and Bedworth Borough Council

Data Protection Policy

1 Introduction

Nuneaton and Bedworth Borough Council ("the Council") is committed to full compliance with the Data Protection Act 1998 ("the Act") which came into force on 1st March 2000. The Council will therefore follow procedures designed to provide that all elected members, employees, contractors, consultants, partners, or other servants or agents of the Council (collectively referred to as "the data users") who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under the Act.

In order to operate efficiently, the Council, as Data Controller, has to collect and use information about people with whom it works. The definition of personal data is set out in APPENDIX A. The personal data is held in a variety of formats, electronic and manual. The Council is as far as practicable open about the type and extent of personal data that it holds and as a responsible body is committed to ensuring that information is handled and dealt with properly and that it maintains the best possible security and confidentiality of personal data.

It will take all necessary steps to ensure that personal data held by the Council about its employees, customers, suppliers and other individuals (collectively referred to as "the data subjects") is processed in accordance with the Data Protection Act 1998 ("The Act") and Principles. The definition of processing, and The Principles are set out in APPENDIX A of this Policy.

2 Co-ordination of Data Protection Issues

Each Service Unit will identify an officer (the data protection officer) with responsibility for co-ordinating all data protection issues for that Unit, and liaising with the Director – Governance & Recreation to ensure that the Council’s Notification to the Information Commissioner (the Commissioner) is kept up-to-date, for the receipt of subject access requests and the co-ordination of and compliance with the requirements of the Act when such requests are received.

3 Duties of Data Protection Officer

The officer shall ensure that:

(a) All purposes for which personal data is obtained or processed is notified to the Commissioner as required by the Act.

(b) No personal data is obtained, held or processed, for any purpose, without that purpose being notified to the Commissioner as required by the Act.
(c) All data is processed fairly and lawfully, unless such processing is exempt under section 29 of the Act (crime and taxation). In particular, form and document design will be kept under review, to ensure compliance with the data protection principles under the Act.

(d) All processing of personal data is subjected to a risk assessment, taking into account:

(i) the likelihood of a breach of the data protection system;

(ii) the potential impact on the data subject, elected members or employees and

(iii) the level of controls in place with regard to the data, together with the setting and testing of clear controls to minimise breaches of the Act.

(e) No disclosure of data is undertaken by any data user which breaches any of the provisions of the Act, as interpreted by the Council, the Commissioner or the courts for the time being.

4 Training

The Council will take measures to ensure that data users and elected members are fully trained in and aware of this policy and their duties and responsibilities under the Act.

5 Breach of the Act

The attention of all employees and elected members will be drawn to the requirements of the Act and procedures laid down by The Council to ensure compliance. It is the duty of employees to comply with the procedures and to co-operate with this Policy. The Council regards any unlawful breach of any provision of the Act by any employee of the Council as being a disciplinary matter. Any employee(s) who breach this policy will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Breach of the policy by an elected member will be dealt with pursuant to the Members Code of Conduct.

6 Service – Related Policies

Each Service Unit of the Council will compile and maintain a combined Data Protection Policy and Code of Practice, which will be subordinate to this policy and will be advertised and available for public inspection. Such policies and codes of practice shall incorporate procedures for the weeding, deleting and destruction of personal data to ensure compliance with the third, fourth, fifth and seventh data protection principles under the Act.

Each Manager will have immediate responsibility for data protection matters in his/her service unit.
7 Audit and Review of Data Protection System

The Council will undertake a rolling audit and review of all data protection systems and controls to ensure compliance with the Act, this policy and individual service data protection policies and codes of practice, including data security.

8 Duties of Contractors and Partners

All contractors, consultants, partners, or other servants or agents of the Council must:

(a) Ensure that they and all of their employees who have access to personal data held or processed for or on behalf of the Council are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

(b) Promptly, pass any subject access requests relating to the Council’s business to the appropriate Data Protection Officer and provide that person with any information needed by them to comply with the subject access request.

(c) Allow data protection audits by the Council of data held on its behalf.

(d) Indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

The Council will monitor ongoing compliance with the Act by third party processors of data.

9 Requests for Access to Personal Data

(a) The Council will ensure as far as practicable that the rights of individuals as set out in the Act are maintained and upheld. Under s 7(1) of the Act individuals have a right of access to personal data held about them by the Council, subject to limited exemptions.

This is called the “Right of subject access”. Upon making a request in writing and upon paying the fee to the Council an individual is entitled to be told by the Council whether it or someone else on its behalf is processing that individual’s personal data, if so, to be given a description of:- i) the personal data, ii) the purposes for which they are being processed, and iii) those to whom they are or may be disclosed. Individuals are entitled to receive a copy of the personal data held about them. Subject Access Requests must be complied with within 40 days of receipt and specifically request personal data. Other requests for information from the Council should be dealt with in accordance with the Freedom of Information Act 2000, in respect of which the Council has separate policies and procedures.

(b) To ensure full compliance with the requirements of the Act protocols and procedures will be set and annually tested to ensure the authority’s ability to respond to individual access requests promptly and, in any event, within the timescales laid down in law.
(c) Any orders or requests for disclosure of personal data, which are deemed to fall under one of the categories of exemptions under sections 27 to 37 of the Act, or under any other statutory power shall be passed promptly to the data protection officer within the relevant Service Unit, who will be responsible for and take reasonable steps to ensure that the request does fall within the relevant exemption and comply with the request in a manner deemed by that person to be appropriate.

10 Security of Data

All data users will ensure that appropriate security measures are undertaken to safeguard personal data, commensurate with the nature of the data concerned.

The unlawful disclosure of information is a criminal offence under the Act.

11 Notification

The Information Commissioner maintains a public register of data controllers. The Council is registered with the Information Commissioner. The Data Protection Act 1998 requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence.

The annual renewal is undertaken by the Director – Governance & Recreation. Data Protection Officers within every service unit will be responsible for liaising with the Director – Governance & Recreation to ensure that the notification is up to date for their Service Unit.

Any changes to the Register must be notified to the Information Commissioner within 28 days. Any changes to processing carried out within a service unit must be brought to the attention of the Director – Governance & Recreation immediately.

12 Queries

Any questions regarding this Policy or Data Protection is general should, in the first instance be directed to the relevant Data Protection Officer for the Service Unit. The Principal or Senior Solicitors should be contacted for further assistance.

Further advice and guidance can be obtained from the Information Commissioner’s website http://www.ico.gov.uk

This Policy will be reviewed every three years

This Policy was adopted by minute of 2012
Appendix A

Definition of Personal Data

Personal data is defined as data relating to a living individual who can be identified from
• The data
• That data and other information which is in the possession of or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Definition of Processing

In this policy document, the term “processing” means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including-

(a) organisation, adaptation or alteration of the information or data,
(b) retrieval, consultation or use of the information or data,
(c) disclosure of the information or data by transmission, dissemination or otherwise making available,
(d) or alignment, combination, blocking, erasure or destruction of the information or data and “processed” shall be construed accordingly.

Data Protection Act 1998 Principles

First Principle

Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

• at least one of the conditions in Schedule 2 is met, and
• in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
• as set out in Appendix B.

Therefore those responsible for processing personal data must make reasonable efforts to ensure that data subjects are informed of the identity of the data controller, the purpose(s) of the processing, any disclosures to third parties that are envisaged and an indication of the period for which the data will be kept.
Second Principle

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Personal data shall be obtained for specific and lawful purposes and not processed in a manner incompatible with those purposes. Data obtained for specified purposes must not be used for a purpose that differs from those.

Third Principle

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is held. Information, which is not strictly necessary for the purpose for which it is obtained, should not be collected. If data are given or obtained which is excessive for the purpose, they should be immediately deleted or destroyed.

Fourth Principle

Personal data shall be accurate and, where necessary, kept up to date.

Personal data shall be accurate and, where necessary, kept up to date. Data, which are kept for a long time, must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that they are accurate. It is the responsibility of individuals to ensure that data held by the Authority are accurate and up-to-date. Completion of an appropriate registration or application form etc will be taken as an indication that the data contained therein is accurate. Individuals should notify the Authority of any changes in circumstance to enable personal records to be updated accordingly. It is the responsibility of the Authority to ensure that any notification regarding change of circumstances is noted and acted upon.

Fifth Principle

Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

Personal data shall be kept only for as long as necessary. See the Council’s Retention Policy.

Sixth Principle

Personal data shall be processed in accordance with the rights of data subjects under this Act.

This includes:

- the right to be informed that processing is taking place
- the individuals right to receive a copy of data held about him within 40 days of request
- the right to prevent processing in certain circumstances
- the right to correct, rectify, block or erase information regarded as incorrect
- to request the Commissioner to assess whether any provision of the Act has been contravened

**Seventh Principle**

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

All necessary steps must be taken to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular measures will be put in place to ensure that paper files and other records and documents are kept in a secure environment; personal data held on computer is protected by the use of secure passwords.

**Eighth Principle**

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.
Appendix B

Conditions for Processing - Schedules 2 and 3 of the Data Protection Act 1998

Conditions for Processing Data - Schedule 2

At least one of the following conditions must be met in the case of all processing of personal data (except where a relevant exemption applies):-

- The data subject has given their consent to the processing
- The processing is necessary:-
  a) for the performance of a contract to which the data subject is a party, or
  b) for the taking of steps at the request of the data subject with a view to entering into a contract.
- The processing is necessary to comply with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
- The processing is necessary in order to protect the vital interests of the data subject.
- The processing is necessary:-
  a) for the administration of justice,
  b) for the exercise of any functions conferred by or under any enactment,
  c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  d) for the exercise of any other functions of a public nature exercised in the public interest.
- The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case because of prejudice to the rights and freedoms or legitimate interests of the data subject. The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

Conditions for Processing Sensitive Data (Schedule 3 of the Act)

Sensitive Data is defined by the Act as personal data consisting of information as to:

b) the racial or ethnic origin of the data subject

c) their political opinions
d) their religious beliefs or other beliefs of a similar nature

e) whether they are a member of a trade union

f) their physical or mental health or condition

g) their sexual life

h) the commission or alleged commission by them of any offence or

i) any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

At least one of these must be satisfied, in addition to at least one of the conditions for processing in Schedule 2 (which apply to the processing of all personal data), before processing of sensitive personal data can claim to have been lawful in accordance with the first Principle.

- The data subject has given their explicit consent to the processing of the personal data

- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment. The Secretary of State may by order specify cases where this condition is either excluded altogether or only satisfied upon the satisfaction of further conditions.

- The processing is necessary-

  a) in order to protect the vital interests of the data subject or another person, in a case where:-

     i) consent cannot be given by or on behalf of the data subject; or

     ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or

  b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.

- The processing:-

  a) is carried out in the course of its legitimate activities by any body or association which exists for political, philosophical, religious or trade union purposes and which is not established or conducted for profit,

  b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,
c) relates only to individuals who are either members of the body or association or who have regular contact with it in connection with its purposes, and

d) does not involve disclosure of the personal data to a third party without the consent of the data subject.

- The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.

- The processing is necessary:-

  a) for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),

  b) for the purpose of obtaining legal advice, or

  c) for the purposes of establishing, exercising or defending legal rights.

- The processing is necessary:-

  a) for the administration of justice

  b) for the exercise of any functions conferred by or under any enactment, or

  c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.

