

Nuneaton & Bedworth Borough Council

CONSTITUTION

Constitution Version
July 2026

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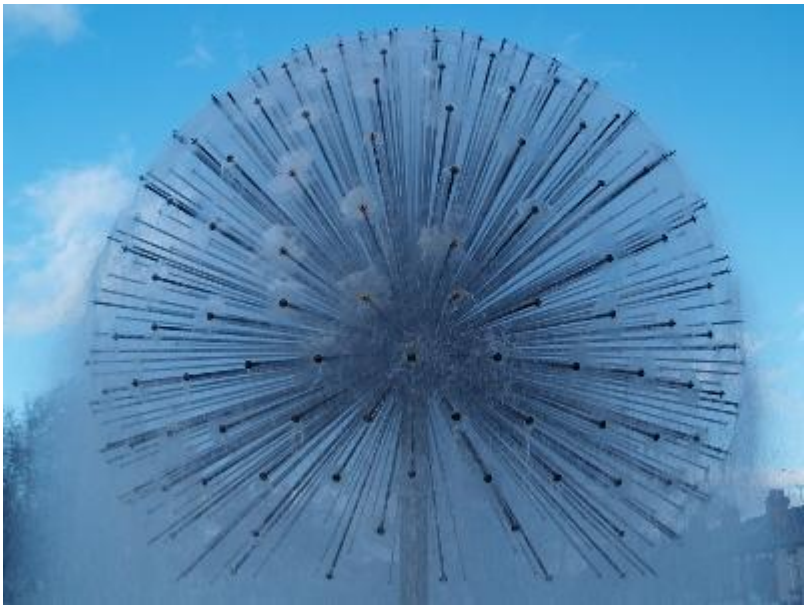
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Summary and Explanation

CONSTITUTION

Part 1

Constitution Version
July 2026

PART 1 - SUMMARY AND EXPLANATION

1.1 THE COUNCIL'S CONSTITUTION

Nuneaton & Bedworth Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution includes 15 articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

1.2 WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to conduct all its business in an efficient, open and transparent way, ensuring that those who take decisions on behalf of the Council are clearly accountable for those decisions.

Articles 2 and 3 respectively, cover the role, rights and duties of Members; and, the rights of citizens.

Articles 4 to15 set out the key components of the Council, and how it will operate.

These are:

a) Members of the Council (Article 2)

b) Citizens and the Council (Article 3)

c) The Full Council (Article 4)

d) Chairing the Council (Article 5)

e) Overview & Scrutiny of Decisions (Article 6)

f) The Executive (called "the Cabinet" in Nuneaton and Bedworth) (Article 7)

g) Regulatory, Other Committees and Sub-Committees (Article 8)

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i) Joint Arrangements (Article 10)

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1.3 HOW THE COUNCIL OPERATES

The Council is composed of 38 Members, each elected for a four-year term, to represent one of 19 Wards. Members are democratically accountable to residents of their Ward. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Members have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee trains and advises them on the Code of Conduct.

All Members meet together as the Council. Meetings of the Council are normally open to the public. Here Members decide the Council's overall policies and set the budget each year. The Council elects the Leader for a four year term, lasting from one election to the next. However, the Council may resolve to remove the Leader and elect a replacement during this period. The Leader appoints other members of the Executive (known as Cabinet Members) and also decides on the delegation of executive powers, and, subject to delegation, representatives to outside bodies. Through the year, decision-makers and Committee Chairs report on their work. There will be time set aside for public questions at every Council meeting.

1.4 HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most decisions. The Cabinet is made up of a Leader with four Cabinet Members. When major decisions are to be discussed or made, these are published in the Cabinet's Forward Plan, in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. The Cabinet has to make decisions, which are in line with the Council's overall policies and budget. If it wishes to make a decision, which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

In addition, there are three Regulatory Committees, Planning Applications, Licensing and Appeals Committees that determine applications falling within the remit of those Committees.

1.5 OVERVIEW AND SCRUTINY

There are four Overview & Scrutiny Panels who support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations, which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. Overview & Scrutiny Panels also monitor the decisions of the Cabinet and Cabinet Members. They can 'call-in' decisions made but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the decision maker reconsiders the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

1.6 THE COUNCIL'S EMPLOYEES

The Council has people working for it (called 'officers') to give advice, implement decisions, and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Code of Practice governs the relationships between officers and Members of the Council.

1.7 CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individual's legal rights.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

a) Vote at local elections if they are registered;

b) contact their local Member about any matters of concern to them;

c) obtain a copy of the Constitution;

d) attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;

e) petition to request a referendum on a mayoral form of executive;

f) participate in the Council's question and comments time and, at the request of the relevant Overview & Scrutiny Panel, contribute to investigations by the Overview & Scrutiny Panels;

g) find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Cabinet, or decided by the Cabinet or officers, when they attend meetings of the Cabinet;

h) see reports and background papers, and any record of decisions made by the Council and Cabinet;

i) complain to the Council if they are unhappy about service delivery or actions taken by the Council. A leaflet describing this process, and a form to fill in, is available at main offices and on our website;

j) complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

k) inspect the Council's accounts and make their views known to the external auditor, and

l) request information from the Council pursuant to the Data Protection Act; Freedom of Information Act and the Environmental Information Regulations.



Articles of the Constitution

CONSTITUTION

Part 2

Constitution
Version
July 2026

PART 2 - ARTICLES OF THE CONSTITUTION

ARTICLE 1: THE CONSTITUTION

A1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

A1.2 This Constitution, and all its appendices, is the Constitution of Nuneaton & Bedworth Borough Council.

A1.3 **PURPOSE OF THE CONSTITUTION**

The purpose of the Constitution is to: -

a) Ensure that the governance arrangements deliver efficient, transparent and accountable decision making;

b) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

c) support the active involvement of citizens in the process of local authority decision-making;

d) help Members represent their constituents more effectively;

e) enable decisions to be taken efficiently and effectively;

f) create a powerful and effective means of holding decision-makers to public account;

g) ensure that no one will review or scrutinise their own decisions;

h) ensure that those responsible for decision making are clearly identifiable to local people, and that they explain the reasons for decisions; and

i) provide a means of improving the delivery of services to the community.

The remainder of this document and appendices have been produced in a way which reflects the Statement of Purpose above, and which will ensure that the Statement of Purpose is put into practice. Nuneaton & Bedworth Borough Council's Corporate Plan is an important document which reinforces the purpose of this Constitution.

A1.4 In all its decisions, the Council will be guided by this Constitution as well as all relevant legislation and guidance referred to in Schedule 2 at Part 2 of this Constitution.

A1.5 The Council will monitor and evaluate the operation of the Constitution.

ARTICLE 2: MEMBERS OF THE COUNCIL

A2.1 COMPOSITION AND ELIGIBILITY

a) Composition

The Council will comprise 38 Councillors, otherwise called Members, representing 19 Wards. Two Members will be elected by the voters of each Ward in accordance with a scheme drawn up by the Local Government Boundary Commission, and approved by the Secretary of State.

b) Eligibility

Only British subjects, or a citizen of the Republic of Ireland, Commonwealth Citizen or a relevant citizen of the European Union who have attained the age of 18 on the day they are nominated as candidates and:

i. is a local government elector for the Borough of Nuneaton and Bedworth (and continues to be so for the term of appointment); or

ii. have, during the whole of the 12 months preceding that day, occupied as owner or tenant any land or other premises in the Borough; or

iii. the principal or only place of work during that 12 months has been in the Borough; or

iv. have resided in the Borough during the whole of those 12 months, so shall be eligible to hold the office of Member.

c) Vacation of Office by Failure to Attend Meetings

If a Member fails to attend any meeting of the Council for a period of six consecutive months, that Member shall cease to be a Member of the Council, unless the failure to attend is for a reason approved by the Council before the end of that six month period.

A2.2 ELECTION AND TERMS OF MEMBERS

Elections for Members will be held in accordance with the schedule set out below:-

2024 - all Members to be elected
2025 - no ordinary election
2026 - one half of all Members to be elected
2027 - no ordinary election

This biennial pattern for elections will then continue. In accordance with The Nuneaton & Bedworth (Electoral Changes) Order 2024, the Council will return, from 2026, to elections by halves for all future ordinary elections. One half of the total number of Members will be elected every two years.

Where vacancies arise between elections, they will be filled following a by-election.

Once elected, Members will normally serve for a term of office of four years, except where election has arisen following a by-election or a change in the boundaries. In this case, the term of office will be for the remainder of the period of office of the Member being replaced.

A2.3 ROLES AND FUNCTIONS OF ALL MEMBERS

Role Description

Borough Members shall have regard to the Members' Role Description approved by the Council's Cabinet on the 25th May 2005, when discharging his or her duties. This is set out at Part 5E of this Constitution.

a) **Key Roles**

All Members will:-

i. Collectively be the ultimate policy-makers, and carry out a number of strategic and corporate management functions;

ii. contribute to the good governance of the area, and actively encourage community participation and citizen involvement in decision making;

iii. assist the Council to act as far as possible in the interests of the whole community that it serves;

iv. represent effectively the interests of their Ward and of individual constituents;

v. respond to constituents' enquiries and representations, fairly and impartially;

vi. participate in the governance and management of the Council;

vii. be available to represent the Council on other bodies; and

viii. maintain the highest standards of conduct and ethics.

b) **Rights and Duties**

i. Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions, and in accordance with the law;

ii. Members will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in

confidence to anyone other than a Member or officer entitled to know it; and

iii. for these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4B of this Constitution.

A2.4 CONDUCT

Members will at all times observe the Members’ Code of Conduct, the Protocol for Member/Employee Relations, and the Code of Practice for Members and Officers dealing with Planning Matters, as set out in Part 5A, 5C and 5D of this Constitution respectively.

A2.5 ALLOWANCES

Members will be entitled to receive allowances in accordance with the Members’ Allowance Scheme approved by the Council following consideration of a report from the Independent Remuneration Panel. The Scheme is set out in Part 6 of this Constitution.

ARTICLE 3: CITIZENS AND THE COUNCIL

The Council actively wishes to engage with the public, and offers every opportunity for the public to participate in the decision-making process.