The Secretary of State has by order specified cases where this condition is either excluded altogether or only satisfied upon the satisfaction of further conditions.
NUNEATON AND BEDWORTH BOROUGH COUNCIL

ENVIRONMENTAL INFORMATION REGULATIONS (EIR) 2004
POLICY

NOVEMBER 2012
Report Control Information

Title: Environmental Information Regulations (EIR) 2004 Policy

Date:

Version: 1.0

Reference: X540.2

Author: Wendy Davies-White – Principal Solicitor

Approved: Philip Richardson – Director – Governance & Recreation

Director: Alan Franks

Cabinet:

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</table>
## Contents Page

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1</td>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Section 2</td>
<td>The Regulations</td>
<td>4</td>
</tr>
<tr>
<td>Section 3</td>
<td>Proactive Dissemination</td>
<td>5</td>
</tr>
<tr>
<td>Section 4</td>
<td>Duty to Provide Advice and Assistance</td>
<td>5</td>
</tr>
<tr>
<td>Section 5</td>
<td>Requests for Environmental Information and Exceptions</td>
<td>5</td>
</tr>
<tr>
<td>Section 6</td>
<td>Transfer of a Request</td>
<td>5</td>
</tr>
<tr>
<td>Section 7</td>
<td>Refusals</td>
<td>5</td>
</tr>
<tr>
<td>Section 8</td>
<td>Offences</td>
<td>6</td>
</tr>
<tr>
<td>Section 9</td>
<td>Complaints</td>
<td>6</td>
</tr>
<tr>
<td>Section 10</td>
<td>Co-ordination of EIR Requests</td>
<td>7</td>
</tr>
<tr>
<td>Section 11</td>
<td>Training</td>
<td>7</td>
</tr>
<tr>
<td>Section 12</td>
<td>Monitoring and Reporting</td>
<td>7</td>
</tr>
<tr>
<td>Section 13</td>
<td>Record Keeping</td>
<td>7</td>
</tr>
<tr>
<td>Section 14</td>
<td>Duties of contractors and Partners</td>
<td>7</td>
</tr>
<tr>
<td>Section 15</td>
<td>Accepting Information from Third Parties</td>
<td>8</td>
</tr>
<tr>
<td>Section 16</td>
<td>Queries</td>
<td>9</td>
</tr>
<tr>
<td>Appendix A</td>
<td>Definition of Environmental Information</td>
<td>10</td>
</tr>
<tr>
<td>Appendix B</td>
<td>Information that must be disseminated</td>
<td>12</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Exemptions</td>
<td>13</td>
</tr>
</tbody>
</table>
ENVIROMENTAL INFORMATION REGULATIONS

1. Introduction

Nuneaton and Bedworth Borough Council (“the Council”) is committed to full compliance with the Environmental Information Regulations (EIR) 2004 (“the Regulations”). The Council is as far as practicable open about the type and extent of environmental information that it holds and will take all necessary steps to ensure that it complies with the Regulations and the Code of Practice on the discharge of the obligations of public authorities under the Regulations. This Policy is a statement of what the Council will do to ensure compliance with the Regulations. It is not a statement of how compliance will be achieved. This will be a matter for operational procedures which are being developed as managerial guidelines.

2. The Regulations

The Regulations require Public Authorities which includes Councils to review and organise the service they already provide to the public for supplying environmental information which is defined in Appendix A, so that it can be proactively disseminated.

The Regulations also provide a general right of access to recorded information (including visual, aural etc) held by public authorities, subject to certain exceptions and conditions. Requests do not have to be in writing, and can be made for example over the telephone or during meeting. Exceptions to the disclosure of information are not absolute; all are subject to the Public Interest Test. The exceptions under EIR are not identical to exemptions under FOIA. Unlike FOIA, EIR covers information the Public Authority holds for third parties (e.g. consultants). EIR also applies to information others hold for the Public Authority.

The Public Authority must reply promptly to requests and supply information within 20 working days unless an extension is applicable. The only extension to time limits for answering enquiries is from 20 to 40 days where requests are complicated and relate to a large volume of information. All others must be complied with within 20 days. The Public Authority must assist all Applicants in making a request. The Applicant does not have to say why they want the information or quote the legislation when making the request.

Public Authority must have a complaints, review and appeals procedure in respect of EIR requests. Additionally an individual has the right to complain to The Office of the Information Commissioner whose role is to oversee all complaints, with powers to enforce the rights created by the Act and Regulations and to promote good practice.

The Council will not charge for allowing an applicant access to public registers or for an applicant to examine the information requested. In cases where the Council intend to make a charge, the amount will be reasonable and will comply with the Council’s schedule of charges for complying with requests under the Freedom of Information Act 2000.
3. **Proactive Dissemination**

As required by Regulation 4, the Council will proactively disseminate the environmental information prescribed by Regulation 4(4) as set out in APPENDIX B and will make as much information as it can available to the public electronically. The Council will use its publication scheme to ensure that information is easily accessible to members of the public, and will organise the information wherever possible relevant to its functions with a view to the active dissemination of the information to the public.

4. **Duty to provide Advice and Assistance**

The Council will ensure that systems and procedures are in place to meet the duty of a public authority to provide advice and assistance under Regulation 9, so far as it would be reasonable to expect the Council to do so, to persons who propose to make, or have made, requests for information.

5. **Requests for Environmental Information and Exemptions**

The Council will establish systems and procedures to process requests for environmental information made pursuant to Regulation 5 and will ensure that wherever possible the requested information is provided within 20 working days as prescribed by the Regulations, unless exceptionally an extension is needed. The Council will wherever possible make the information available in the form requested.

6. **Transfer of a Request**

If the request relates to information that is held by another public authority the Council will either:

a) transfer the request to the other public authority or

b) supply the applicant with the name and address of that authority and inform the applicant accordingly with the refusal sent under Regulation 14(1)

The Council will where it considers appropriate consult with third parties.

7. **Refusals**

The Council will wherever possible supply information in response to a request. However the Regulations prescribe limited circumstances where a request can be refused. These include circumstances where information cannot be released because the request is too general or the council do not hold the information. In such cases the duty to provide advice and assistance to the applicant will apply.

In other cases where an exemption applies (as set out in APPENDIX C), the Council must also consider whether in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing it.
In accordance with Regulation 14, a refusal must be made in writing and be made no later than 20 working days from receipt of the request. It must fully set out the reasons not to disclose the information including any exception relied upon and the matters the Council considered in reaching its decision with respect to public interest. The refusal shall also inform the applicant that he can make representations to the Council, and advise him of his right to appeal to the Information Commissioner.

8. Offence

It is an offence to destroy or otherwise dispose of records in order to avoid supplying information in response to a request under the Regulations.

9. Complaints

An applicant may make representations to the Council if it appears to him that the Council has failed to comply with a requirement of the regulations. Such representations must be made no later than 40 working days after the date on which the applicant believes the Council has failed to comply.

The Council will implement a procedure for dealing with representations about alleged non-compliance the duties of the Council under the Regulations, including the handling of requests for information.

The procedure will refer applicants to the right under to apply to the Information Commissioner if they remain dissatisfied with the conduct of the Council following attempts at local resolution of their complaint.

The Information Commissioner is responsible for enforcing legislation covering the Environmental Information Regulations.

Failure by the Council to comply with the Regulations will empower the Commissioner to:

- Require the Council to submit all documents relating to a disputed request to him for consideration before overturning or upholding a decision;
- Use the power of entry and inspection if the Council refuses or fails to submit requested information;
- Enforce a decision on the Council through the Courts, although we have the right of appeal;

The attention of all employees and elected members is drawn to the requirements of the Regulations and procedures laid down by The Council to ensure compliance. It is the duty of employees to comply with the procedures and to co-operate with this Policy. The Council regards any unlawful breach of any provision of the Regulations by any employee of the Council as being a disciplinary matter. Any employee(s) who breach this policy will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct.
10. Co-ordination of Environmental Information Requests

Each Service Unit will identify an officer (the EIR officer) with responsibility for co-ordinating the co-ordination of and compliance with the requirements of the Regulations when such requests are received.

The officer shall ensure that:

(a) All requests are processed within the time prescribed by the Act

(b) Any requests for disclosure of Environmental Information, which is deemed to fall under one of the categories of exemptions of the Regulations, or under any other statutory power does fall within the relevant exemption and that the request is dealt with in a manner deemed by that person to be appropriate.

11. Training

The Council will take measures to ensure that employees are fully trained in and aware of this policy and their duties and responsibilities under the Regulations.

12. Monitoring and Reporting

The Council will undertake a rolling audit and review of all procedures, systems and controls to ensure compliance with the Regulations and this policy and to ensure that any necessary changes are made in the interests of efficiency of the operating systems.

The Council will also ensure that a record of all requests including refusals and partial refusals is maintained and the reasons given for refusals kept under review.

13. Record Keeping


The policy and associated guidelines address issues of active records management – creation, keeping, maintenance and disposal – according to the requirements that the law places upon the Council.

14. Duties of Contractors and Partners

When entering into contracts the Council will not generally include contractual terms which purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Regulations is applicable in relation to any particular information, the Council will be obliged to disclose that information in response to a request, regardless of the terms of any contract.
Every request for information held in respect of a contract will be considered in accordance with the provisions of the regulations however generally, any information held by the Council in respect of a contract, prior to the award of that contract will be considered to be exempt from disclosure. Additionally, the Council considers that for a period of six months following the award of a contract, information held in respect of that contract remains commercially sensitive and will not generally be disclosed.

It is for the Council to disclose information pursuant to the Regulations, and not the non-public authority contractor. The Council will take steps to protect from disclosure by the contractor information which the authority has provided to the contractor which would clearly be exempt from disclosure under the Act, by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible, and according to the individual circumstances of the case. Apart from such cases, the Council will not generally impose terms of secrecy on contractors.

All contractors, consultants, partners, or other servants or agents of the Council must:

(a) Ensure that they and all of their employees who have access to environmental information for or on behalf of the Council are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Regulations. Any breach of any provision of the Regulations may be deemed as being a breach of any contract between the Council and that individual, company, partner or firm.

(b) Promptly, pass any EIR requests relating to the Council’s business to the appropriate EIR Officer and provide that person with any information needed by them to comply with the request.

(c) Allow EIR audits by the Council of data held on its behalf.

(d) Indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

The Council will monitor ongoing compliance with the Act by third parties.

15. Accepting Information from Third Parties

The Council will only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the authority’s functions and it would not otherwise be provided.

The Council will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.
16. Queries

Any questions regarding this Policy in the first instance be directed to the relevant EIR Officer for the Service Unit. The Director – Governance and Recreation or Principal and Senior Solicitors should be contacted for further assistance.

Further advice and guidance can be obtained from the Information Commissioner’s website http://www.informationcommissioner.gov.uk/

This Policy will be reviewed every three years

This Policy was adopted by minute.
Appendix A

Definition of Environmental Information

Environmental Information is any information in written, visual, aural, electronic or any other material form on—

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements,

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a),

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements,

(d) reports on the implementation of environmental legislation,

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c), and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

Air should be taken to include the air within buildings and other natural and manmade structures above or below ground and in air conditioning systems.

Water should be taken to include underground and surface waters (both natural and in manmade structures) sewage and foul water; the latter to include inland waters (i.e. rivers, canals, lakes), estuaries and seas; water table and aquifers.

Soil should be taken to include the in situ upper layer of the mantle rock in which plants grow.

Land and Landscape should be taken to include all land surfaces, buildings, caves and underground strata. Land covered by water is also included.

A natural site should be taken to include areas identified by reason of their flora, fauna, geological or physiographical features (e.g. Sites of Special Scientific Interest) or general environmental quality (e.g. Areas of Outstanding Natural Beauty).
Biological diversity should be taken to include species both living and dead.

Human health and safety and conditions of human life include human response to physical, chemical and biological agents delivered through environmental media of water, air, land, and biodiversity etc.

Built structures should be taken to include structures, roads and other infrastructure created by mankind and includes ancient and historic monuments.

The state should be taken to include physical, chemical, electromagnetic, radiological and biological conditions at any moment in time.

Emissions, discharges and other releases into the environment wherever they occur should be taken to include the direct or indirect release of substances, liquids, gases, radiation, vibrations, light or noise from individual or diffuse sources into or onto air, water or land.

Measures include administrative measures and environmental management programmes such as permit schemes, management contracts, land-use planning regimes and permits, regeneration and transport development plans and proposals.

Effect includes direct and indirect effect.

Economic analyses include financial analyses.
APPENDIX B

Types of information which must be disseminated

*Regulation 4 (4) says:*

The information under paragraph (1) shall include at least—

(a) the information referred to in Article 7(2) of the Directive; and

(b) facts and analyses of facts which the public authority considers relevant and important in framing major environmental policy proposals.

**EU Directive 2003/4/EC Article 7**

Dissemination of Environmental Information

The information to be made available and disseminated shall be updated as appropriate and shall include at least:

(a) texts of international treaties, conventions or agreements, and of Community, national, regional or local legislation, on the environment or relating to it;

(b) policies, plans and programmes relating to the environment;

(c) progress reports on the implementation of the items referred to in (a) and (b) when prepared or held in electronic form by public authorities;

(d) the reports on the state of the environment referred to in paragraph 3;

(e) data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;

(f) authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found in framework of Article 3;

(g) environmental impact studies and risk assessments concerning the environmental elements referred to in Article 2 (1) (a) or a reference to the place where the information can be requested or found in the framework of Article 3.
APPENDIX C

Exemptions

Exemptions under Regulation 12(4)

- the public authority does not hold the information
- the request is manifestly unreasonable
- the request is formulated in too general a manner
- the request relates to material which is still in the course of completion or to unfinished documents or incomplete data
- the request involves to internal communications within the public authority

Exemptions under Regulation 12(5)

- international relations, defence, national security, or public safety
- the course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature
- intellectual property rights
- the confidentiality of the proceedings of that or any public authority where such confidentiality is provided by law
- the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest
- the interests of the person who provided the information where that person
  - was not under, and could not have been put under any legal obligation to supply it to that or any other public authority
  - did not supply it in circumstances such that that or any other public authority is entitled apart from these Regulations to disclose it, and,
  - has not consented to it’s disclosure

- the protection of the environment to which the information relates

Exemptions under Regulation 13

- the request includes personal data
1 Purpose of Report

1.1 To update the panel on the progress of the plan for improving and developing a more transactional Council Website.

2 Recommendation

2.1 To note the progress so far and the planned actions for future development.

3 What is the Panel being asked to consider?

3.1 The Panel is asked to:

3.1.1 Review the progress and actions so far.

3.1.2 Recommend any additional actions.

4 What information will be presented?

4.1 Post launch review with Website Statistics and planned transactional services

4.2 Progress against the plan – Appendix A

4.3 Development work for the next 6 months – Appendix B

4.4 The Director for Business Improvement, Christine Tydeman will attend the Panel to assist with technical and operational queries relating to the item.

4.5 The Overview & Scrutiny Support Officer will provide any additional information as appropriate or as requested by the Panel Members.
5 Post Launch Review

5.1 The new website went live on 26\textsuperscript{th} June 2012 within budget as agreed and planned with JADU, (Content Management System Supplier) despite the amount of technical work required and the need for resource to train and support service areas in adding content.

5.2 Part of the aim was to ensure the new website was more user-friendly. Feedback from customers supports this view with comments being left as follows, “More modern and appealing”, “Easy on the eye”, “Simple and easy to follow”.

5.3 Since the launch time has been spent with service areas to help improve the content - this demand is now reducing as users get more confident with the software. Ownership of the content needs to be with the relevant service area. Content on the home page and the carousel items have been updated regularly primarily by the IT section but this needs to be carried out by service areas. This issue will be resolved by the Web Group.

5.4 Democratic Services have been working on improving the content of the Committee area and it is planned that committee minutes and reports will be loaded in the near future. Discussions have been carried out with partner authorities regarding search by street name, rather than just postcode or ward. There is a cost to enable this functionality and it is yet to be agreed as to how this will be funded.

5.5 Customer Services have been trained as moderators to ensure consistent and appropriate content.

5.6 There have been some technical adjustments required - the Govmetric snippet (smiley faces) and some issues with the A-Z directory, where re-categorisation of pages was needed.

5.7 Background work has been carried out preparing for the development of e-forms including evaluating options and hardware requirements, coordinating the EBase upgrade and planning for the training that will be needed. Ebase only have certain windows during which the work and training can be delivered. The timescales for this are as early as could be negotiated.

5.8 Some preliminary work has been undertaken in respect of mobile apps, particularly for bin collection dates identifying what would be involved in this area.

5.9 The website involves continual review and improvement. The next 6 months of development work is detailed at Appendix B.

5.10 The quality of content also requires continual review by service areas. This is promoted via the monthly Web Group meetings to ensure that content does not stagnate. Feedback received from customers
regarding web content is distributed to the web group members for consideration and action where appropriate.

6 Web Site Statistics

6.1 The traffic volumes on the website since the launch (26th June – 17th October), compared with the same period in 2011 demonstrate an overall increase in the number of visits per day of approximately 2.5%.

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Daily Visits</td>
<td>3462</td>
<td>3546</td>
</tr>
</tbody>
</table>

6.2 The most popular pages visited are consistent with those service areas visited on the previous version of the site.

6.3 A spike has occurred over recent weeks for visits to the Recycling pages, presumably due to the recent launch of the new food waste recycling container.

6.4 The volume of telephone calls for this service over the same period have not shown an increase to the same degree, suggesting that customers are able to obtain the required information via the website without having to telephone us.

7 Transactional Services

7.1 Using Mosaic customer insight data it was possible to identify how many and which of our residents are likely to have a preference for on-line transactions, and to identify which services and transactions these customers are likely to use.

7.2 Volumes of telephone calls and personal visits to the Town Hall were also analysed to establish the potential for channel shift.

7.3 Using the above information, the following services are planned to be provided as transactional e-forms:
   Available from launch:
   - council tax discount claim form
   - housing benefit claim form
   - customer feedback (complaints, compliments, comments)
   - e-billing registration
   - missed bin / recycling collection
   - invoice payment (payment)
   - Parking penalty charge (payment)
   - Parking season ticket (payment)
   - blue badge parking season ticket (payment)
   - Rent payment card
   - building regulations submission (payment)
   - abandoned vehicles
   - bulky waste collection
   - demolition notice
7.4 This will require working with each service area to review the end to end processes involved prior to development of the new forms.

7.5 There will also be a range of forms that will be available to enable customers to report issues to us, including:

- benefit fraud
- crime and disorder
- dangerous building/structure
- dead animal
- discarded needle/syringes
- dog mess/fouling
- financial information
- fly posting
- fly tipping
- graffiti/vandalism
- notification to end garage tenancy
- garage application

7.6 These forms will capture the relevant details and will send the information to the relevant service area for action via email. Future development of these forms will seek to integrate the information captured directly into the back office system or Customer Relationship Management system to enable the request to be fulfilled more efficiently.

Christine Tydeman
Director, Business Improvement
## WEBSITE RE-DESIGN Project Plan Status as at Nov-12

### APPENDIX A

<table>
<thead>
<tr>
<th>PROJECT PHASE</th>
<th>ACTIVITY</th>
<th>RESPONSIBILITY</th>
<th>COMPLETION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure &amp; evaluation</td>
<td>Contract with Jadu finalised. Supplier of the Content Management System (CMS)</td>
<td>Head of Business Improvement</td>
<td>31(^{st}) Aug 2011</td>
</tr>
</tbody>
</table>
| User and Stakeholder input    | Consult with different sections of community, including (but not exclusive to):  
                                  • Customers (members of the public)  
                                  • Residents exec (Housing)  
                                  • Members (ward level & Scrutiny panels)  
                                  • Young  
                                  • Old  
                                  • Vulnerable (Voluntary sector agents)  
                                  • Community Groups  
                                  • Silver Surfers  
                                  • Communities Team (NBBC)  
                                  • Web Group  
                                  • Service Areas  
                                  Publicise events and how to be involved  
                                  Carry out consultation using appropriate methods  
                                  • Explore different designs  
                                  • What information is expected  
                                  • What functionality is expected e.g.  
                                    ➢ Payment facilities  
                                    ➢ Search  
                                    ➢ Social media integration  
                                    ➢ User/community led content development, e.g. forums, blogs  
                                  ➢ Accessibility requirements | Business & Support Analysts | 31\(^{st}\) Aug 2011 |
<p>|                               |                                                                           |                                    | 31(^{st}) Dec 2011 |</p>
<table>
<thead>
<tr>
<th>PROJECT PHASE</th>
<th>ACTIVITY</th>
<th>RESPONSIBILITY</th>
<th>COMPLETION DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research and Analysis</td>
<td><strong>Utilise/Analyse existing data sources</strong></td>
<td><strong>Senior Business Analyst</strong></td>
<td>31(^{st}) March 2012</td>
</tr>
<tr>
<td></td>
<td><strong>Mosaic</strong></td>
<td></td>
<td>31(^{st}) March 2012</td>
</tr>
<tr>
<td></td>
<td>Identify mosaic groups present in the Borough with preference for on-line transactions (including mobile apps)</td>
<td></td>
<td>ongoing</td>
</tr>
<tr>
<td></td>
<td>Identify services and transactions likely to be used by these groups</td>
<td></td>
<td>31 March 2012</td>
</tr>
<tr>
<td></td>
<td><strong>Govmetric</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utilise Website feedback to further identify customer requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Customer Relationship Management System</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Identify high volume transactions processed via Customer Services and compare with Mosaic and GovMetric analysis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Identify avoidable contacts caused by information not being available on the Website</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Identify the transactions that would achieve channel shift and have the greatest impact</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Content, design and functionality development</td>
<td><strong>Review findings from consultation exercise and analysis with Service Areas and Web Group and determine the following:</strong></td>
<td><strong>Business &amp; Support Analyst</strong></td>
<td>31st Oct 2012</td>
</tr>
<tr>
<td></td>
<td>• which transactions to prioritise (target is to have 30% of relevant transactions on line by 31(^{st}) March 2013)</td>
<td></td>
<td>5(^{th}) Nov 2012</td>
</tr>
<tr>
<td></td>
<td>• the look and feel of the pages</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• what information needs to be available</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Feedback to Scrutiny</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROJECT PHASE</td>
<td>ACTIVITY</td>
<td>RESPONSIBILITY</td>
<td>COMPLETION DATE</td>
</tr>
<tr>
<td>----------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Technical Development</td>
<td>Develop pages and processes for identified priority information and transactions</td>
<td>Senior Developer Business &amp; Support Analyst / Senior Developer</td>
<td>See separate plan</td>
</tr>
<tr>
<td></td>
<td>Test with user groups (including representatives from the consultation groups) and amend as appropriate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Launch</td>
<td>New Website goes live</td>
<td>Business &amp; Support Analyst Service Area Officers, Web Group Business &amp; Support Analyst/Senior Developer</td>
<td>June 2012 ongoing 31 March 2013</td>
</tr>
<tr>
<td></td>
<td>Communicate and promote new website.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Enable 30% of relevant transactions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ongoing development</td>
<td>• Launch new elements of websites at key milestones</td>
<td>Senior Business Analyst/Business &amp; Support Analyst</td>
<td>June – March 2013 See separate plan</td>
</tr>
<tr>
<td></td>
<td>• Review how new content can be generated and managed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review how content is moderated</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Ensure content quality &amp; maintain relevance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review capacity for further development</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Develop other social media integration e.g. Apps</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Review Security and stability</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Carry out further analysis and user consultation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measuring project success and knowing that it has met the core objectives</td>
<td>Review development at key stages to ensure that project plan is on target and will continually evolve and will include;</td>
<td>Business &amp; Support Analyst</td>
<td>Ongoing from project start date</td>
</tr>
<tr>
<td></td>
<td>• Post project review</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Internal impact, i.e. more traffic, improved processes</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Quantitative – web analytics</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Qualitative – ongoing user feedback</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## WEBSITE Development Phase – October-12 to March-13