This article explains what citizens can expect from the Council, and also sets out how the Council expects to be treated in return.

A3.1 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4B of this Constitution:-

a) Voting and Petitions

Citizens on the Electoral Roll for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

b) Information

Citizens have the right to:-

i. Attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting, or relevant part of it, is therefore held in private;

ii. attend meetings of the Executive when key decisions are being considered;

iii. find out from the Forward Plan what key decisions will be taken by the Executive and when;

iv. see reports and background papers, and any records of decisions made by the Council and the Executive; and

v. inspect the Council's accounts and make their views known to the external auditor.

c) Participation

Citizens have the right to participate in the Council's questions and comments time in accordance with the Council's Procedure Rules set out in Part 4A of the Constitution, and as a co-opted member or if requested by the relevant Committee to do so, contribute to investigations by Overview & Scrutiny Panels.

d) **Complaints**

Citizens have the right to complain to:-

i. The Council itself under its Complaints Scheme;

ii. the Ombudsman, after using the Council's own Complaints Scheme; and

iii. The Audit and Standards Committee about a breach of the Members' Code of Conduct.

A3.2 CITIZENS' RESPONSIBILITIES

The Council aims to provide equal access to all its services and to promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

Citizens must not be violent, abusive or threatening to Members or officers, and must not wilfully harm things owned by the Council, Members or officers.

In all dealings with the Council, citizens must provide honest, accurate and reliable information. Citizens have a responsibility to act in a reasonable manner towards their neighbours and communities.

ARTICLE 4: THE FULL COUNCIL

A4.1 Full Council is, in itself, an important democratic institution and, as such, has a very important role to play. Amongst other things, it is the principal body for determining the Council's budget and setting the Council's Policy Framework.

A4.2 **DEFINITIONS**

a) **Policy Framework**

The Policy framework means the following plans and strategies:

i. Crime and Disorder Reduction Strategy

ii. Council's Corporate Plan: Building Communities 2025-2029 United in Achievement

iii. Plans which together comprise the Development Plan

iv. Three year Licensing Policy

v. Policy Not to Permit Casinos

vi. Equality Monitoring Policy

vii. Resident Involvement Strategy

viii. Pay Policy Statement

b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council Tax, and decisions relating to the control of the Council's borrowing requirements, the control of the capital expenditure, and the setting of virement limits.

c) **Housing Land Transfer**

Housing Land Transfer means the disposal of any housing assets where the approval of the Secretary of State is required, (e.g. under sections 32 and 43 of the Housing Act 1985, or section 132 of the Leasehold Reform, Housing and Urban Development Act 1993).

A4.3 **FUNCTIONS OF THE FULL COUNCIL**

Only the Council will exercise the following functions:-

a) Adopting and changing the Constitution;

b) approving or adopting the Policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;

c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4B of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy framework, or the budget, where the decision maker is minded to make it in a manner which would be contrary to the Policy framework, or contrary to or not wholly in accordance with the budget;

d) appointing the Leader every four years;

e) agreeing or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them;

f) annually appointing representatives to outside bodies unless the appointment is an executive function, has been delegated by the Council, or is deferred at the Annual meeting of the Council;

g) adopting an Allowances Scheme under Article 2.5;

h) changing the name of the area & conferring the Freedom of the Borough;

i) confirming the appointment of the Head of Paid Service;

j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;

k) all local choice functions set out in Part 3A of this Constitution which the Council decides should be undertaken by itself rather than the Executive;

l) all other matters which, by law, must be reserved to Council;

m) taking decisions in respect of functions which are not the responsibility of the Cabinet and which have not been delegated by the Council to Committees, Sub-Committees or officers;

n) to make, amend or revoke Contract Procedure or Financial Procedure Rules;

o) to dismiss the Head of Paid Service, statutory officers and officers reporting to Council;

p) to deal with resolutions of maladministration (on an Ombudsman report) unless the function has been delegated by the Council; and

q) to consider any matters referred to the Council for decision.

A4.4 COUNCIL MEETINGS

There are four types of Council meeting:-

a) the Annual meeting;

b) Ordinary meetings;

c) Extraordinary meetings; and

d) Specific Purpose meetings

and they will be conducted in accordance with the Council Procedure Rules as set out in Part 4A of this Constitution.

A4.5 RESPONSIBILITY FOR FUNCTIONS

The Council will maintain the tables in Part 3B of this Constitution, setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

ARTICLE 5: CHAIRING THE COUNCIL

The Mayoral role is an important one, both to the Council and its citizens.

A5.1 ROLE AND FUNCTION OF THE MAYOR

The Mayor, and in her/his absence the Deputy Mayor, will have a ceremonial role, and will chair the meetings of Full Council.

The Mayor will be elected by the Council annually, and will have the following responsibilities:-

a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;

c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community, and the place at which Members are able to hold the Executive and portfolio holders to account;

d) to promote public involvement in the Council's activities;

e) to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and

f) to carry out all Mayoral duties in accordance with the Mayoral Protocol set out in Part 9 of this Constitution.

ARTICLE 6: OVERVIEW & SCRUTINY

A6.1 OVERVIEW & SCRUTINY PANELS (OSPs)

a) There shall be three OSPs as set out in Table 1 below which shall undertake the work in their overview and scrutiny work programmes, having regard to the Council's Corporate Objectives.

b) Each Panel scrutinises, monitors and reviews:

i. The performance of the Council within the scope of the portfolios and strategic themes for which it is responsible;

ii. policy review within their area of responsibility;

iii. the Corporate Plan (Developing our Future);

iv. the Forward Plan;

v. issues Members wish to raise;

vi. the development of the Council's annual budget and reviews, and scrutinises the Council's performance in relation to budgetary management;

vii. the Local Authority's performance against the "Ten System" Performance Indicators;

viii. considers the Council's Strategic Risk Register, and ensures that it adequately addresses the risks and priorities of the Council; and

ix. the use of the "well-being powers" contained in Section 2(4) in relation to promotion of "well-being" under Section 2(1) LGA 2000.

A6.2 PROCEEDINGS OF THE PANELS

The Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules, set out in Part 4E of this Constitution.

Table 1 - Overview & Scrutiny Panels

Business, Regeneration & Planning Overview and Scrutiny Panel	Portfolio
• Tourism and Twinning • Economic Development • Sub Regional and Regional Partnerships • Car parks, bus shelters, bus station and CCTV • Public conveniences • Estates including land and property • Facilities management and maintenance • Transforming Nuneaton • Transforming Bedworth • Town Centre Regeneration • Town Centres and Marketing (including markets)	Town Centre Regeneration and Business Development
• Emergency Planning • Development Control and Planning Policy • Borough Plan • Building Control • Land Charges • Street Naming and Numbering • Highway Agency arrangements (A5 Partnership) • Land drainage • Health and Safety (Internal to NBBC Operations) • Public Spaces Protection Orders • Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations) • Fly Tipping (Enforcement) • Licensing Policy • Abandoned vehicles	Planning, Enforcement and Public Services

Communities, Corporate Resources and Housing Overview and Scrutiny Panel	Portfolio
• Housing Revenue Account operation • Strategic Housing and Homelessness • Private Sector Housing, drainage, accumulations of rubbish • HEART	Housing
• Community Centres and strategies • Grants to Voluntary Sector • NABSCOP • Council Budget • Finance • Procurement • Revenues and Benefits • Audit and Performance • Legal • Elections • Safeguarding • Equalities • Insurance • Democratic Services including Mayoralty • Communications • Customer Services • IT • Business Support • HR	Finance, Enabling Services and Communities

Environment, Health and Leisure Overview and Scrutiny Panel	Portfolio
• Grounds maintenance and parks • Allotments • Cemeteries and crematoria • Museum and art galleries • Leisure and strategies • Amenity lighting in parks and open spaces • Culture • Events • Health	Leisure and Health
• Climate Change/ Environmental Sustainability • Refuse Collection • Street Cleansing • Recycling	Planning, Enforcement and Public Services

• Litter control (collection) • Drainage, Sanitation and accumulations of rubbish • Sub-Regional MRF	

ARTICLE 7: THE CABINET (ALSO KNOWN AS THE EXECUTIVE)

A7.1 The Leader is at the heart of the executive decision-making process, and the role is a key role, in allocating responsibilities across the Cabinet. Individual Members will, at the request of the Leader, take responsibility for specific areas of service provision. They are called “Portfolio holders” and they are able to take decisions on services as individual Members within the terms of reference allocated to them by the Leader. The current list of Portfolios is as follows:

a) Housing

b) Finance, Enabling Services and Communities

c) Planning, Enforcement and Public Services

d) Town Centre Regeneration and Business Development

e) Leisure and Health

The Leader has the power to take any executive decision of the Council; this includes decisions that could be taken by a Portfolio holder.

The Leader can determine that executive decisions be taken by Cabinet collectively, by individual Portfolio holders, a Committee of Cabinet, or by an officer of the Council.

This article sets out the basic components of the Cabinet. The Rules of Procedure setting out how the Cabinet will operate are contained in Part 4D of the Constitution.

A7.2 **ROLE**

The Leader will carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

The Leader, or, if the Leader so determines, the Cabinet, may appoint representatives to outside bodies where the Council does not do so at the Annual meeting of the Council and where substitute or new representatives need to be appointed during the year.

If the Leader is unable to make a particular decision as a result of a personal/prejudicial interest, or a conflict of interests, then the delegations shall be to his/her Deputy, to Cabinet, or to an officer under delegated powers in cases of urgency.

A7.3 **FORM AND COMPOSITION**

The Cabinet will consist of the Leader together with at least two, but no more than nine Members, appointed to the Cabinet by the Leader. The Portfolios allocated to individual Cabinet Members are determined by the Leader, and currently comprise of the Portfolios set out below. The detailed responsibilities of each Portfolio are set out in Part 3B of this Constitution. Appointments may be from a single party and need not reflect the political balance of the Council.

Table 2 - The Cabinet Responsibilities

Portfolio	Responsibilities and Services
Housing	• Housing Revenue Account operation • Strategic Housing and Homelessness • Private Sector Housing, drainage, accumulations of rubbish • Home Environment Assessment and Response Team (HEART)
Finance, Enabling Services and Communities	• Community Centres and strategies • Grants to Voluntary Sector • Council Budget • Finance • Procurement • Revenues and Benefits • Audit and Performance • Legal • Elections • Equalities – subject to future policy decision • Safeguarding • Insurance • Democratic Services including Mayoralty • Communications • Customer Services • IT • Business Support • HR

Portfolio	Responsibilities and Services
Planning, Enforcement and Public Services	• Emergency Planning • Development Control and Planning Policy • Borough Plan • Building Control • Land Charges • Street Naming and Numbering • Highway Agency arrangements • Land drainage • Health and Safety (Internal to NBBC Operations) • Public Spaces Protection Orders • Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations) • Fly Tipping (Enforcement) • Licensing Policy • Abandoned vehicles • Refuse Collection • Street Cleansing • Recycling • Litter control (collection) • Drainage, Sanitation and accumulations of rubbish • Sub-Regional MRF • Climate Change/ Environmental Sustainability – subject to future policy decision
Town Centre Regeneratio Business Development	• Tourism and Twinning • Economic Development/Regeneration • Sub Regional and Regional Partnerships • Car parks, bus shelters, bus station and CCTV

Portfolio	Responsibilities and Services
	• Public conveniences • Estates including land and property • Facilities Management and Maintenance • Transforming Nuneaton • Transforming Bedworth • Town Centre Regeneration • Town Centres and Marketing (including markets) • NABSCOP
Leisure and Health	• Grounds maintenance and parks • Allotments • Cemeteries and crematoria • Museum and art galleries • Leisure and strategies • Culture • Health • Events • Amenity lighting in parks and open spaces

A7.4 **LEADER**

The Leader shall be an elected Member, who shall be appointed to the office of Leader for a term of not more than four years [the Term] at the relevant Annual meeting of Council, or if that is not possible, at a subsequent meeting of Council. The Leader shall remain the Leader until:-

a) The Council holds its first Annual meeting after the Leader's normal day of retirement as a Member; or,

b) until the Annual meeting of Council immediately after either their re-election; or if

c) any of the paragraphs (i) to (iv) below apply:

i. he/she resigns from the office; or

ii. he/she is suspended from being a Member under Part III of the Local Government Act 2000 (although he/she may resume office at the end of a period of suspension); or

iii. he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or

iv. he/she is removed from office by resolution of the Council.

If the Leader ceases to hold office before the end of the Term, the Council will elect another Member to that office at a subsequent Council meeting. If the Leader is removed by resolution of the Council pursuant to paragraph A7.4 (c) (iv) above, the Council will elect a new Leader at the same meeting, or if that cannot be achieved, at a subsequent Council meeting.

The relevant Annual meeting will be either the first Annual meeting after the coming into force of the new Leader and Cabinet Executive (England) Model or any future Annual meeting at which a Leader is to be elected.

A7.5 **DEPUTY LEADER**

The Leader will appoint one of the Cabinet Members as the Deputy Leader to serve for the Term, unless any of the following circumstances arise:

a) he/she resigns from the office; or

b) he/she is suspended from being a Member under part III of the Local Government Act 2000 (although he/she may resume office at the end of a period of suspension); or

c) he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or

d) he/she is removed from office by the Leader, who must give written notice to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

The Executive Leader may, if he or she thinks fit, remove the Deputy Leader from office, and where a vacancy occurs in the office of Deputy Leader, the Executive Leader must appoint another elected Member as soon as practicable.

If for any reason the Leader is not able to act or the office of Leader is vacant, the Deputy Leader must act in his or her place. If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet Executive must act collectively in the Leader's place or must arrange for a Cabinet Member to act in the Leader's or Deputy Leader's place.

A7.6 OTHER CABINET MEMBERS

Only Members may be appointed to the Cabinet. There may be no co-optees or deputies or substitutes for Cabinet Members. Neither the Mayor nor the Deputy Mayor may be appointed to the Cabinet, and Members of the Cabinet (including the Leader) may not be Members of an Overview & Scrutiny Committee. Cabinet Members will be appointed by the Leader and shall hold office until:-

a) they resign from office; or

b) they are suspended from being a Member under Part III of the Local Government Act 2000 (although they may resume office at the end of a period of suspension); or

c) he/she ceases to be a Member by way of disqualification under the provisions of the Local Government Act 1972; or

d) they are removed from office by the Leader who must give written notice to the Chief Executive . The removal will take effect two working days after receipt of the notice by the Chief Executive.

A7.7 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules described in Part 4 of this document.

A7.8 **RESPONSIBILITY FOR FUNCTIONS**

The Executive responsibilities are vested in the Leader who may choose to delegate them in any manner allowed by law, namely to the Executive to determine collectively, to individual Members of the Executive, to a Committee of the Executive comprising of Cabinet members only, or a Council officer.

At the Annual meeting, the Leader will confirm the names of the people who he/she has appointed to Cabinet and details of any authority that he/she has delegated to them individually, and may alter these arrangements at any time. The Leader shall decide which executive functions will be discharged by individual Members of the Cabinet. If he/she decides to amend these delegations, then before he/she implements any such decision, he/she shall:-

a) Give 28 days' notice of this intention to the Chief Executive , who shall at the next available Council meeting following expiry of the 28 days' notice present a written record of the amendment to the delegations made by him/her for inclusion in the Council's Scheme of Delegations in Part 3 of this Constitution. This will contain the following information;

   i. the names of the Cabinet Members (including him/herself) to whom he/she intends to delegate authority;

   ii. the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;

b) The Leader may amend the delegations set out in (a) above at any time during the year, by giving written notice to the Chief Executive setting out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person.

   The Leader will maintain a list in Part 3C of this Constitution setting out which individual Members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

A7.9 Borough Plan Committee

There shall be a standing committee appointed by the Leader of the Council to make recommendations as any local plans for the Borough of Nuneaton and Bedworth as required by law and shall meet in open session, subject to the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Regulations 6 and 7.

The Committee shall consist of 9 members and shall be subject to the political balance rules, and chaired by the Portfolio Holder for Planning, Enforcement and Public Services.

The Committee will conduct its proceedings in accordance with the Cabinet Procedure Rules set out in Part 4D of this Constitution and make recommendations to Cabinet as to the content and progress of the local plan.

A7.10 Civic Honours Sub-committee

a) The Civic Honours Sub-committee comprises:

- The Leader of the Council
- The Deputy Leader of the Council
- One other Cabinet Member
- The Mayor
- The Leader of the Main Opposition Party

and be chaired by the Leader of the Council.

Terms of Reference for the Civic Honours Sub-committee

The Civic Honours Sub-committee shall

1. Invite nominations for Civic Honours from a wide range of stakeholders including:
    a. Elected Members
    b. MPs
    c. Charities and other Public Sector Organisations operating in the Borough
    d. Members of the Public.

2. Agree the criteria for awarding Civic Honours, having regard to the provisions in any local, statutory or national criteria.

3. Consider and make recommendations to Council in connection with:
    i. Community Awards
    ii. Freedom of the Borough
    iii. Honorary Aldermen/Alderwomen

4. Consider making nominations for national awards, where appropriate (to be considered as an exempt item to comply with national protocols).

5. Ensure that Cabinet make appropriate provision in each financial year to meet the financial implications that may arise from bestowing different types of Civic Awards and Honours.

6. The Sub-committee establish a naming convention of streets and buildings.

A7.11 Local Government Reform Sub-Committee

Full Council agreed, 2nd July 2025, to establish a politically balanced Local Government Reform Cabinet Sub-Committee to provide strategic oversight of the ongoing work by the council on devolution and Local Government Reform, reporting and recommending to Cabinet when appropriate.

1. Purpose

1.1. The purpose of the Sub-Committee of Cabinet is to review and guide the Council's response to Local Government Reform (LGR) proposals affecting Warwickshire by:

- Reviewing relevant material and proposals.
- Identifying necessary workstreams.
- Making evidence-based recommendations to Cabinet.
- Keeping Councillors informed about progress on the development of the proposals ahead of the November 2025 submission deadline.
- Providing input and direction to the communication and engagement approaches with local residents and stakeholders.

1.2. The Sub-Committee will oversee the development of the Council's final submission to Government and provide formal recommendations to Cabinet. Following a Government decision, the Sub-Committee will continue to support implementation planning and provide further recommendations as required.

1.3. Note: The Sub-Committee is an advisory body only. It has no formal decision making powers or delegated authority. All decisions remain the responsibility of Cabinet or Full Council, as appropriate.

2. Objectives

2.1. To provide timely and appropriate recommendations to the Cabinet by:

- Reviewing and evaluating relevant LGR documentation, proposals, and Government guidance.
- Identifying and prioritising key workstreams to support both the Council's position and implementation planning.
- Ensuring the Council's submission is comprehensive, evidence-based, and aligned with local priorities and stakeholder input.
- Overseeing progress on implementation workstreams following the Government's decision.
- Supporting risk identification and mitigation throughout the process.

3. Membership

3.1. The Sub-Committee shall consist of 7 elected members and shall be subject to the political balance rules.

3.2. The Chair shall be the Leader of the Council and if the Leader is not available, a Vice Chair shall be appointed at the meeting by vote.

3.3. Relevant officers and external advisors may attend in a non-voting capacity to provide support and expertise.

3.4. The quorum for meetings shall be 5 members.

3.5. Cabinet Members are permitted to reside on the Committee and substitute members are also permitted.

4. Methods of Working

4.1. Members of the Sub-Committee are expected to work co-operatively and come to conclusions that are agreed by the group.

4.2. In the case of voting each of the Sub-Committee Members shall have one vote.

4.3. In the case of equality of votes, the Chair shall have the casting vote.

5. Responsibilities

5.1. The Sub-Committee shall:

- Review Government proposals, white papers, and regional submissions related to LGR.
- Commission or consider reports, assessments, and stakeholder feedback.
- Recommend to Cabinet the workstreams required for both submission and implementation phases.
- Oversee progress on agreed workstreams and ensure alignment with Council priorities and timelines.
- Support the development of the Council's final submission to Government by November 2025.
- Engage with key stakeholders, including residents, businesses, and community groups, to inform recommendations.
- Identify and manage risks associated with the reform process.
- Continue to meet post-submission to support the implementation of the Government's selected option.