### APPENDIX B

<table>
<thead>
<tr>
<th>Development</th>
<th>Activities</th>
<th>Completion Date</th>
<th>Dependencies/Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transactional services/E-</td>
<td><strong>Ebase Upgrade</strong> - to provide a platform for</td>
<td>7th Jan 2013</td>
<td>Funds available for the upgrade and the new virtual server to enable all to start on time (i.e. mid/end of Oct), otherwise will have to delay start to first quarter of 2013.</td>
</tr>
<tr>
<td>E-Forms</td>
<td>developing e-forms and integration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-forms</td>
<td>promote forms on new platform to provide</td>
<td>Initial launch</td>
<td>Commitment from service area manager/teams to promote their e-forms through various communication channels to enhance customer awareness/usage.</td>
</tr>
<tr>
<td></td>
<td>services electronically.</td>
<td>4th Feb 2013</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Analysis</strong> - to identify key transactions/</td>
<td></td>
<td>Commitment from service areas managers/teams (both time and resources) to review current processes and adoption of new process linked to e-forms and communicate to customers.</td>
</tr>
<tr>
<td></td>
<td>services which will provide the greatest cost</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>benefit.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Business Process Re-engineering (BPR)</strong> - to</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ensure these key business processes are</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>reviewed and as lean as possible.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>E-forms</strong> – which work alongside the new</td>
<td></td>
<td>Integration to back-office systems is dependent on availability/cost of</td>
</tr>
<tr>
<td></td>
<td>business processes and integrate with</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Area</td>
<td>Description</td>
<td>Date</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td><strong>NBBC Website Ongoing</strong></td>
<td><strong>Web Group</strong> – representatives from each service area attend monthly meetings and have ownership of their own content. Moderation is carried out by Customer Services Team Leaders to ensure a customer focus and consistent approach.</td>
<td>Ongoing</td>
<td></td>
</tr>
<tr>
<td><strong>Website Usability Gov.UK</strong></td>
<td>Prepare for SOCITM review – work with Web Group to promote top tasks published by SOCITM. Analysis of user journeys on website on 26(^{th}) Oct 2012. Likely that SOCITM review will look for similar things so feedback from Gov.UK will be discussed with Web Group to help them improve the quality/usability of their information on the website.</td>
<td>9(^{th}) Nov 2012</td>
<td></td>
</tr>
<tr>
<td><strong>GovMetric</strong></td>
<td>New form developed and due to be launched.</td>
<td>30(^{th}) Nov 2012</td>
<td>GovMetric to supply new snippet</td>
</tr>
<tr>
<td><strong>Web Statistics</strong></td>
<td>Configuring new web pages and then creating/providing reports.</td>
<td>30(^{th}) Nov 2012</td>
<td></td>
</tr>
</tbody>
</table>
| Civic Hall Sub-site | • Investigate Jadu Galaxy functionality  
• Analyse and scope Civic Hall requirements  
• Design Civic Hall sub-site and approve  
• Develop Civic Hall sub-site using Galaxy functionality  
• Test  
• Web Author Training  
• Civic Hall authors to add content/events etc.  
• Launch | 1st Mar 2013 | Time/resources available from service area manager/team |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Admin System</td>
<td>Replacement using Jadu functionality (with Trim integration if possible)</td>
<td>To be agreed</td>
<td></td>
</tr>
<tr>
<td>Social Media /Twitter</td>
<td>Reviewing and appraising Social Media Management Tools i.e. inter-linking information from various sources.</td>
<td>31st Mar 2013</td>
<td></td>
</tr>
</tbody>
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AGENDA ITEM NO. 9

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Economic Overview & Scrutiny Panel
Date: 5th November 2012
From: Andrew Daw
Communications, Events and Emergency Planning Manager
Subject: Emergency Planning
Portfolio: Finance and Civic Affairs

OBJECTIVES OF SCRUTINY

1. To receive feedback on the matters arising from the 18th June meeting.

WHAT IS THE PANEL BEING ASKED TO CONSIDER?

The Communications, Events and Emergency Planning Manager will attend the Panel to assist with technical and operational queries relating to the item.

REPORT

1. Background

In the report to the panel on 18th June 2012, the position with regard to Coventry, Solihull and Warwickshire Resilience (CSWR) was highlighted and it was identified that working arrangements and roles between CSWR and Nuneaton and Bedworth Borough Council (NBBC) required further clarification with particular regard to the predicted time lapse between CSWR being informed of an emergency occurring within the Borough and CSWR informing NBBC of the same.

The panel agreed the need to approach CSWR to establish a formal agreement between CSWR and NBBC to clarify roles, responsibilities and working arrangements enabling NBBC to:

- Evidence how elements of the Civil Contingencies Act were discharged in whole or in part to CSWR
- Direct best use of NBBC resources clarifying roles and activities to avoid duplication of work
- Formally agree that CSWR when informed by the emergency services of an emergency occurring within the Borough shall contact NBBC within an agreed timescale whether or not the emergency requires the deployment of NBBC resources.
2. **Actions Undertaken**

Based on a statement from CSWR which indicated at a high level those responsibilities that CSWR would undertake for Warwickshire County Council (WCC) and for those to be undertaken on a county-wide basis in support of Warwickshire’s District and Borough Councils, a Service Level Agreement (SLA) was drafted. The SLA was forwarded to the Head of CSWR with a request that the content be reviewed to identify any required amendments with a view to developing the SLA to a formal contract between CSWR and NBBC.

The draft SLA is attached as Appendix A.

3. **Outcome**

The draft SLA was not commented on by CSWR but unaltered, was submitted to their Project Board for consideration. The Project Boards reply is given below:

“The SLA has been discussed at the highest corporate level and unfortunately we cannot agree to the SLA and therefore we are not able to sign it.

As a County Council we are clear about the responsibilities and expectations the Civil Contingencies Act places on us and have attempted to outline those responsibilities formally through the “County Council & District/Borough Roles and Responsibilities” document previously shared. The County Council (and sub-regional team) take our duties and responsibilities seriously and will continue to improve our corporate service to partners as well as the improvement programme we are undertaking internally across all of our own arrangements.

The County Council is committed to working with and improving our links with, all partners across the LRF (and in the wider sub region) and will continue to deliver against these partnership and statutory responsibilities. Where an activity is a joint project, we will continue to work closely with those partners, to deliver the activity jointly as required.”

The WCC member of the CSWR Project Board was approached directly following receipt of the above response and responded with the statement that:

“The board could see no reason to enter in to an agreement”

4. **Planned Action**

4.1 Whilst the Head of CSWR has committed that NBBC will be contacted as soon as CSWR identify or are informed that NBBC resources are needed in response to an emergency, the Head of CSWR has clearly indicated that he will not enter any agreement that commits CSWR to inform NBBC within a set timescale that an emergency is occurring within the Borough. Unfortunately, this means that it may be some
considerable time before NBBC are aware that an emergency is/has occurred and with the immediacy of today’s media it maybe that NBBC are first informed via the media rather than through CSWR.

Action: Inform Warwickshire Police and Fire & Rescue Control Centres that their alert to the local authority via CSWR will not immediately be passed to NBBC.

Action: Strengthen NBBC Emergency Plan to encourage staff to ‘call-in’ emergencies they become aware of rather than rely on Emergency Services notification via CSWR.

4.2 Previously NBBC have looked to WCC’s Emergency Planning Unit (EPU) for guidance and support in respect of Local Authority Emergency Planning. CSWR’s relationship with NBBC will clearly be different to that previously in place with WCC’s EPU and allows NBBC to move forward in developing its roles and responsibilities in support of Civil Contingencies planning at the Borough level.

Action: Move Borough Emergency Planning activity forward with greater emphasis on outcomes for the Borough and a stronger Local Resilience Forum presence.

Appendices

The following evidence has been submitted and is appended to this paper:-

Appendix A: Draft Service Level Agreement
Service Level Agreement

between

Nuneaton and Bedworth Borough Council

and

Warwickshire County Council

April 2012 – March 2015
Section 1 – Introduction

1.1 Purpose
This document forms a memorandum of understanding between Nuneaton and Bedworth Borough Council (Client) and Warwickshire County Council (Provider) for the provision of a Civil Contingencies Service as outlined by the Coventry, Solihull and Warwickshire Resilience (CSWR) organisation (Operational Service Provider).

1.2 Audience
This document has been developed for the following audience:
   a) Warwickshire County Council (WCC)
   b) Coventry, Solihull, Warwickshire Resilience (CSWR)
   c) Nuneaton and Bedworth Borough Council (NBBC)

1.3 Background
In April 2011 WCC entered into a partnership with Solihull Metropolitan Council and Coventry City Council to jointly discharge their duties under the Civil Contingencies Act 2004 (CCA) through the formation of CSWR. WCC and Warwickshire’s District and Borough Councils are each defined in the CCA as Category 1 Responders with equal duties in many areas although some duties are more closely associated with WCC as the lead authority.

To overcome the vagueness of CCA guidance in defining responsibilities across a 2-tier local government structure and to help define local to Warwickshire arrangements, the CSWR partnership have interpreted the allocation of duties described by the CCA and recommended responsibilities for:

- CCA duties that WCC take responsibility for delivering across the County of Warwickshire
- WCC delivered functions on behalf of NBBC
- NBBC Specific Activities

The above are described in detail in the following Agreement Table.
# Section 2 - Agreement

## 2.1 Agreement Table

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Service Level Expectation</th>
<th>WCC (via CSWR) Activity</th>
<th>NBBC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WCC CCA Responsibilities for Warwickshire</strong>&lt;br&gt;e.g. Activities for which either WCC have sole responsibility or for which NBBC discharge their CCA Duty to WCC</td>
<td></td>
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<tr>
<td>Flood Planning</td>
<td>• Annual review and update of maps and plans as necessary&lt;br&gt;• Sharing of information with NBBC</td>
<td>Maintain plans to coordinate a response to flooding within NBB through the Multi-Agency Flood Plan</td>
<td></td>
</tr>
<tr>
<td>Dam Inundation Planning</td>
<td>• Annual review and update of maps and plans as necessary&lt;br&gt;• Sharing of information with NBBC</td>
<td>Maintain plans to respond to flooding within NBB if appropriate based on assessed risk rating</td>
<td></td>
</tr>
<tr>
<td>COMAH Site Planning</td>
<td>• Annual review of COMAH sites in Warwickshire&lt;br&gt;• Offsite plan development with site owners as needed&lt;br&gt;• Sharing of information with NBBC</td>
<td>• Maintaining a list of COMAH Tier 1 &amp; 2 Sites located within Warwickshire and those outside of Warwickshire County borders that have the potential to impact on Warwickshire.&lt;br&gt;• Development of offsite plans with site owners where necessary&lt;br&gt;• Advising NBBC of COMAH Tier 1 and Tier 2 sites located within or with potential to impact on NBB</td>
<td></td>
</tr>
<tr>
<td>Major Gas and Oil Pipelines</td>
<td>• Annual review of Major Gas and Oil Pipelines in Warwickshire&lt;br&gt;• Plan development with site owners as needed&lt;br&gt;• Sharing of information with NBBC</td>
<td>• Maintaining a list of Major Gas and Oil Pipelines within Warwickshire and those outside of Warwickshire County borders that have the potential to impact on Warwickshire&lt;br&gt;• Development of necessary plans&lt;br&gt;• Annually update the list of Warwickshire Major Gas and Oil Pipelines and advise NBBC of those located in or with potential to impact on NBB</td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Service Level Expectation</td>
<td>WCC (via CSWR) Activity</td>
<td>NBBC</td>
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<td>--------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
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</table>
| Severe Weather Planning e.g. Heatwave, Cold Weather and Snow | • Coordinating the alert notification to local authority partners and warning and informing to the general public  
• Maintaining county-wide Severe Weather Plans  
• Point of contact for requests for resources e.g. 4x4’s etc. | • Advising NBBC of Severe Weather Planning arrangements planned or being delivered  
• Supporting NBBC with location of resources during an event e.g. 4x4 vehicles |      |
| *Humanitarian Assistance Centres (HAC’s) Planning | • Annual Review and update of HAC Plans  
• Share plan with NBBC | Develop & maintain plans to open, staff and run a HAC within NBB |      |
| Rest Centre Planning                             | • Annual Review and update of Rest Centre Plans  
• Share plan with NBBC | Develop & maintain plan to open, staff and operate Rest Centres within NBB with cognisance to the population and urban nature of NBB |      |
| Temporary Mortuary Planning                      | Annual Review and update of Temporary Mortuary Plan  
• Share plan with NBBC | Developing and maintaining plans to open, staff and run a Temporary Mortuary serving NBB |      |
| Animal Diseases Planning                         | • Share zoonotic & non-zoonotic plans for outbreaks in NBB and surrounding areas with NBBC | Provide assurance that plans to respond to animal disease occurring within or threatening NBB are in place through liaison with WCC Trading Standards |      |
| *Recovery Planning (Large Scale & Multi-District Incidents) | • Annual Review and update of Recovery Plans  
• Share plan with NBBC | Maintain plans to manage the recovery from a Large Scale and/or Multi-District Incidents |      |
| Annual Report Reporting                          | Reporting | Provide NBBC with an annual report summarising progress of the agreement |      |