6. Meetings and Limitations

6.1. The Sub-Committee shall meet as required to fulfil its remit, with increased frequency in the lead-up to the November 2025 submission.

6.2. Meetings shall be conducted in accordance with the Council's Standing Orders.

6.3. Meetings may be open to the public, unless confidential or sensitive matters are under discussion.

6.4. The Sub-Committee shall continue until one of the following occurs:

- It is disbanded by Full Council.
- Nuneaton and Bedworth Borough Council ceases to exist through LGR.
- Its function is superseded by Government direction or the establishment of a new Shadow Council or equivalent body.

7. Reporting

7.1. The Sub-Committee shall report directly to Cabinet through formal recommendations.

7.2. Recommendations shall be submitted at key milestones, including:

- Prior to the final submission to Government.
- At significant stages during the implementation phase

ARTICLE 8 REGULATORY, OTHER COMMITTEES & SUB-COMMITTEES

A8.1 Some functions, such as planning applications and licensing, are not executive functions. Committees and Sub-Committees will undertake these regulatory functions under powers delegated from the Council.

Each Regulatory Committee shall deal with applications and appeals in accordance with the procedure agreed by that Committee or, in the event of a conflict between the two, as laid down in any relevant legislation. With the exception of Licensing and Gambling Policy under the Licensing Act 2003 and Gambling Act 2005, all other Licensing Policy is an executive function discharged by Cabinet.

A8.2 **REGULATORY AND OTHER COMMITTEES**

The Council will appoint the following Committees:

Planning Applications Committee

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

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

If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that committee.

The remit and functions of this committee are included in the table in Section B of Part 3 of this Constitution.

Licensing Committee

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

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

If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that committee.

The remit and functions of this committee are included in the table in Section B of Part 3 of this Constitution.

Licensing Committee may establish five Licensing Sub-Committees with the functions referred to in Section 7(1) of the Licensing Act 2003. Each Licensing Sub-Committee will comprise three Members and have a quorum of two, or as otherwise directed by Regulations. Membership of each Licensing Sub-Committee shall only be drawn from the Licensing Committee.

Audit and Standards Committee

Please see ARTICLE 9: AUDIT AND STANDARDS COMMITTEE.

Council Shareholder Committee.

The Committee shall be politically balanced and will comprise of six Members and have a quorum of three.

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

The Committee shall be politically balanced and will comprise of six (6) Members and have a quorum of three (3).

If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that committee.

The purpose of the Shareholder Committee is to approve and oversee the council's strategic objectives for the council's company and to support the development of the company in line with the council's regulations and ambitions and the constitutional instruments of the company.

ROLE OF THE SHAREHOLDER COMMITTEE

1. The Shareholder Committee will have a role in ensuring proper governance of the Council's Subsidiaries, such role to include:

1.1. receiving reports from the Managing Director (or equivalent), on the progress and conduct of business in accordance with the approved business plan;

1.2. monitoring information from each company, in particular on financial and other risks (such as a risk register) and escalating such risks within the Council as appropriate;

1.3. receiving reports from the Managing Director (or equivalent), on company performance to enable the committee to monitor performance, business affairs, finances, and accounts in accordance with adopted business plans and budgets;

1.4. consider future service developments and opportunities for the company;

1.5. reporting to the Cabinet on the performance of the companies;

1.6. reviewing these Terms of Reference annually and make any necessary recommendations to the Monitoring Officer for update via Audit and Standards Committee.

The Committee will need to be cautious where a company is jointly owned by the Council and any other local authority, specifically in relation to commercially sensitive information and decision making. Where the Council is one of several owners, the Council will either have an equal share or a proportionate share in the company.

The Shareholder Committee will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Managing Director (or equivalent), the senior management team employed by the Company and Board of each Company

Independent Remuneration Panel

On a four yearly basis to review and determine the Members' Allowances and Special Responsibilities' Allowances.

The Panel shall consist of:

i) One Chair with suitable experience of the work of the Panel
ii) One seat from the Chamber of Commerce;
iii) One seat from the Local Business Partnership and/or Coventry and Warwickshire Small Business Federation;
iv) One seat be offered to a senior officer from one of the following neighbouring councils: Tamworth, Blaby, Market Harborough or Cannock Chase; and
v) One person from the Warwickshire & Solihull Community & Voluntary Action

The Terms of Reference for the Panel are to :-

i) comply with the 2003 Members' Allowances Regulations (or any subsequent re-enactment of those Regulations);
ii) review the Council's Scheme of Allowances every four years to ensure the Scheme remains fit for purpose; and

iii) consider any specific proposals suggested by Members or officers at such reviews, or as may be necessary from time to time.

Officer Remuneration Panel

(5 Members with a quorum of 3)

The Remuneration Panel shall meet to review and determine the pay and conditions of the:-

- Chief Executive;
- Strategic Directors; and/or
- Assistant Directors; and/or
- Officers on locally determined pay scales having received and taken into account a report and recommendations from WMLGA, or other such organisation.

The Remuneration Panel shall meet:-

- on a three yearly basis; and/or
- whenever there is a significant and permanent change to or reallocation of duties amongst any or all of those officers

The panel should be politically balanced and shall consist of at least five Members, no more than two of whom may be on the Cabinet or Executive, made up as follows:-

- a Member from each of the two largest groups; and
- a number of other Members sufficient to make the panel politically balanced within the meaning of the Local Government and Housing Act 1989; and
- The quorum for each meeting of the panel shall be ¼ of the members on the panel with a minimum of three.

Appeals Panel

The Appeals Panel shall consider appeals against decisions made by or on behalf of the Council with the exception of Planning, Licensing and other such regulatory matters where there is a statutory right of appeal to a body outside the Council.

The Panel shall consist of 10 members, from which a panel of five members will be chosen to hear each appeal as and when such business arises. The quorum will be three of the five members chosen to hear the appeal. No Member shall be chosen to hear an appeal in respect of a decision which he/she took part in making.

No Member shall sit on an appeal without having undertaken relevant training within the previous two years.

ARTICLE 9: AUDIT AND STANDARDS COMMITTEE

The purpose of the Audit and Standards Committee is to provide independent assurance of the accuracy of the risk management framework and the internal control environment. It provides an independent review of the Council's governance, risk management and control frameworks, and oversees the financial reporting and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

In order to ensure high standards of conduct and probity, the Committee will also have a key part to play in strengthening and maintaining the highest standards of ethical conduct which the public is entitled to expect from both Members and Officers of the Council.

This Article sets out the composition, role and function of the Audit and Standards Committee.

A9.1 AUDIT AND STANDARDS COMMITTEE

The Council meeting will establish an Audit and Standards Committee.

A9.2 COMPOSITION - POLITICAL BALANCE

a) The composition of the Audit and Standards Committee has to reflect the political balance of the Council;

b) No member of the Cabinet or Chair of an Overview and Scrutiny Panel shall be a member of the Audit and Standards Committee;

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

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

e) If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that committee.

f) the Committee shall have the power to co-opt one Independent Member to assist the Committee in fulfilling its purpose and they shall be appointed for a period of up to four years and shall be appointed for no more than two terms.

A9.3 ROLE AND FUNCTION

The Audit and Standards Committee will have the following roles and functions:

Governance, Risk and Control

a) To review the Council's corporate governance arrangements against the Good Governance framework, and consider annual governance report and assurances;

b) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and control;

c) To consider the Council's arrangements to secure value for money, and review assurances and assessments on the effectiveness of these arrangements;

d) To consider the Council's Strategic Risk Register and ensure that it adequately addresses the risks and priorities of the Council;

e) To monitor the effective development and operation of risk management across the Council;

f) To monitor progress in addressing risk related issues reported to the Committee;

g) To consider reports on the effectiveness of internal controls, and monitor the implementation of agreed actions;

h) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption;

i) To monitor the Council's Anti-Fraud Strategy;

j) To maintain an overview of the Council's Constitution.

Internal Audit

a) To approve the Internal Audit Charter.

b) To review proposals made in relation to the appointment of external providers of IT internal audit services.

c) To approve the risk based on Internal Audit Plan, including Internal Audit's resource requirements.

d) To approve significant interim changes to the risk based Internal Audit Plan and resource requirements.

e) To consider the Audit Annual Report, which will include:-

- A Statement on the level of conformance with the Public Sector Internal Audit Standards;
- The results of the Quality Assurance and Improvement Programme that supports the Statement – these will indicate the reliability of the conclusions of Internal Audit;
- The Audit opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control, together with the summary of the work supporting the opinion. These will assist the Committee in reviewing the Annual Governance Statement

g) To contribute to the Quality Assurance and Improvement Programme and, in particular, to the external quality assessment of internal audit that takes place at least once every five years.

h) To support the development of effective communication with the Audit Manager and commission work as necessary.

i) To receive the Annual Ombudsman Report and make recommendations to Full Council as necessary.

External Audit

a) To consider the external auditor's Annual Letter, relevant reports, and the report to those charged with governance.

b) To consider specific reports as agreed with the external auditor.

c) To comment on the scope and depth of external audit work and ensure it gives value for money.

d) To commission work from external audit as necessary.

e) To advise and recommend on the effectiveness of the relationships between external and internal audit, and other inspection agencies or relevant bodies.

Financial Reporting

a) To approve the Annual Statement of Accounts.

b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Treasury Management

To review the Council's Treasury Management activities, and monitor the performance against the approved Treasury Management indicators.

Members Code of Conduct

a) Promoting and maintaining high standards of conduct by Members, Independent Members and any other representatives;

b) assisting Members and Independent Members to observe the Councillors' Code of Conduct;

c) advising the Council on the adoption or revision of the Councillors' Code of Conduct;

d) monitoring the operation of the Councillors' Code of Conduct;

e) advising, training or arranging to train Members', Independent Members and any other representatives on matters relating to the Councillors' Code of Conduct;

f) making assessments of misconduct allegations;

g) dealing with any reports from the Monitoring Officer on any matter;

h) establishing Sub-Committees; and

i) granting exemptions for politically restricted posts.

Dispensations

Granting dispensations to elected and Independent Members, having regard to all relevant circumstances, in the following circumstances:

a) That so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business;

b) that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;

c) that the Council considers that the dispensation is in the interests of persons living in the Authority's area;

d) where, but for a dispensation, all Members of Cabinet would be prohibited from participating in any particular business to be transacted by Cabinet; or

e) that the Council considers that it is otherwise appropriate to grant a dispensation.

In granting a dispensation, the Committee shall specify the period of the dispensation, which shall not exceed four years.

Sanctions

The Committee shall have the following sanctions delegated to it by Council, and shall delegate those powers to its hearings Sub-Committees:

a) Censuring or reprimanding the Member;

b) reporting its findings to Council for information;

c) recommending to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

d) recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;

e) instructing the Monitoring Officer to arrange training for the Member;

f) removing from all outside appointments to which he/she has been appointed or nominated by the Authority;

g) withdrawing facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or

h) excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

Accountability Arrangements

a) To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

b) To report to Full Council on a regular basis, on the Committee's performance in relation to the Terms of Reference and the effectiveness of the Committee in meeting its purpose.

ARTICLE 10: JOINT ARRANGEMENTS

The Local Government Act 2000 and Regulations enable local authorities to make use of joint arrangements with other authorities, and delegate to other local authorities.

A10.1 ARRANGEMENTS TO PROMOTE WELL-BEING

The power to promote well-being are closely related to the community leadership role of the Council, and in particular the role of the Executive. In order to promote the economic, social and environmental well-being of the area, the Council, or the Executive may:-

a) Enter into arrangements or agreements with any person or body;

b) co-operate with, or facilitate or co-ordinate the activities of any person or body; and

c) exercise on behalf of that person or body any functions of that person or body.

A10.2 JOINT ARRANGEMENTS

a) The Council may establish joint arrangements with one or more local authorities or their executives to exercise functions (which are not Executive functions) in any of the participating authorities, or advise the Council.

b) the Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.

c) except as set out below, the Cabinet may only appoint Cabinet Members to a joint Committee, and those Members need not reflect the political composition of the Local Authority as a whole.

d) the Cabinet may appoint Members to a joint Committee from outside the Cabinet in circumstances where the joint Committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or population. In such cases, the Cabinet may appoint to the joint Committee any Member who is a member for a Ward which is wholly or partly contained within the area.

   In this case the political balance requirements do not apply to such appointments.

e) details of any joint arrangements including any delegations to joint Committees will be found in the Council's Scheme of Delegations in Part 3 of this Constitution.

A10.3 **ACCESS TO INFORMATION**

The Access to Information Rules in Part 4B of this Constitution apply;

a) if all the Members of a joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet;

b) if the joint Committee contains Members who are not on the executive of any participating Authority, then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

A10.4 **DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES**

a) The Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority;

b) the Cabinet may wish to delegate executive functions to another local authority or to the Executive of another local authority in certain circumstances. The decision whether or not to do so shall be reserved to the Full Council;

c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

A10.5 **CONTRACTING OUT**

The Cabinet may contract out to another body or organisation, functions which may be exercised by an officer and which are subject to an Order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 11: EMPLOYEES

Terminology - The use of the word “employees” means all those engaged by the Council to carry out its functions. This term includes those engaged under short-term contracts, agency or other situations.

A11.1 **MANAGEMENT STRUCTURE**

Employee appointments cannot be the responsibility of the Cabinet, and appointments below Director level must be the responsibility of the Head of Paid Service or his/her nominee acting independently and free from political influence.

a. **General**

The Full Council may engage such employees as it considers necessary to carry out its functions.

b. **Chief Officers**

The Full Council will engage persons, or confirm appointments to the following posts, who will be designated Chief Officers:

Post	**Function**
Head of Paid Service, and	Overall corporate management and operational responsibility (including overall management responsibility for all Officers). Responsibility for a system of record keeping for all the Council’s decisions.
Monitoring Officer	Provision of professional advice to all parties in the decision-making process.
Chief Finance Officer	Provision of professional financial advice to all parties in the decision-making process. Responsibility for a system of financial record keeping for all the Council’s decisions.
	Representing the Council on partnership and external bodies (as required by statute or the Council). Other functions within the remit of the Chief Executive's office and its employees.

c. **Head of Paid Service, Chief Financial Officer and Monitoring Officer.**

The Council will designate the following posts as shown:

Post	Designation
Head of Paid Service	Chief Executive
Chief Finance Officer	Strategic Director – Corporate Resources
Monitoring Officer	Assistant Director Democracy and Governance

Such posts will have the functions described in Article 11.2–11.4 below.

d. **Structure**

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

A11.2 **FUNCTIONS OF THE HEAD OF PAID SERVICE**

a. **Discharge of Functions by the Council**

The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of employees.

b. **Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

c. **Proper Officer for Access to Information**

The Head of Paid Service will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

A11.3 **FUNCTIONS OF THE MONITORING OFFICER**

The list of functions below reflects the statutory duties and powers of monitoring officers.

These duties must be carried out personally by the Monitoring Officer, although he/she can nominate a deputy to cover for periods of absence or illness, and the Monitoring Officer must do so. It is the responsibility of the Monitoring Officer, not the Council, to nominate a deputy.

The Council shall ensure that the Monitoring Officer has free and unfettered access, as necessary, to meetings, documentation, Members and employees to enable him/her to carry out these statutory duties.

a. **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, employees and the public.

b. **Ensuring Lawfulness and Fairness of Decision-Making**

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council (or to the Cabinet in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

c. **Supporting the Audit and Standards Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee.

d. **Receiving Complaints about Councillor Conduct**

The Monitoring Officer will receive and act on a complaint in accordance with the Council's approved procedures for dealing with a complaint against an elected Member.

e. **Conducting Investigations**

The Monitoring Officer will conduct investigations and make reports or recommendations in respect of them to the Audit and Standards Committee.

f. **Advising whether Executive Decisions are within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy framework.

g. **Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy framework issues to all Members.

h. **Restrictions on Posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

A11.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER

a. **Ensuring Lawfulness and Financial Prudence of Decision-Making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council (or to the Cabinet in relation to an Executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

b. **Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

c. **Contributing to Corporate Management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

d. **Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget, and policy framework issues to all Members and will support and advise Members and officers in their respective roles.

e. **Giving Financial Information**

The Chief Finance Officer will provide financial information to the media, Members of the public and the community.

A11.5 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCE OFFICER

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

A11.6 CONDUCT

Employees will comply with the Employees' Code of Conduct and the Protocol for Member/Employee Relations, set out in Part 5C of this Constitution.

A11.7 EMPLOYMENT

The recruitment, selection and dismissal of employees will comply with the Employment Rules set out in Part 4H of this Constitution.

ARTICLE 12: DECISION MAKING

A12.1 RESPONSIBILITY FOR DECISION-MAKING

The Local Government Act 2000 changes the basis of decision making in local authorities fundamentally. It requires the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public.

Some decisions are for the Council to make or to delegate. The Council can delegate to Committees, Sub-Committees and officers, or to joint Committees, joint arrangements or other authorities. Those delegations must be recorded in the Council's Constitution which must be kept up to date.

Other decisions are for the Cabinet to make, and it is for the Cabinet to decide whether to delegate the power to make any of those decisions. Only the Cabinet may decide to delegate executive functions to Area Committees, joint arrangements or other local authorities. Where it does so, those delegations must also be recorded in the Cabinet's Scheme of Delegations in Part 3 of the Constitution. Though changes to the Constitution must be made by the Council, changes to the Scheme of Delegations are for the Leader and Cabinet to decide, and must be reported to the Full Council.

Where the power to take decisions is delegated by the Cabinet, the extent of the delegation must be recorded, as must any limitations on the delegated power. Details of the person, body or forum to which the decision is delegated must be recorded, as must the extent of delegation on to others from them.

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

A12.2 PRINCIPLES OF DECISION-MAKING

All decisions of the Council will be made in accordance with the following principles:

Good decision-making goes beyond observing the legal requirements to have regard to all relevant considerations and ignore all irrelevant factors. It involves the realistic evaluation of alternatives and due consultation through effective access for the public to decision-making and decision makers.

Decisions are *not* confined to Committees acting on officer reports or officers operating under delegated authority. A range of people and bodies potentially may take binding decisions, from an individual Cabinet Member to a meeting of a Cabinet or an Area Committee.

The following principles will apply:-

a) Proportionality (i.e. the action must be proportionate to the desired outcome);

b) due consultation and the taking of professional advice from officers;

c) respect for human rights (see below for further details);

d) a presumption in favour of openness;

e) clarity of aims and desired outcomes;

f) options offered for consideration will be explained; and

g) the reasons for the decision will be recorded.

Councils should give particular consideration to ways in which human rights can be considered at an early stage in the decision-making process.

A12.3 **TYPES OF DECISION**

a) **Decisions Reserved to Full Council**

Decisions relating to the functions listed in Article 4.3 will be made by the Full Council and not delegated.

Key Decisions

i. A Key Decision is a decision made in the exercise of an Executive function by any person or body that satisfies one or other of the following conditions:

1. The decision is likely to result in the Council incurring expenditure or making savings of £125,000 or more. Excluded from this are all loans to financial institutions made in accordance with the Treasury Management Strategy.

Commentary:

In relation to the letting of contracts, the key decision is the proposed letting of the contract; the subsequent decision to award the contract to a specific contractor will not be a key decision.

2. The decision is likely to be significant in terms of its effect on communities in any Borough Ward.

Commentary:

In considering whether a decision is likely to be significant, the decision maker will need to consider the strategic nature of the proposal and the extent of its likely impact. In making this assessment the decision maker may wish to consult elected Members of the Ward or Wards affected.