**CCA Duties and Resilience Arrangements for which NBBC discharge any duty to WCC**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Service Level Expectation</th>
<th>WCC (via CSWR) Activity</th>
<th>NBBC</th>
</tr>
</thead>
</table>
| Single Duty Officer Point of Contact for Local Authorities | • 24 hours, 7-days per week  
• CSWR seek resources associated with Borough provision without delay in a prioritised fashion when needed to respond to an incident  
• CSWR inform NBBC of an incident occurring within or affecting NBB within 2-Hours of CSWR being informed. | • Man 24-hour call centre  
• Record incident data on-receipt of call  
• Coordinate response  
• Inform NBBC | • Man 24-hour phone lines to receive calls  
• Maintain contact as necessary with CSWR On-Call Duty Officer |
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Service Level Expectation</th>
<th>WCC (via CSWR) Activity</th>
<th>NBBC</th>
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</thead>
<tbody>
<tr>
<td>Small Scale Rest Centre Planning</td>
<td>• Annual Review and update of Small Scale Rest Centre plan&lt;br&gt;• Share plan with NBBC</td>
<td>• Maintain plan to open, staff and operate Small Scale Rest Centres within NBB with cognisance to the population and urban nature of NBB</td>
<td>Maintain reference to the Small Scale Rest Centre Plan from the Town Centre Evacuation Plan</td>
</tr>
<tr>
<td>Business Continuity Promotion (BC)</td>
<td>BC is promoted in NBB</td>
<td>• Promote BC equally across all Warwickshire District/Borough areas via WCC website&lt;br&gt;• NBB are featured equally in any BC promotion across Districts/Boroughs</td>
<td>Link NBBC website to WCC BC Promotion Website</td>
</tr>
<tr>
<td>Warning &amp; Informing (County wide)</td>
<td>• County-wide warning and informing messages are delivered across NBB before, during and following an emergency&lt;br&gt;• WCC support the Warwickshire Joint Media Plan</td>
<td>• Ensure public information is made available across all affected areas in Warwickshire&lt;br&gt;• Coordinate messages with Warwickshire Joint Media Plan when invoked</td>
<td></td>
</tr>
<tr>
<td>Faith Forum Engagement</td>
<td>Faith forums in NBB are engaged with in respect to emergency planning and business continuity arrangements</td>
<td>• Engage with all faith groups in NBB to inform of emergency planning arrangements and to invite their contribute to emergency planning arrangements&lt;br&gt;• Provide link between faith forums and NBBC Town Centre Evacuation planning activity&lt;br&gt;• Keep NBBC fully informed of activities planned involving NBB based faith groups</td>
<td>Will keep CSWR informed of NBBC delivered emergency planning activities with NBB based faith groups</td>
</tr>
<tr>
<td>Risk Mapping</td>
<td>Identify and evaluate risk to communities in NBB</td>
<td>Analyse and map the likelihood of CRR identified risks occurring within NBB along with any local NBB risks</td>
<td>Use outcome for risk mapping to drive local EP and BC arrangements</td>
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**NBBC Specific Activities**

<table>
<thead>
<tr>
<th>NBBC Specific Activities</th>
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<tbody>
<tr>
<td>NBBC Emergency Plan</td>
<td>• CSWR update NBBC Emergency Plan lodged with them with amended pages issued by NBBC&lt;br&gt;• In an emergency, CSWR shall contact the designated OOH/Daytime contact numbers i.e. CSWR shall not contact Councillors or Officers directly using the NBBC EP Plan numbers unless asked to do so by NBBC.</td>
</tr>
<tr>
<td>NBBC BC Plan</td>
<td>Maintain NBBC BC Plans</td>
</tr>
<tr>
<td>Requirement</td>
<td>Service Level Expectation</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Town Centre Evacuation Planning</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Warning &amp; Informing (Local)</td>
<td></td>
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<tr>
<td>Environmental Health Response</td>
<td></td>
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<tr>
<td>Recovery Planning (Low level within Borough incidents)</td>
<td>Following an emergency, support NBBC in leading the recovery phase following an incident</td>
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<tr>
<td>NBBC Fuel Shortage Planning</td>
<td></td>
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</tbody>
</table>

*Note:* Although HAC and Recovery Plans are identified on the above list, it is understood that these are Multi-Agency and not CSWR plans although CSWR may be the lead organisation responsible for maintaining them.
2.2 Escalation Actions
It is essential to the service that problems/issues arising are dealt with immediately. Should the Client or Providers identify a threat to the agreement, concerns shall be raised and resolved between the Communications, Events and Emergency Planning Manager (NBBC) and the Manager CSWR. In the unlikely event that concerns are not resolved, the remaining concerns shall be raised to the Director Governance and Recreation (NBBC) and the Head of Localities and Community Safety (WCC).

2.3 Costs
To be agreed

2.4 Invoicing/Payment
To be agreed

2.5 Agreement Change Process
Should the Client or Provider wish to vary the terms of this agreement, variations shall be negotiated between the Communications, Events and Emergency Planning Manager (NBBC) and the Head of CSW Resilience. Alternatively, between the Director Governance and Recreation (NBBC) and the Head of Localities and Community Safety (WCC).

2.6 Agreement Termination
This agreement will only be terminated by either the Client or Provider if the either the Client or the Provider fail to meet the expectations of the agreement.

Section 3 – Signatories
The undersigned acknowledge that they have reviewed and agreed the scope and conditions of this agreement.

Andrew Daw
Communications, Events and Emergency Planning Manager

Michael Enderby
Head of CSW Resilience

Date:___________________ Date:___________________
1. Purpose of Report

1.1 This integrated report seeks to provide appropriate performance measures and financial budget information for service areas within the scope of this Panel.

1.2 The report is designed to provide the Panel with appropriate information to monitor performance and finance information in order to address issues arising.

2. Format of Report

The report consists of three parts:

2.1 Finance/Performance Report

The Finance/Performance report highlights service areas within the scope of the Panel, showing budget information using a “traffic lights” system for current status. The corresponding Performance Indicator(s) information is then shown using a “traffic lights” system related to results against target. Directional arrows are included for finance and performance to show trend against the previous quarter (improved, declined or stayed the same).

The “Commentary” column highlights further relevant information on finance and/or performance to explain issues. Appendix A provides further clarification or definitions, as appropriate, to aid the Panel in relation to the Finance/Performance report.

2.2 Strategic Performance Report

The Strategic Performance report was reviewed and revised in July 2012.

It has been developed to provide an overview of the council’s position under a number of key categories and consists of:

- Summary
- Finance and Resources
- People and Service Delivery
- Processes
- Prospects for Improvement

The report uses a “trend system” comparing results over the latest three periods (month or quarter) and is supplemented by a commentary sheet.
Exception reporting of under-performing areas on the summary sheet is the methodology applied. The commentary sheet provides any further information, as appropriate, on under-performance, as well as the latest details on absence management.

The report is reviewed monthly by Management Team and will also be reviewed quarterly by Cabinet.

The latest summary and commentary follows the Finance / Performance table in this report.

2.3 Strategic Risk Register

The latest Strategic Risk Register is attached – updated in September 2012.

3. Recommendation

The OSP is asked to scrutinise the performance information contained in this report, and make any recommendations to the relevant Cabinet portfolio holder.

SIMONE DONAGHY
STEVE GORE
## Equal Opportunities
(All costs associated with undertaking equal opportunity work and governance work in the Borough).

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2012/13</th>
<th>Forecast Outturns 2012/13</th>
<th>Forecast Variance 2012/13</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2012/13</th>
<th>Performance Second Quarter 2012-13</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal Opportunities</td>
<td>82</td>
<td>80</td>
<td>(2)</td>
<td>Green</td>
<td>CFLPI 9 Collection of Council Tax</td>
<td>97.80%</td>
<td>58.32%</td>
<td>Red ↓</td>
<td>September target was 58.60%. Under-performance attributed to the economic climate. Savings due to not printing council tax leaflets plus reduced cost of collection.</td>
</tr>
</tbody>
</table>

## Revenues
(All costs associated with the collection and administration of council tax and NNDR payments).

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2012/13</th>
<th>Forecast Outturns 2012/13</th>
<th>Forecast Variance 2012/13</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2012/13</th>
<th>Performance Second Quarter 2012-13</th>
<th>Status</th>
<th>Commentary</th>
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</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>749</td>
<td>727</td>
<td>(22)</td>
<td>Green</td>
<td>CFLPI 10 Collection of Non-Domestic Rates</td>
<td>98.20%</td>
<td>59.05%</td>
<td>Red ↔</td>
<td>September target was 60.30%. Under-performance attributed to the economic climate.</td>
</tr>
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</table>

## Council Tax Benefits
(All costs associated with the administration of council tax benefits and actual benefit payment).

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<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2012/13</th>
<th>Forecast Outturns 2012/13</th>
<th>Forecast Variance 2012/13</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2012/13</th>
<th>Performance Second Quarter 2012-13</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Tax Benefits</td>
<td>129</td>
<td>117</td>
<td>(12)</td>
<td>Green</td>
<td>CFLPI 11 Processing of New Benefits Claims</td>
<td>No target – lean measure</td>
<td>26.33 days</td>
<td>Red ↓</td>
<td>Resources have been allocated to clear the oldest pieces of work outstanding. Although this work is being cleared it has meant an increase in the number of days taken to process which is reflected in our performance. Reduced salary costs.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2012/13</td>
<td>Forecast Outturns 2012/13</td>
<td>Forecast Variance 2012/13</td>
<td>Status</td>
<td>Indicator</td>
<td>Target 2012/13</td>
<td>Performance Second Quarter 2012-13</td>
<td>Status</td>
<td>Commentary</td>
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<tr>
<td>Council Tax Benefits (continued)</td>
<td></td>
<td></td>
<td></td>
<td>Green</td>
<td>CFLPI 12 Processing of Changes of Circumstance Benefits Claims</td>
<td>No target – lean measure</td>
<td>23.75 days</td>
<td></td>
<td>Resources have been allocated to clear the oldest pieces of work outstanding. Although this work is being cleared it has meant an increase in the number of days taken to process which is reflected in our performance.</td>
</tr>
<tr>
<td>Corporate Management</td>
<td>597</td>
<td>562</td>
<td>(35)</td>
<td>Green</td>
<td>Strategic Performance Report</td>
<td>80% satisfactorily controlled (not showing downward trend)</td>
<td>77%</td>
<td>Amber</td>
<td>Performance relates to 10 of 13 measures. The report summary and commentary are included in this report. Reduced costs relating to the Peoples Panel, Community Plan &amp; bank charges.</td>
</tr>
<tr>
<td>Town Centre Management</td>
<td>280</td>
<td>286</td>
<td>6</td>
<td>Green</td>
<td>Nuneaton town centre footfall : ASMLPI 5</td>
<td>5,100,000</td>
<td>2,155,705</td>
<td>Red</td>
<td>Performance down 1.70% on the same time last year. Based on an electronic counter at Rope Walk. Bedworth town centre footfall is no longer monitored as this function was carried out by the former Town Centre Wardens. Less street promoter income than anticipated.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2012/13</td>
<td>Forecast Outturns 2012/13</td>
<td>Forecast Variance 2012/13</td>
<td>Status</td>
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<td>Target 2012/13</td>
<td>Performance Second Quarter 2012-13</td>
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<tr>
<td>Markets (All costs associated with the operation of the markets in Nuneaton and Bedworth including rental income, the provision of market facilities and the erection and taking down of stalls).</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>Green ↑</td>
<td>Occupancy ; The number of market stalls hired :</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>30</td>
<td>10</td>
<td>(20)</td>
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<tr>
<td>a) ASMLPI 10a Nuneaton</td>
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<td>b) ASMLPI 10b Bedworth</td>
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<td></td>
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<tr>
<td>Electoral Registration and election expenses (All costs associated with administering elections and maintaining the electoral register).</td>
<td>£000</td>
<td>£000</td>
<td>£000</td>
<td>Green ↔</td>
<td>The percentage of households on the electoral roll.</td>
<td>90%</td>
<td>95%</td>
<td>Green ↔</td>
<td>December 2011 performance (updated annually in December).</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2012/13</td>
<td>Forecast Outturns 2012/13</td>
<td>Forecast Variance 2012/13</td>
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</tr>
<tr>
<td>Corporate Communications, Promotions and Publicity (All costs associated</td>
<td>£,000</td>
<td>£,000</td>
<td>(£,000)</td>
<td>Green</td>
<td>Number of media enquiries received (monthly)</td>
<td>335</td>
<td>92</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
<tr>
<td></td>
<td>284</td>
<td>282</td>
<td>(2)</td>
<td></td>
<td>Speed of response to general enquiries (monthly)</td>
<td>90% completed within 8 working hours</td>
<td>98%</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
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<td></td>
<td></td>
<td>Number of press releases issued</td>
<td>200</td>
<td>52</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of coverage in The News with a positive tone (monthly)</td>
<td>65%</td>
<td>81%</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of coverage in The News with a neutral tone (monthly)</td>
<td>23%</td>
<td>12%</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of coverage in The News with a negative tone (monthly)</td>
<td>13%</td>
<td>7%</td>
<td>Green</td>
<td>Performance relates to first quarter – second quarter information not available.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2012/13</td>
<td>Forecast Outturns 2012/13</td>
<td>Forecast Variance 2012/13</td>
<td>Status</td>
<td>Indicator</td>
<td>Target 2012/13</td>
<td>Performance Second Quarter 2012-13</td>
<td>Status</td>
<td>Commentary</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
<td>----------</td>
<td>---------------------------------------------------------------------------</td>
<td>----------------</td>
<td>------------------------------------</td>
<td>--------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Commercial Property and Industrial Estates</td>
<td>(786)</td>
<td>(677)</td>
<td>109</td>
<td>Red</td>
<td>ASMLPI 3 The percentage of Council-owned commercial property that is occupied.</td>
<td>90%</td>
<td>88%</td>
<td>Red</td>
<td>Performance attributed to economic climate. Reduced income is anticipated due to 22 Queens Road still being empty, and no rental income being received. Additional NNDR costs have also been incurred due to void properties in Bedworth Town Centre.</td>
</tr>
<tr>
<td>Democratic Representation and Management</td>
<td>833</td>
<td>825</td>
<td>(8)</td>
<td>Green</td>
<td>The percentage election turnover</td>
<td>Parliamentary 62% European 35% County 35% Borough 40%</td>
<td>28%</td>
<td>Green</td>
<td></td>
</tr>
<tr>
<td>Voluntary Bodies</td>
<td>219</td>
<td>219</td>
<td>0</td>
<td>Green</td>
<td>Voluntary Bodies operating within a Service Level Agreement with the Authority</td>
<td>100%</td>
<td>100%</td>
<td>Green</td>
<td>The three areas are: Employment Advice, Citizens Advice and WCAVA. Half yearly performance information is reported separately to this panel.</td>
</tr>
</tbody>
</table>