NOTE for Guidance:

DETR Circular Guidance on the Question of Key Decisions States:

"7.21 In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Authority to a significant number of people living or working in the locality affected. Regard should … be given to the underlying principles of accountable decision-making in paragraph 7.3 of this guidance to ensure that there is a presumption towards openness. While in broad terms, a key decision for the purpose of this test should be regarded as something which under-traditional arrangements would have been referred to a Committee or Sub-Committee of the Council for decision, rather than being delegated to officers, the Secretary of State recognises that there are large variations in the levels of delegation in decision-making by authorities at present. Local authorities should seek, through consultation with other local authorities of the same type and size, to ensure there are not large variations in the level of openness between authorities in the future, and that any convergence in the practice of authorities is in the direction of

greater openness."

ii) A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

A12.4 DECISION-MAKING BY THE FULL COUNCIL

Subject to Article 12.8, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

A12.5 DECISION-MAKING BY THE CABINET

Subject to Article 12.8, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

A12.6 DECISION-MAKING BY OVERVIEW & SCRUTINY PANELS

Overview & Scrutiny Panels will follow the Overview & Scrutiny Procedures Rules set out in Part 4E of this Constitution when considering any matter.

A12.7 DECISION-MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4A of this Constitution as apply to them.

A12.8 DECISION-MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

Many of the licensing and enforcement functions of ordinary Committees will entail them acting in a quasi-judicial capacity. Audit and Standards Committees may also need to be particularly aware of such issues.

When determining or considering any person's civil rights and obligations or criminal responsibility, the Council, a Member or an officer will follow a proper procedure. Such procedure will accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 13: FINANCE, CONTRACTS AND LEGAL MATTERS

This Article is to be read in conjunction with the Council's Financial and Contract Procedure Rules, which are contained in Part 5 of this Constitution.

A13.1 FINANCIAL MANAGEMENT

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

A13.2 CONTRACTS

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4G of this Constitution.

A13.3 LEGAL PROCEEDINGS

The Solicitor to the Council is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where he/she considers that such action is necessary to protect the Council's interests.

A13.4 AUTHENTICATION OF DOCUMENTS

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him/her, unless any enactment otherwise authorises or requires.

A13.5 COMMON SEAL OF THE COUNCIL

The common seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents, which in the opinion of the Solicitor to the Council should be sealed. The affixing of the common seal will be attested by the Solicitor to the Council or some other person authorised by him/her.

ARTICLE 14: REVIEW AND REVISION OF THE CONSTITUTION

It is important that this Constitution is a working document by which both the Council and the people of Nuneaton and Bedworth will be well served. As such, it will need to be monitored, reviewed and amended as necessary in response to changing circumstances and with the benefit of experience.

A formal review of the Constitution shall be conducted by the Audit and Standards Committee at the end of the first year of its operation. Thereafter, a formal review will take place every two years, and the recommendations of the Audit and Standards Committee will be placed before Full Council for decision. However, it is recognised that urgent Constitutional changes may occasionally be necessary in order to respond to changing circumstances. In such cases the matter will be brought before the Audit and Standards Committee for full consideration, and recommendations will be made to Full Council.

A14.1 **Duty to Monitor and Review the Constitution**

The Audit and Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Audit and Standards Committee is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Audit and Standards Committee may:-

a) observe meetings;

b) undertake an audit trail of a sample of decisions;

c) record and analyse issues raised by Members, officers, the public and other relevant stakeholders; and

d) compare practices in this Authority with those in other comparable authorities, or national examples of best practice.

A14.2 **Changes to the Constitution**

Proposals to change from one form of Executive to another require proper consultation, and to change from Leader/Cabinet to an Elected Mayor form, or vice versa, requires a referendum. However, other changes may require limited or no consultation. The consultation required should be proportionate to the scale, scope and extent of the change proposed.

The procedural rules governing proposals to change the Constitution are contained in Part 4 of the Constitution.

a) Approval

Changes to the Constitution will only be approved by the Full Council after consideration of the proposal by the Audit and Standards Committee.

b) Change from a Leader and Cabinet Form of Executive to a Mayoral Form of Executive

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals, and must hold a binding referendum.

c) Petition

Residents can petition for a change from a Leader and Cabinet form of executive to a Mayoral Form of Executive. In response to a petition including signatures from at least 5% of the electorate, the Council will draw up proposals, take reasonable steps to consult with interested persons and hold a binding referendum. Once a referendum has been held, no further referendum can be held for five years. See Part 5K for the Petitions Scheme.

ARTICLE 15: SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

A15.1 Suspension of the Constitution

This article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1.

a) Limit to Suspension

The articles of this Constitution may not be suspended. The rules specified below may be suspended by the Full Council to the extent permitted within those rules and the law.

b) Procedure to Suspend

A motion to suspend any rules will not be moved without notice, unless at least one half of the whole number of Members are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

c) Rules Capable of Suspension

The following rules may be suspended in accordance with Article 15.1:

Any rule within the gambit of Council procedure rule 4A.21.

A15.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

A15.3 Publication

a) The Head of Paid Service will provide a printed copy of this Constitution to each Member of the Authority as soon as practicable following the delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

b) The Head of Paid Service will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be

purchased by members of the local press and the public on payment of a reasonable fee.

c) The Head of Paid Service will ensure that the Constitution is made available on the Council's website and is updated as necessary.

SCHEDULE 1: DESCRIPTION OF EXECUTIVE

The following parts of this Constitution constitute the Executive arrangements:-

i. Article 6 (Overview & Scrutiny Panels) and the Overview & Scrutiny Procedure Rules;

ii. Article 7 (the Cabinet) and the Cabinet Procedure Rules;

iii. Article 10 (joint arrangements);

iv. Article 12 (decision-making) and the Access to Information Procedure Rules;

v. Part 3 (responsibility for functions).

SCHEDULE 2: LEGISLATION AND GUIDANCE

The following legislation and guidance underpin the main provisions of this Constitution. If members wish to obtain copies, they can contact the Monitoring Officer who will be happy to oblige. Members of the public will be able to obtain copies at Legislation.gov.uk

Table 3 - Legislation and Guidance

Title	Function or Purpose
Accounts and Audit Regulations 2015/234	These regulations outline the requirements for completing the annual statement of accounts: publicity and access to the accounts and the requirement for an internal audit service.
Customer Services & Business Improvement Districts (England) Regulations 2004 [si 2004/2443]	These regulations set out the process for introducing and operating a Customer Services & Business Improvement District.
Equality Act 2010	An Act to replace the previous discrimination legislation concerning sex, race, disability, sexual orientation, religion or belief and age. It places a positive duty on Local Authorities to promote equality and eliminate discrimination.
Freedom of Information Act 2000	Gives a general right of access to all information held by public bodies, subject to specific exceptions.
Human Rights Act 1998	Brings the articles of the European Convention on Human Rights into the law of the UK and places a duty on the Council to act in compliance with Convention Rights.
Local Government Act 1972	Establishes the current structure and functions of local authorities with the exception of Cabinet.

Title	Function or Purpose
Local Government Act 1986	Deals with (amongst other things) Local Authority Publicity.
Local Government and Housing Act 1989	Creates politically restricted posts; the Head of Paid Service and Monitoring Officer functions; and the political balance rules.
Local Government Finance Act 1992	Introduced the Council Tax and how to calculate it.
Local Government Act 1999	Places a duty on the Council to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
Local Government Act 2000	Creates the new Executive arrangements, the wellbeing power; the new ethical framework; the repeal of the surcharge.
Local Authorities (Functions and Responsibilities)(England) Regulations 2000 [si 2000/2853]	These regulations outline the functions of the Council; the Executive; and local choice functions. NB: These have been regularly updated.
Local Government Act 2003	Introduces varied capital finance arrangements; Customer Services & Business Improvement Districts; charging and trading provisions.
Local Authorities (Indemnities for Members and Officers) Order 2004 [si 2004/3082]	These regulations set out the circumstances when (and when not) the Authority may indemnify its Officers and Members.

Title	Function or Purpose
Local Government and Public Involvement in Health Act 2007	Implements new Executive arrangements; allows for changes to Electoral Arrangements; makes improvements to the Overview & Scrutiny arrangements including the Councillor Call for Action; changes the definition of “Politically restricted” posts; and amends the Code of Conduct for Councillors.
Local Democracy, Economic Development and Construction Act 2009	Introduces: A new duty on local authorities to promote public involvement in the democratic workings of that Authority and connected authorities; Extending to specified public authorities the duty to involve local citizens in their decision-making processes; Changes to local authority overview and scrutiny including a requirement to designate a Scrutiny Officer, and broadening the scope of joint overview and scrutiny committees.
Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	[as amended] These regulations outline the criteria and process for holding a mayoral referendum.
Localism Act 2011	This Act deals with Local Authority governance arrangements, provides a general power of competence, reforms the planning system and the delivery of social housing.
Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012/1019	Implements Executive Arrangements and provides for delegation of functions to other councils.
Local Elections (Declaration of Acceptance of Office) Order 2012/1465	These regulations prescribe the form of the declaration of acceptance of office.

Title	Function or Purpose
Local Authorities (Committee System) England Regulations 2012	These regulations set out functions which cannot be operated by a Local Authority operating under a committee system and must therefore be carried out by Full Council.
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	These regulations clarify and extend the circumstances in which local authority executive decisions are to be open to the public.
Local Audit and Accountability Act 2014	To make provision about the accounts of local and certain other public authorities and the auditing of those accounts; to make provision about the appointment, functions and regulation of local auditors.
Public Contracts Regulations 2015/102	These regulations define the procurement processes that have to be followed when getting significant contracts for work, services and supplies.
Procurement Act 2023 and Procurement Regulations 2025	The new Procurement Act 2023 is a procurement regime scheduled for introduction in response to Brexit. It combines four existing regimes into one piece of legislation. It's designed to make public sector procurement simpler, more flexible and more transparent, and comes into force on the 24th of February 2025. The government has made the Procurement Regulations 2024 which provide significant additional detail to and understanding of the processes for public procurement under the Procurement Act 2023.
Standards Board for England (Abolition) Order 2012	Abolishes the Standards Board for England.