Economic & Scrutiny Overview & Scrutiny Panel 5.11.12
<table>
<thead>
<tr>
<th>Service Area</th>
<th>Original Budgets 2012/13 £,000</th>
<th>Forecast Outturns 2012/13 £,000</th>
<th>Forecast Variance 2012/13 £,000</th>
<th>Status</th>
<th>Indicator</th>
<th>Target 2012/13</th>
<th>Performance Second Quarter 2012-13</th>
<th>Status</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent allowances and rent rebates</td>
<td>19</td>
<td>19</td>
<td>0</td>
<td>Green</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Council Tax Benefits (above)</td>
</tr>
<tr>
<td>(All costs including the administration of housing benefits and actual benefit payments to council and private tenants).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All costs associated with preparing and updating the emergency plan arrangements for the Borough required under the Civil Contingencies Act 2004).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayoralty</td>
<td>111</td>
<td>113</td>
<td>2</td>
<td>Green</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No performance indicator available. Small overspend within Civic Gifts</td>
</tr>
<tr>
<td>(All costs associated with the mayor and deputy mayor).</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Charges</td>
<td>0</td>
<td>20</td>
<td>20</td>
<td>Amber</td>
<td></td>
<td>EHLPI 9 The percentage of standard searches carried out within 10 days.</td>
<td>95%</td>
<td>100%</td>
<td>Green Additional search costs have been incurred, although it is hoped that these will be offset against other savings during the course of the year.</td>
</tr>
<tr>
<td>Service Area</td>
<td>Original Budgets 2012/13</td>
<td>Forecast Outturns 2012/13</td>
<td>Forecast Variance 2012/13</td>
<td>Status</td>
<td>Indicator</td>
<td>Target 2012/13</td>
<td>Performance Second Quarter 2012-13</td>
<td>Status</td>
<td>Commentary</td>
</tr>
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<td>---------------------------------</td>
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<td>-----------------------------------</td>
<td>--------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Licences</td>
<td></td>
<td></td>
<td></td>
<td>Green</td>
<td>Number of licences issued</td>
<td>No Target</td>
<td>469</td>
<td></td>
<td>Performance breakdown at Appendix A. Increased taxi licence income</td>
</tr>
<tr>
<td>(All costs relating to the administration of licensing various activities, including income received from licence fees).</td>
<td>45</td>
<td>38</td>
<td>(7)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (See Appendix A)</td>
<td></td>
<td></td>
<td></td>
<td>Green</td>
<td>Number of licences issued</td>
<td>No Target</td>
<td>469</td>
<td></td>
<td>Town twinning costs reduced</td>
</tr>
<tr>
<td></td>
<td>66</td>
<td>63</td>
<td>(3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,982</td>
<td>2,999</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Economic and Corporate O.S.P - Finance and Performance Definitions

Finance

Status Criteria:

Budgets on target or with under spends – Green
Budgets with minor overspends – Amber
Budgets with significant overspends or under spends (generally over 10% but may be less if likely to have a significant impact) – Red

“Other” includes small budgets on community development and town twinning.

Performance

Licences issued by category:

- Hackney Carriage/Private Hire: 290
- Licensing Act 2003: 130
- Gambling Act 2005: 19
- Sex Establishment: 0
- Charitable Collections: 30

Key

↑ = improved  ↔ = stayed the same  ↓ = declined
### 1. Finance and Resources

<table>
<thead>
<tr>
<th>Good Performance</th>
<th>June</th>
<th>July</th>
<th>Current Month - August</th>
<th>Trend</th>
<th>Comment # = see commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue Forecast Outturn (surplus)/deficit</td>
<td>£0 -(£150k)</td>
<td>(36)</td>
<td>(70)</td>
<td>(6)</td>
<td>Green</td>
</tr>
<tr>
<td>HRA Revenue Outturn</td>
<td>£0 -(£250k)</td>
<td>(259)</td>
<td>(440)</td>
<td>(528)</td>
<td>Green</td>
</tr>
<tr>
<td>GF Capital Programme Spend</td>
<td>0</td>
<td>0</td>
<td>(145)</td>
<td>(145)</td>
<td>Green</td>
</tr>
<tr>
<td>HRA Capital Programme Spend</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Green</td>
</tr>
<tr>
<td>Sundry Debt Collection</td>
<td>94.50%</td>
<td>65.57%</td>
<td>63.76%</td>
<td>69.51%</td>
<td>Green</td>
</tr>
<tr>
<td>Council Tax Collection</td>
<td>97.80%</td>
<td>29.83%</td>
<td>39.46%</td>
<td>48.96%</td>
<td>Green</td>
</tr>
<tr>
<td>Business Rates Collection</td>
<td>98.20%</td>
<td>31.22%</td>
<td>40.79%</td>
<td>50.41%</td>
<td>Green</td>
</tr>
</tbody>
</table>

### 2. People and Service Delivery

<table>
<thead>
<tr>
<th>Customer feedback by channel (overall)</th>
<th>Good Performance</th>
<th>June</th>
<th>July</th>
<th>Current Month - August</th>
<th>Trend</th>
<th>Comment # = see commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top quartile above 56%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Top 10 councils 73 - 86%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F2F = 57%</td>
<td>TEL = 91%</td>
<td>WEB = 36%</td>
<td>E-MAIL = 72%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NI 192 – Percentage of total waste recycled</td>
<td>45.00%</td>
<td>Not available</td>
<td>Not available</td>
<td></td>
<td>Green</td>
<td>#</td>
</tr>
<tr>
<td>CCTV – Number of incidents captured that lead to, or assist in police arrests</td>
<td>Not applicable</td>
<td>44</td>
<td>65</td>
<td>Not available</td>
<td>Green</td>
<td>#</td>
</tr>
</tbody>
</table>

### 3. Processes

<table>
<thead>
<tr>
<th>CELPI 14 - Working days lost to sickness absence</th>
<th>Good Performance</th>
<th>June</th>
<th>July</th>
<th>Current Month - August</th>
<th>Trend</th>
<th>Comment # = see commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.96 days</td>
<td>2.99</td>
<td>4.19</td>
<td>4.99</td>
<td>Green</td>
<td>#</td>
<td></td>
</tr>
<tr>
<td>Personal Development Reviews (annual)</td>
<td>100%</td>
<td>67%</td>
<td></td>
<td></td>
<td>Green</td>
<td>Annual result at the end of March 2012.</td>
</tr>
</tbody>
</table>

### 4. Prospects for Improvement

<table>
<thead>
<tr>
<th>Quarterly Corporate Plan Delivery Plan monitoring process</th>
<th>Good Performance</th>
<th>3rd Quarter 2011/12</th>
<th>4th Quarter 2011/12</th>
<th>Current Quarter-1st, 2012/2013</th>
<th>Trend</th>
<th>Comment # = see commentary</th>
</tr>
</thead>
</table>
Month: September 2012 (Data at the end of August 2012)

Commentary for Strategic Performance Report

Capital Programme Spend – delay in laying out of land relating to cemetery at Eastboro Way.

Finance and Resources

No additional comment on any underperforming services.

People and Service Delivery

No additional comment on any underperforming services.

Prospects for improvement

No additional comment on any underperforming services.
Month: September 2012 (Data at the end of August 2012)

Commentary for Strategic Performance Report

Processes

Absence Management

“Red” (below target) as the result for August 2012 was 0.80 days/FTE (1.20 days/FTE last month). The cumulative for 2012/13 is 4.99 days, against the profiled target of 3.73 days (annual target 8.96 days).

By comparison, the result for August 2011 was 0.73 days/FTE, Cumulative 2011/12 3.41 days/FTE (annual target 9.22 days/FTE).

Summary for the month:

<table>
<thead>
<tr>
<th>Service Unit</th>
<th>No. of FTE</th>
<th>FTE Short Term Days Lost</th>
<th>FTE Long Term Days Lost</th>
<th>Total FTE Days Lost</th>
<th>Total Days Lost per FTE</th>
<th>Long term days lost per FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate</td>
<td>4.30</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assets and Street Services</td>
<td>133.96</td>
<td>52</td>
<td>103</td>
<td>155</td>
<td>1.17</td>
<td>0.78</td>
</tr>
<tr>
<td>Business Improvement</td>
<td>54.61</td>
<td>20</td>
<td>22</td>
<td>42</td>
<td>0.76</td>
<td>0.40</td>
</tr>
<tr>
<td>Finance and Procurement</td>
<td>68.47</td>
<td>14</td>
<td>43</td>
<td>57</td>
<td>0.83</td>
<td>0.63</td>
</tr>
<tr>
<td>Governance and Recreation</td>
<td>50.90</td>
<td>0</td>
<td>22</td>
<td>22</td>
<td>0.43</td>
<td>0.43</td>
</tr>
<tr>
<td>Housing and Communities</td>
<td>189.30</td>
<td>66</td>
<td>93</td>
<td>159</td>
<td>0.84</td>
<td>0.49</td>
</tr>
<tr>
<td>Regeneration and Public Protection</td>
<td>85.49</td>
<td>7</td>
<td>26</td>
<td>33</td>
<td>0.38</td>
<td>0.30</td>
</tr>
<tr>
<td>Total</td>
<td>584.83</td>
<td>159</td>
<td>309</td>
<td>468</td>
<td>0.80</td>
<td>0.53</td>
</tr>
</tbody>
</table>

FTE = Full Time Equivalent      Note: Directorate includes trade union reps.

Health and Safety

Fire Safety has slipped against profile (2 of 5 targets achieved so far). Asbestos is on target and Legionella is unchanged (3 are on target and 1 below). Issues relating to resources regarding contractor monitoring have improved.
# Nuneaton and Bedworth Borough Council
## Strategic Risk Register

### Net Risk Matrix

<table>
<thead>
<tr>
<th>PROBABILITY</th>
<th>NET IMPACT</th>
<th>R22</th>
<th>R23</th>
<th>R27</th>
<th>R28</th>
<th>R29</th>
<th>R3, R6, R7, R12, R15, R19, R26, R30, R31, R13</th>
<th>R8, R17, R24, R25, R31</th>
<th>R11, R21, R25, R9, R16</th>
<th>R14</th>
<th>R33</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Risk – Very High – Serious</td>
<td>R27</td>
<td>R28</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significant</td>
<td>Risk – High – Serious</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low</td>
<td>Risk – Significant – Serious</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very Low</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Almost</td>
<td>Negligible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impossible</td>
<td>Moderate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Net Red Risk Summary

- **Risk – Very High – Major**
  - R29
- **Risk – Very High – Serious**
  - R27
- **Risk – High – Serious**
  - R22, R23
- **Risk – Significant – Serious**
  - R14
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Risk Description – Cause &amp; Consequence</th>
<th>Gross Risk</th>
<th>Mitigation Control</th>
<th>Mitigation Owner</th>
<th>Net Risk / STATUS</th>
<th>Date of Last Review</th>
<th>Action by Date</th>
<th>Sources of Assurance</th>
<th>Risk Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>R12</td>
<td>Implementation of the National Pay Agreement 2004. Potential failure to effectively address pay &amp; workforce issues associated with the 2004 pay settlement including: • The cost of equal pay claims &amp;/or Stage 2 appeals exceeding budget provision; Effect on employee morale at the end of the protection periods</td>
<td>Sig – Serious (RED)</td>
<td>In Place, Achieved &amp; As Required: 1. PRINCE 2 type Project Plan produced (Project Board). 2. Single Status Project Board meets as required. 3. Adequate reserves policy. 4. Continuing updates to employees as appropriate. 5. FAQs on CLIP. 6. Pre-implementation consultation with employees and unions. 7. Additional ‘Bainbridge’ protection provided. 8. Appeals process is operating. 9. UK economic climate may affect potential for industrial action. 10. Methodology &amp; outcome reviewed by co-founder of NJC scheme. 11. Equalities impact assessment has been undertaken by independent external body. 12. Involvement of ACAS to support equal pay settlements.</td>
<td>Head of HR and Director (F&amp;P)</td>
<td>Sig - Moderate (AMBER)</td>
<td>29/08/2012</td>
<td>None.</td>
<td>• Reports to Management Team. • Annual Employee survey feedback(Autumn 2011 &amp; 2012). • Exit interviews &amp; monthly staff turnover statistics. • Single Status Project Board minutes. • Records of reasons given for sickness absences.</td>
<td>Managing Director.</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
<td>Gross Risk</td>
<td>Mitigation Control</td>
<td>Mitigation Owner</td>
<td>Net Risk / STATUS</td>
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<td>Risk Owner</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>R22</td>
<td>Economic downturn adversely impacting upon building, industry and commercial markets which in turn delays / affects town centre redevelopment (and wider developments) within the Borough.</td>
<td>High – Serious (RED)</td>
<td>1. HCA. RSL Liaison Group – better liaison with developer 2. All economic development functions are now combined in Regeneration &amp; Public Protection services. 3. Liaison with Local Enterprise Partnerships (Cov &amp; Warwicks, also Leicester &amp; Leics). It’s positive for NBBC that L&amp;L has just obtained an enterprise zone @ MIRA. 4. Cross-border liaison with N Warwicks, Hinckley &amp; Bosworth. 5. The (economy-led) Borough Plan (under development). 6. Strategic Housing Group (monthly). 7. Town Centres liaison with market traders &amp; other traders. 8. Town centre redevelopment: Vicarage Street project (Current / Pro-active) ii. Abbey Street (Reactive: Developer approached us); iii. Bus Station (A future project): Only half the current area is needed for buses; could use the remainder for new commercial development / visual amenity. iv. Support for Tesco redevelopment in Bedworth.</td>
<td>Directors (A&amp;SS, H&amp;C)</td>
<td>High Serious</td>
<td>23/09/2011</td>
<td>Ongoing contained within action plans</td>
<td>• NNDR recovery rates  • Unemployment claims  • Repossession rates for housing  • Market rent receipt trends.  • Commercial property occupancy levels.  • R&amp;PP PIs.  • Ropewalk footfall.  • Minutes of Strategic Housing Group meetings.</td>
<td>Director (F&amp;P)</td>
</tr>
<tr>
<td>Ref.</td>
<td>Risk Description – Cause &amp; Consequence</td>
<td>Gross Risk</td>
<td>Mitigation Control</td>
<td>Mitigation Owner</td>
<td>Net Risk / STATUS</td>
<td>Date of Last Review</td>
<td>Action by Date</td>
<td>Sources of Assurance</td>
<td>Risk Owner</td>
</tr>
<tr>
<td>------</td>
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<td>------------</td>
</tr>
</tbody>
</table>
| R23  | Continued effects of recession impact upon the customer base and in turn the performance of the Council. Impacts include – increased hardship, demand for services, revenue fall / income reduction. | High – Serious (RED) | 1. Housing - increased support to fund vulnerable  
2. Budget planning  
3. Support for businesses  
4. Additional funding received from CLG [Apr 2011] to assist people maintaining ownership of homes  
5. In-year budget monitoring. | Directors (F&P, H&C) | High – Serious (RED) | 23/09/2011 | Ongoing | • No’s seeking assistance via Housing Options  
• HB/CTB claim trends.  
• No’s in unemployment  
• No’s of new businesses  
• Budget reports to CMT & Cabinet. | Director (F&P) on behalf of CMT |
| R27  | Potential failure to provide adequate affordable housing to meet the needs of the borough with consequent impact on the lives of residents and increased demand on Council services. | Very High – Serious (RED) | 1. Business plan to improve affordable housing supply  
2. NBBC Strategic Working Group  
3. Increased AH targets in Borough Plan  
4. Funding acquired to support new AH building.  
5. Use of HCA for viability assessments. | Strategic Housing Manager | Very High – Serious (RED) | 23/09/2011 | • Housing Needs Survey  
• Housing Options data  
• Monitoring of monthly completions | Director (H&C) |
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<tr>
<td>R29</td>
<td>Risk of planning by appeal due to delays in the delivery of Borough Plan leading to: a. Threat to the delivery of the vision and objectives in the emerging Borough Plan. b. Reduction in the choice of options for the Borough Plan. c. Development in an uncoordinated and piecemeal way leading to lost opportunity to address infrastructure issues in a comprehensive way. d. Unavoidable extra pressure on existing infrastructure leading to negative impact on local communities. e. Damage to reputation of the Council with Government bodies and the public. f. Financial cost associated with planning appeals and lost s106 monies. g. Pressure on housing needs due to lack of new homes coming on-stream.</td>
<td>Very High – Catastrophic Major (RED)</td>
<td>1. Discourage developers from submitting planning applications. 2. Deliver Borough Plan as fast as possible, in particular preferred option consultation. 3. Allocation of sufficient budget and staff resources to complete project. 4. Encourage Members to provide essential political steer on strategic direction of Preferred Option (Cabinet Member, Informal Cabinet and Member Working Party). 5. Consider Judicial Review of appeal decisions that are contrary to Council’s stance. 6. Revised basis for calculating housing land supply is required, based on 2008 housing needs projections. 7. Members BP Working Group. 8. BP Steering Group. 9. BP work programme &amp; timetable. 10. The Council’s position will be reviewed after any adverse appeal decision (and appropriate reports taken to the relevant committees).</td>
<td>Head of Development Control</td>
<td>Very High – Catastrophic (RED)</td>
<td>23/09/2011</td>
<td>1. Ongoing 2. Preferred option consultation due October 2011 at very earliest 3. Achieved for 2011/12 4. Regular working party and steering group meetings 5. When and if required</td>
<td>• Reports to Informal Cabinet and Cabinet • BP Risk Register &amp; Issues Log. • Advisory notes to Elected Members.</td>
<td>ADDirector (R&amp;PP) – Economic &amp; Scrutiny Overview &amp; Scrutiny Panel 5.11.12</td>
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| R3   | (a) Potential failure to deliver major improvements in Camp Hill due to principal contractors’ failure to deliver redevelopment causing reputation risk and/or loss of housing.  
(b) Sluggish housing market may impact sales, lengthening development timescales. | High –Ser (RED) | In Place & Ongoing | Camp Hill Project Programme Manager | Sig – Moderate (AMBER) | 29/08/2012 | Ongoing | • Agreed Project Initiation Document (PRINCE2 business plan).  
• Stage plans (agreed & signed by Exec & Op Boards).  
• Workstream plans (monitored bi-monthly by Op Board).  
• Bi-monthly Strategic Performance Report from Project Manager to heads of work streams (Operational Board reps & individual risk managers).  
• Liaison with Homes & Communities Agency, and developer (principal contractor) who all sit on the Operational Board.  
• Project Management Structure  
• SDP Stage Delivery Plans (2 yearly). | Executive Managing Director |
<p>| Aim 1 | | | | | | | | |</p>
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<tr>
<td>R6</td>
<td>Potential failure to deliver major improvements in accordance with the Town Centres Master plan with consequent impact on economic vitality of the Borough.</td>
<td>Sig – Serious (RED)</td>
<td>1. Inclusion in capital strategy. 2. Obtaining external grant funding/third party contributions 3. Land ownership 4. Ongoing discussion with partners and private sector 5. Development brief to be developed/ implemented 6. New sub group from Borough Plan to focus on town centres</td>
<td>Director (A&amp;SS)</td>
<td>Sig – Moderate (AMBER)</td>
<td>08/03/2011</td>
<td>Ongoing</td>
<td>• Town Centres Partnership  • Monitor Town Centre footfall  • Delivery of specific projects  • SDP</td>
<td>Managing Director</td>
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<td>R7</td>
<td>Potential failure to: • deliver continued improvements in community safety • reduce the fear of crime and the perception of anti-social behaviour with impact on lives of residents and demand for public services.</td>
<td>High – Serious (RED)</td>
<td>1. Active management by Safer Communities Group &amp; NABSCOP. 2. Monitored by LSP 3. OSP Social</td>
<td>Communities Manager</td>
<td>Sig – Moderate (AMBER)</td>
<td>08/03/2011</td>
<td>Ongoing</td>
<td>• Home Office returns  • Safer Communities Partnership monitoring.  • Social Scrutiny Panel</td>
<td>Director (BI)</td>
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<td>R9</td>
<td>Potential failure to effectively: (i) manage operational risks, (ii) produce, test or update Business Continuity Plans, or (iii) prepare for acts of terrorism or civil emergencies Resulting in: * Service disruption not avoided or minimised &amp;/or * Damage, injury, illness &amp;/or possible death.</td>
<td>Low – Major (RED)</td>
<td>1. Obligation to produce and manage Risk Register. 2. Business Continuity Plans. 3. Emergency Plan response</td>
<td>Directors and Communications and Civic Events Manager</td>
<td>Low – Serious (AMBER)</td>
<td>08/03/2011</td>
<td>Ongoing</td>
<td>• Internal &amp; external audit review. • Training as part of the Emergency Plan • External; review of BCPs</td>
<td>Managing Director</td>
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| R11 | Insufficient planning or resourcing of capital investment priorities. Ineffective use of assets. Resulting in:  
- Increased costs due to inadequate maintenance;  
- More empty assets generating no income;  
- Reputation declines. | Low – Serious (AMBER) | In Place/ Rolling Process/ Ad Hoc:  
1. Corp Asset Mgt Team (CAMT) review capital bids & prioritise (6 weekly).  
2. Regular monitoring of capital projects; summaries issued to budget managers for reporting progress to CAMT.  
3. Comprehensive reports on capital plans from CAMT to Cabinet to include 3 year forecasts (at least 6 monthly).  
4. (Selected projects): Post-completion reviews (financial / were objectives met? / lessons learned). Use of template to feed back to CAMT.  
5. Wide diversity of expertise in CAMT. | - (BD team).  
2. Dir (F&P), supported by CAMT.  
3. Dir (F&P), supported by CAMT.  
4. MD supported by CAMT.  
5. (BD team).  
6. MD supported by CAMT. | Low - Moderate (GREEN) | 29/08/2012 | 1. Ad hoc.  
2. Rolling Process.  
5. N/A.  
6. (Refer Director, A&SS).  
7. (Refer to Director, A&SS). | • Reports to Cabinet (At least 6 monthly).  
• Reports to OSPs.  
• CAMT (reports to & minutes of).  
• Annual Service Delivery Plans. | Dir (A&SS), supported by Dir (F&P). |