Title	Function or Purpose
The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012	These regulations specify Members' disclosable pecuniary interests.
The Local Authorities (Members' Allowances) (England) Regulations 2003 [si 2003/1021]	These regulations prescribe the process for fixing and approving Members' allowances, their content and the conditions for payment.
The Local Authorities (Standing Orders)(England) Regulations 2001 [si 2001/3384]	



Responsibility for Functions

CONSTITUTION

Part 3

PART 3 - RESPONSIBILITY FOR FUNCTIONS

3 TERMS OF REFERENCE FOR INDIVIDUAL PORTFOLIOS

Leader

The Leader is at the heart of the executive decision-making process, and the role is a key role, in allocating responsibilities across the Cabinet. Individual Members will, at the request of the Leader, take responsibility for specific areas of service provision. They are called “Portfolio Holders” and they are able to take decisions on services as individual Members within the terms of reference allocated to them by the Leader.

The Leader will carry out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, or in the absence of a Portfolio Holder.

Overall responsibility for the Council and its Corporate Plan (which may be subject to change).

Terms of Reference

- As Leader of the Council, fulfils all roles required of him/her.
- Chair the Cabinet.
- Anything not falling within any other Portfolio holder’s Terms of Reference.

Finance, Enabling Services and Communities

In the Council's Corporate Plan (which may be subject to change), the Themes of particular importance to this Portfolio holder are:

Your Council - Nuneaton and Bedworth Borough Council is committed to delivering efficient and effective services to residents, while ensuring value for money for taxpayers. The council will review its processes and operations to identify areas for improvement and reduce costs. Through initiatives such as digital transformation, and collaborative partnerships, the Council aims to streamline its services, enhance customer satisfaction, and maximise the use of resources.

Housing, Health and Communities: Nuneaton and Bedworth is committed to improving housing standards, promoting sustainable development, and ensuring that the communities of the Borough, are healthy, safe and thriving.

Terms of Reference

- Community Centres and strategies
- Grants to Voluntary Sector
- Council Budget
- Finance
- Procurement
- Revenues and Benefits
- Audit and Performance
- Legal
- Elections
- Equalities – subject to future policy decision
- Safeguarding
- Insurance
- Democratic Services including Mayoralty
- Communications
- Customer Services
- IT
- Business Support
- HR

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Monitor the Council's financial position.
- Promote the effective deployment of Information and Communication Technology.
- Promote equality of opportunity and work towards the elimination of unfair discrimination.

- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.
- Within the matters of his/her Terms of Reference, monitor budgets, Service Plans, best value and establishment change.
- If for any reason the Leader is not able to act or the office of Leader is vacant, the Deputy Leader must act in his or her place.

Housing

In the Council's Corporate Plan (which may be subject to change), the Key Themes of particular importance to this Portfolio holder are:

Housing, Health and Communities: Nuneaton and Bedworth is committed to improving housing standards, promoting sustainable development, and ensuring that the communities of the Borough, are healthy, safe and thriving.

Terms of Reference

- Housing Revenue Account operation
- Strategic Housing and Homelessness
- Private Sector Housing, drainage, accumulations of rubbish
- HEART

Job Description

- Assess and keep under review the housing needs of the area, and secure so far as possible a provision of housing stock that meets that need.
- Oversee the Council's housing stock.
- Fulfil the Council's statutory obligations in regard to homelessness.
- Undertake the provision of grants for renovation and for the adaptation of property for disabled people.
- Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Planning, Enforcement and Public Services

In the Council's Corporate Plan (which may be subject to change), the Themes of particular importance to this Portfolio holder are:

Green Spaces and Environment: Nuneaton and Bedworth Borough Council is dedicated to preserving and enhancing its green spaces and natural environment, reducing the environmental impact of business activity. The Council is actively working with partners to protect and enhance green spaces and biodiversity, improve air quality, and promote sustainable practices, to create a greener and cleaner future for the Boroughs' forthcoming generations.

Place and Prosperity: Nuneaton and Bedworth, located in the heart of Warwickshire, is poised for growth. Its excellent transport connectivity, including easy access to major road networks and rail services, makes it a great place to live and an attractive destination for businesses and investors. The Borough has a great history, including the home of George Eliot and a growing cultural offer, leading to a strengthening visitor economy. The Council will build on this rich heritage and opportunity, to deliver a thriving economy, with a diverse range of sectors contributing to the prosperity of the Borough.

Terms of Reference

- Emergency Planning
- Development Control and Planning Policy
- Borough Plan
- Building Control
- Land Charges
- Street Naming and Numbering
- Highway Agency arrangements
- Land drainage
- Health and Safety (Internal to NBBC Operations)
- Public Spaces Protection Orders
- Environmental Health to include food safety, pest control, dog fouling and strays and health and safety enforcement (external to NBBC operations)
- Fly Tipping (Enforcement)
- Licensing Policy
- Abandoned vehicles
- Refuse Collection
- Street Cleansing
- Recycling
- Litter control (collection)
- Drainage, Sanitation and accumulations of rubbish
- Sub-Regional MRF

- Climate Change/ Environmental Sustainability – subject to future policy decision

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents, or its stakeholders.
- Ensure the efficiency, effectiveness and economy in relation to the delivery of public services within his/her Terms of Reference.
- Deliver key statutory services in accordance with statutory guidance and legislation within the Portfolio for residents and customers.
- Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Town Centre Regeneration and Business Development

In the Council's Corporate Plan (which may be subject to change), Key Themes of particular importance to this Portfolio holder are:

Place and Prosperity: Nuneaton and Bedworth, located in the heart of Warwickshire, is poised for growth. Its excellent transport connectivity, including easy access to major road networks and rail services, makes it a great place to live and an attractive destination for businesses and investors. The Borough has a great history, including the home of George Eliot and a growing cultural offer, leading to a strengthening visitor economy. The Council will build on this rich heritage and opportunity, to deliver a thriving economy, with a diverse range of sectors contributing to the prosperity of the Borough.

Terms of Reference

- Tourism and Twinning
- Economic Development/Regeneration
- Sub Regional and Regional Partnerships
- Car parks, bus shelters, bus station and CCTV
- Public conveniences
- Estates including land and property
- Facilities Management and Maintenance
- Transforming Nuneaton
- Transforming Bedworth
- Town Centre Regeneration
- Town Centres and Marketing (including markets)
- NABSCOP

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents, or its stakeholders.
- Ensure the efficiency, effectiveness and economy in relation to the services within his/her Terms of Reference.
- Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

Leisure and Health

In the Council's Corporate Plan (which may be subject to change), the Key Themes of particular importance to this Portfolio Holder are:

Housing, Health and Communities: Nuneaton and Bedworth is committed to improving housing standards, promoting sustainable development, and ensuring that the communities of the Borough, are healthy, safe and thriving.

Green Spaces and Environment: Nuneaton and Bedworth Borough Council is dedicated to preserving and enhancing its green spaces and natural environment, reducing the environmental impact of business activity. The Council is actively working with partners to protect and enhance green spaces and biodiversity, improve air quality, and promote sustainable practices, to create a greener and cleaner future for the Boroughs' forthcoming generations.

Terms of Reference

- Grounds maintenance and parks
- Allotments
- Cemeteries and crematoria
- Museum and art galleries
- Leisure and strategies
- Culture
- Health
- Events
- Amenity lighting in parks and open spaces

Job Description

- Oversee and have responsibility for all aspects of his/her Terms of Reference that affect the Borough, its residents or its stakeholders.
- Promote events and activities within his/her Terms of Reference
- Enhance opportunities for sports, leisure and recreational activities at
- an affordable price.
- Maintain and Develop the Passport to Leisure Scheme
- Develop an integrated programme of work to improve the health and wellbeing of local people.
- Ensure the efficiency and effectiveness and economy in relation to the services within his/her Terms of Reference.
- Within the matters of his/her Terms of Reference, monitor budgets, Service Development Plans, best value and establishment change.

3A RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Table 4 – Responsibility for Local Choice Function

Item	Decision Making Body
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Full Council
The determination of an appeal against any decision made by or on behalf of the Authority	Appeals Committee
The appointment of Review Boards under Regulations under Subsection (4) of Section 34 (Determination of Claims and Reviews) of The Social Security Act 1998	Full Council
The making of arrangements pursuant to subsection (1) of Section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils)	County function
The making of arrangements pursuant to Section 94(1) (1A) and (4) of, and Schedule 24 to the 1998 Act (admission appeals)	County function
The making of arrangements pursuant to Section 95(2), the 1998 Act (children to whom section 87 applies; appeals by governing bodies)	County function
The making of arrangements under Section 20 (questions on Police matters at Council meetings) of The Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority	County function
The making of appointments under paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule 2 (Police authorities established under Section 3) to The Police Act 1996	County function
The conducting of best value reviews in accordance with the provisions of any Order for the time being having effect under Section 5 (Best Value Reviews) of The Local Government Act 1999	Overview & Scrutiny Panels conducting Reviews and making recommendations to Full Council for decision.
Any function relating to contaminated land	Cabinet and Assistant Director - Environment & Enforcement

Item	Decision Making Body
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet and Assistant Director - Environment & Enforcement
The service of an Abatement Notice in respect of a statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Housing Services
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area	Cabinet
The inspection of the Authority's area to detect any statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Housing Services
The investigation of any complaint as to the existence of a statutory nuisance	Assistant Director - Environment & Enforcement and Assistant Director - Housing Services
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	Assistant Director - Planning
The obtaining of particulars of persons interested in land under Section 16 of The Local Government (Miscellaneous Provisions) Act 1976	All Assistant Directors
The making of agreements for the execution of highways works	Assistant Director - Assets and Compliance
The appointment of any individual: a) to any office other than an office in which he is employed by the Authority to any body other than:- i. the Authority ii. a joint Committee of two or more authorities; or b) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	Full Council or, if A4.3(f) applies, the Cabinet