To Be Clarified:  
6. Update Asset Management Plan & Capital Strategy (Refer to Director, A&SS)  
7. Countywide review of asset maximisation (Refer to Director, A&SS).
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<td>R13</td>
<td>Potential failure to effectively embed Health &amp; Safety arrangements across the organisation with increased potential for accidents to staff/public and/or risk of prosecution.</td>
<td>High – Serious (RED)</td>
<td>1. Risk assessments and safe systems of work 2. Inspections by union safety reps 3. increased resources to manage H&amp;S requirements 4. HASCOG 5. H&amp;S Training</td>
<td>Directors</td>
<td>Sig – Moderate (AMBER)</td>
<td>08/03/2011</td>
<td>See H&amp;S action plan</td>
<td>• Reports to CMT • Reports to HASCOG &amp; Cabinet • Strategic Performance Report</td>
<td>Monitoring Officer (Dir, G&amp;R)</td>
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| R14  | Potential failure of major partnerships to effectively fulfil their stated purposes resulting in:  
* Service failure for residents | Sig – Serious (RED) | 1. Partnership agreements in place.  
2. Partnership guidelines produced  
3. Each Partnership to produce its own risk assessment & Annual Reports, if applicable & perf. mgt arrangements  
5. Corporate Governance training for partners.  
6. Contractors monitored by various mechanisms.  
7. Steering Groups.  
– OSPs  
– Internal improvement board.  
– Partnership Mtg Boards, i.e. Camp Hill  
– Operational/Executive/Member Mtg.  
– NABSCOP  
– Quarterly reports to OSPs on partners, costs & PIs.  
– Individual contractor management arrangements by service area.  
– Minutes of Steering Groups.  
– Minutes of Operational Groups. | Managing Director on behalf of CMT. |
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<td>R15</td>
<td>Due to: Reduced government grant, &amp;/or Being overtaken by budgeting pressures, &amp;/or Rising costs of supplies such as fuel and other commodities Potential failure to effectively: (i) implement the Medium Term Financial Strategy (MTFS) &amp;/or (ii) operate a balanced budget.</td>
<td>V. High – Serious (RED)</td>
<td>1. Shared services 2. Regular monitoring of budgets by CMT. 3. Reports to Cabinet &amp; Scrutiny Panels. 4. Procurement Strategy. 5. Value for Money Strategy. 6. Training for members &amp; officers. 7. Priority setting by EMT/Cabinet 8. Lean systems reviews 9. Vacancy control 10. Planning for the future</td>
<td>MD &amp; All other Directors</td>
<td>Sig – Moderate (AMBER)</td>
<td>08/03/2011</td>
<td>Ongoing</td>
<td>• Annual internal &amp; external audit. • Returns to Government. • Strategic Performance Management Report • OSPs • Cabinet</td>
<td>CMT – Managing Director</td>
</tr>
<tr>
<td>R16</td>
<td>Poor management resulting in failure to: • Achieve satisfactory levels of service • Deliver aims in Corporate Plan or Community Strategy</td>
<td>High – Serious (RED)</td>
<td>1. Performance management framework 2. Use of TEN system 3. Reports to Cabinet &amp; Scrutiny Panels. 4. Regular refresher sessions for managers 5. Management Development Programme</td>
<td>Directors</td>
<td>Low – Serious (AMBER)</td>
<td>08/03/2011</td>
<td>• Annual internal &amp; external audit. • Integrated Performance Report</td>
<td>Managing Director on behalf of EMT</td>
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<td>R17</td>
<td>Potential failure to achieve ‘customer service’ culture, resulting in poor levels of residents’ satisfaction with Council as a whole</td>
<td>Sig – Serious (RED)</td>
<td>1. Customer Service standards 2. Audience Development Plans 3. Resident involvement in budget and service planning 4. Use of NI 14 to increase productive contacts with council 5. Localities meetings 6. Lean systems work 7. Service specific satisfaction surveys</td>
<td>MD &amp; all other Directors</td>
<td>Low – Moderate (GREEN)</td>
<td>08/03/2011</td>
<td>See action plan  • Customer satisfaction levels as measured by YouGov.  • Integrated Performance Report</td>
<td>Director (BI)</td>
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| R26  | Potential financial impact of the fare appeals for the Concessionary Travel Scheme affecting ability to afford to deliver key priorities. | High – Moderate (AMBER) | 1. MTFS developed.  
2. Regular monitoring of budgets.  
3. Reserve available for some of potential cost  
5. Training for members & officers.  
6. Priority setting by EMT/Cabinet  
7. In year savings | Director (F&P) | Sig - Moderate (AMBER) | 08/03/2011 | Ongoing | • Use of resources review.  
• Annual internal & external audit.  
• Returns to Government.  
• Strategic Performance Management Report  
• OSPs  
• Cabinet | Monitoring Officer (Dir, G&R) |
| R28  | Potential failure to achieve the 'Decent Homes' standard for private sector housing with the consequent impact on the lives of residents. | Very High – Serious (RED) | 1. Stock Condition Survey.  
2. Management action plan now established by NBBC  
3. EST “1-2-1” LA Support Programme | Director (H&C) | High – Moderate (AMBER) | 08/03/2011 | • Internal & external audit review.  
• Performance indicators | Director (H&C) |
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| R8  | Potential failure to reduce waste & increase recycling and meet statutory targets, resulting in:  
- The Council incurring financial penalties & adverse publicity;  
- Issues arising with recycling partners / contractors. | Sig-Serious (RED) | 1. Actively manage Waste Strategy Action Plan and take corrective action as needed  
2. Promote recycling across the Borough  
3. WRAP funding for education officer  
4. Promote waste minimisation plan  
5. Reassess approach look at adverse financial impact  
6. The new recycling & waste collection service (from 24/10/2011). [Note: this will be the primary mitigation]. | Director (A&SS) | Low – Moderate (GREEN) | 23/09/2011 |  | • Local Pls (available monthly).  
• Quarterly OSP Enviro reports & minutes.  
• Waste dataflow statistics (processed nationally, available monthly).  
• Budget management (monthly). | Managing Director |
| R21 | Potential failure to realistically prepare for major emergencies such as the impact of a possible flu’ pandemic with potential impact on ability to deliver services. | Low – Serious (AMBER) | 1. Business Continuity Plans in place and reviewed regularly  
2. Major Emergency Plan  
3. IT infrastructure designed to be resilient  
4. Training exercises relating to Emergency Plan | Directors | Low – Moderate (GREEN) | 08/03/2011 | Quarterly / Bi-annually | • Liaison with Strategic Health Authority.  
• WCC Local Resilience Forum | Director (BI) |
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<td>R24</td>
<td>Loss or corruption of personal data on service users preventing delivery of services and/or breach of data protection legislation with consequent loss of reputation and/or prosecution.</td>
<td>Sig – Moderate (AMBER)</td>
<td>1. Data is backed up to prevent loss 2. Data is recorded in line with operating procedures to ensure accuracy 3. Secure IT network 4. Data storage devices encrypted.</td>
<td>Directors</td>
<td>Low – Moderate (GREEN)</td>
<td>13/04/2010</td>
<td>Monitoring Officer on behalf of CMT</td>
<td>• Data quality is included in service delivery plan and Operational Risk Registers</td>
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<tr>
<td>R25</td>
<td>Loss of key data preventing accurate/any reporting of performance management</td>
<td>Sig – Moderate (AMBER)</td>
<td>1. Data is backed up to prevent loss 2. Data is recorded in line with operating procedures to ensure accuracy. 3. Secure IT network 4. Data storage devices encrypted</td>
<td>Directors</td>
<td>Low – Moderate (GREEN)</td>
<td>13/04/2010</td>
<td>Monitoring Officer (Dir – G&amp;R) on behalf of CMT</td>
<td>• Data quality is included in service delivery plan and Operational Risk Registers</td>
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| R31 | Failure to reduce emissions of greenhouse gases leading to negative publicity, global warming, increased costs, negative audit rating | Sig – Serious (RED) | 1. Significant investment made in new, energy efficient, equipment [boilers, CHP’s, lighting, etc] in our corporate buildings.  
2. New IT / comms equipment more energy efficient.  
3. New vehicles more fuel efficient.  
4. CO2 emissions from vehicles analysed on a yearly basis to assist in identifying high use areas and allow appropriate actions to be taken [Green fleet review with EST].  
5. Refuse collection routes changed optimisation exercise to be carried out during 2011 and move to alternate weekly collection in 2011.  
6. Employee awareness activities.  
7. Working in partnership with Energy Savings Trust to assist in engaging with private sector housing and business community to reduce emissions.  
8. Council housing stock, good energy efficiency levels. | ADDirector (A&SS)  
AD Director (BI)  
Executive Managing Director | Low – Moderate (GREEN) | 08/03/2011 | • Monitoring through Environment OSP | Head of Paid Service |
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<td>R33</td>
<td>Loss of service delivery critical IT systems or whole of IT network for more than 1 day</td>
<td>Very Low – Serious (AMBER)</td>
<td>1. Service, repair and maintenance contracts for software and hardware. 2. Move to virtualised servers during 2010. 3. Business continuity plans.</td>
<td>Director (BI)</td>
<td>Almost Impossible – Serious (GREEN)</td>
<td>5/10/2010</td>
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<td>Director (BI)</td>
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**Risks Deleted**

- R1 was “Failure to maintain/improve community cohesion”
- R2 was “Costs of new concessionary fares scheme exceeding budget (This is now reworded as R26).
- R4 was “Potential failure to deliver continued improvements in Housing Services”.
- R5 was “Potential failure to achieve the ‘Decent Homes’ standard for private sector housing” (This is now R28).
- R10 was “failure to implement new legislation e.g.DDA, Civil Contingencies Act
- R18 was “Potential failure to achieve VFM savings from Cultural Services Improvement Plan”.
- R20 was “Ineffective communication arrangements &/or failure to promote the borough”
- R30 deleted as no longer relevant
- R32 deleted as duplicate another risk in the register
- In 2006 there were also the following:
  - “Failure to deliver improvements in the benefits service (then numbered as R2).
  - “Ineffective implementation of the ‘E-Government’ agenda and benefits of Electronic Service Delivery (ESD) not achieved” (then numbered as R12).
Appendix

(1) Abbreviations:

AH - Affordable Housing
AWM - Advantage West Midlands
BFI - Benefits Fraud Inspectorate
BP - Borough Plan
CLG - Communities & Local Govt
CPA - Comprehensive Performance Assessment
CPO - Compulsory Purchase Order
GOWM - Government Officer for the West Midlands
HASCOCG - Health & Safety Co-Ordinators Group
HCA - Homes & Communities Agency
HSE - Health & Safety Executive
IDeA - Improvement & Development Agency
IEG - Implementing Electronic Government
IIP - Investors in People
LSP - Local Strategic Partnership
MTFS - Medium Term Financial Strategy.
NABSCOP - Nuneaton & Bedworth Safer Communities Partnership
HB/CTB - Housing Benefits/ Council Tax Benefits
NNDR - National Non-Domestic Rates
PAS - Planning Advisory Service
PI - Performance Indicator
RSL - Registered Social Landlord(s)
RSS - Regional Spatial Strategy
SDP - Service Delivery Plan
WRAP - Waste & Resources Action Programme
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<tr>
<th>ECO &amp; CORP OSP WORK PROGRAMME 2012/13</th>
<th>suggested Mtg Date</th>
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<tr>
<td>Integrated Performance Reports (Quarterly)</td>
<td>6/2</td>
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<tr>
<td>Voluntary &amp; Community Sector Performance Reports</td>
<td>6/2</td>
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<tr>
<td>Assessment of Blue Badge Parking Charges</td>
<td>6/2</td>
</tr>
</tbody>
</table>

Risk Register

Bollards, Loading & CPE

Member Development Opportunities