3B RESPONSIBILITY FOR COUNCIL FUNCTIONS

List of functions which cannot be discharged by the Executive

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

NB

"TCPA90" = Town and Country Planning Act 1990
"LBA90" = Planning (Listed Buildings and Conservation Areas) Act 1990
"TCP" = Town and Country Planning
"LGA" = Local Government Act
"LAFRER" = Local Authorities (Functions and Responsibilities) (England) Regulations 2000
"LGMPA" = Local Government (Miscellaneous Provisions) Act
"Pigs Order" = Pigs (Records, Identification and Movement) Order 1995 (si 1995/11)
"RPA" = Representation of the People Act.
“LGPIH” = Local Government and Public Involvement in Health Act 2007

Table 5 – Responsibility for Council Functions

Statutory Provision	Function	Who Discharges
S.18 Local Government and Housing Act 1989	Making, amending, revoking or replacing a scheme for Members allowances and fixing the rate of allowances thereunder.	Full Council
Ss.3(5), 5(4), 173, 175 LGA '72	Determining miscellaneous Member allowances.	Full Council

Statutory Provision	Function	Who Discharges
Reg 2(5) LAFRER	Whether and what amount of charge should be made for any approval, consent, licence, permit or registration which is not an Executive function	The relevant body or person according to the function involved
S.102 LGA 1972	Appointments to Committees	Full Council
Reg 2(11) LAFRER	Any function of a Local Authority expressed in previous legislation as being only by an authority	Full Council
The Gambling Act 2005	Final approval of three year Licensing Policy	Full Council
	Policy not to permit casinos	Full Council
A. Functions Relating to Town and Country Planning and Development Control		
S 70(1)(a) and (b) and S 72, TCPA90(c8)	1. Power to determine application for planning permission	Planning Applications Committee
S 73, TCPA90.	2. Power to determine applications to develop land without compliance with conditions previously attached	Planning Applications Committee
S 73A, TCPA90.	3. Power to grant planning permission for development already carried out	Planning Applications Committee
S 70A, TCPA90.	4. Power to decline to determine application for planning permission	Planning Applications Committee

Statutory Provision		Function	Who Discharges
Ss 69, 76 and 92, TCPA90 and Articles 8, 10 to 13, 15 to 22 and 25 and 26, TCP (General Development Procedure) Order 1995 and directions thereunder.	5.	Duties relating to the making of determinations of planning applications	Planning Applications Committee
S 316, TCPA90 and TCP General Regulations 1992.	6.	Power to determine application for planning permission made by a Local Authority, alone or jointly with another person	Planning Applications Committee
Parts 6, 7, 11, 17, 19 to 24, 26, 30 and 31 of Sched 2 to the TCP (General Permitted Development) Order 1995.	7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Planning Applications Committee
S 106, TCPA90.	8	Power to enter into agreement regulating development or use of land	Planning Applications Committee
Ss 191(4) and 192(2), TCPA90	9.	Power to issue a certificate of existing or proposed lawful use or development	Planning Applications Committee
S 94(2), TCPA90.	10.	Power to serve a Completion Notice	Planning Applications Committee
S 220, TCPA90 and TCP (Control of Advertisements) Reg 1992.	11.	Power to grant consent for the display of advertisements	Planning Applications Committee
S 196A, TCPA90.	12.	Power to authorise entry onto land	Planning Applications Committee

Statutory Provision		Function	Who Discharges
S 102, TCPA90.	13.	Power to require the discontinuance of a use of land	Planning Applications Committee
Ss 171C, 187A and 183(1) TCPA90.	14.	Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice	Planning Applications Committee
Section 171E, TCPA90	15a	Power to issue a temporary Stop Notice	Planning Applications Committee
S 172, TCPA90.	16.	Power to issue an Enforcement Notice	Planning Applications Committee
S 187B, TCPA90	17.	Power to apply for an injunction restraining a breach of planning control	Planning Applications Committee
Ss 9(1) and 10, Planning (Hazardous Substances) Act 1990.	18.	Power to determine applications for hazardous substances consent, and related powers	Planning Applications Committee
Para. 2(6)(a) of, and Sched 2 to the Planning and Compensation Act 1991, para. 9(6) of Sched 13, Environment Act 1995 and para 6(5) of Sched 14 to that Act.	19.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Planning Applications Committee
S 215(1), TCPA90.	20.	Power to require proper maintenance of land	Planning Applications Committee

Statutory Provision	Function	Who Discharges
Ss 16(1) and (2), 17, ... and 33(1), LBA90	21. Power to determine application for Listed Building Consent, and related powers	Planning Applications Committee
S 16(1), LBA90, as applied by S74(3) of that Act	22. Power to determine applications for Conservation Area Consent	Planning Applications Committee
S13(1) and 14(1) and (4) of the LBA90 and Reg 3 to 6 and 13, of the Planning (Listed Buildings and Conservation Areas) Reg 1990 (SI 1990/1519) and para 8, 15 and 26 Department of the Environment, Transport and the Regions Circular 01/01.	23. Duties relating to applications for Listed Building Consent and Conservation Area Consent	Planning Applications Committee
Ss 3(1) and 4(1), LBA90.	24. Power to serve a Building Preservation Notice, and related powers	Planning Applications Committee
S 38, LBA90	25. Power to issue an Enforcement Notice in relation to demolition of a [listed] building in conservation area	Planning Applications Committee
Ss 47 and 48, LBA90	26. Powers to acquire a listed building in need of repair and to serve a Repairs Notice	Planning Applications Committee
S 44A, LBA90	27. Power to apply for an injunction in relation to a listed building	Planning Applications Committee

Statutory Provision		Function	Who Discharges
S 54, LBA90	28.	Power to execute urgent works	Planning Applications Committee
B. Licensing and Registration Functions			
S 3(3) Caravan Sites and Control of Development Act 1960	1.	Power to issue licences authorising the use of land as a caravan site ("site licences")	Planning Applications Committee
S 269(1) Public Health Act 1936	2.	Power to license the use of moveable dwellings and camping sites	Planning Applications Committee
14. as to Hackney Carriages, the Town Police Clauses Act 1847 as extended by S.171 Public Health Act 1875, and S.15 Transport Act 1985 and Ss. 47, 57, 58, 60 and 79 LGMPA 1976; (b) as to Private Hire Vehicles, Ss. 48, 57, 58, 60 and 79, LGMPA1976.	3.	Power to license Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 51, 53, 54, 59, 61 and 79, LGMPA 1976.	4.	Power to license drivers of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Ss 55 to 58, 62 and 79, LGMPA 1976.	5.	Power to license operators of Hackney Carriages and Private Hire Vehicles	Licensing Committee
Sched 2, Betting, Gaming and Lotteries Act 1963	6.	Power to register pool promoters	Licensing Committee
Sched 3, Betting, Gaming and Lotteries Act 1963	7.	Power to grant track betting licences	Licensing Committee

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

Statutory Provision	Function	Who Discharges
S.5 to 8 of the Licensing Act 2003 S.29 of the Gambling 2005 Act	14a Functions relating to licensing	Licensing Committee
S.30 of the 2005 Act	14aa Duty to comply with requirements to provide information to Gambling Commission	Licensing Committee
S.39 of the 2005 Act	14ab Functions relating to exchange of information	Licensing Committee
	14ac Functions relating to Occasional Use Notices	Licensing Committee
S.166 of the 2005 Act	14b Power to resolve not to issue a Casino Premises Licence	Licensing Committee
S.304 of the 2005 Act	14c Power to designate officer of a Licensing Authority as an authorised person for a purpose relating to premises	Licensing Committee
S.284 of the 2005 Act	14ca Power to make Order disapplying S.279 or 282(1) of the 2005 Act in relation to specified premises	
S.346 of the 2005 Act	14d Power to institute criminal proceedings	Licensing Committee
S.350 of the 2005 Act	14e Power to exchange information	Licensing Committee
The Gambling Act (Premises Licence Fees) (England and Wales) Reg 2007	14f Functions relating to the determination of fees for Premises Licences	Licensing Committee
Part 5 of Sched 11 to the 2005 Act	14g Functions relating to the registration and regulation of small society lotteries	Licensing Committee

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

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

Statutory Provision	Function	Who Discharges
S 1 Scrap Metal Dealers Act 1964	25. Power to license scrap yards	Assistant Director - Environment & Enforcement
The Safety of Sports Grounds Act 1975	26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	County
Part III, Fire Safety and Safety of Places of Sport Act 1987	27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	County
S 5 Fire Precautions Act 1971	28. Power to issue fire certificates	County
S 1 Breeding of Dogs Act 1973 and S 1 Breeding and Sale of Dogs (Welfare) Act 1999	29. Power to license premises for the breeding of dogs	Assistant Director - Environment & Enforcement
S 1 Pet Animals Act 1951; S 1 Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; S 1 Breeding of Dogs Act 1973, and Ss 1 and 8 Breeding and Sale of Dogs (Welfare) Act 1999	30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Assistant Director - Environment & Enforcement
S 1 Performing Animals (Reg) Act 1925	31. Power to register animal trainers and exhibitors	County
S 1 Zoo Licensing Act 1981	32. Power to license zoos	Licensing Committee

Statutory Provision		Function	Who Discharges
S 1 Dangerous Wild Animals Act 1976	33.	Power to license dangerous wild animals	Assistant Director - Environment & Enforcement
S 4 Slaughterhouses Act 1974 and Animal By-Products Order 1999.	34.	Power to license knackers' yards	Assistant Director - Environment & Enforcement
Part II Children and Young Persons Act 1933, byelaws thereunder, and Part II Children and Young Persons Act 1963	35.	Power to license the employment of children	County
S 46A Marriage Act 1949 and Marriages (Approved Premises) Reg 1995	36.	Power to approve premises for the solemnisation of marriages	County
Reg 6 Commons Registration (New Land) Reg 1969	37.	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to a) an exchange of lands effected by an Order under S.19(3) of, or paragraph 6(4) of Sched 3 to the Acquisition of Land Act 1981, or b) an Order under S.147 Enclosure Act 1845	County
Reg 29 Commons Registration (General) Reg 1966	38.	Power to register variation of rights of common	County

Statutory Provision		Function	Who Discharges
S 5 Police, Factories, Etc. Miscellaneous Provisions Act 1916 and S 2 House to House Collections Act 1939	39.	Power to license persons to collect for charitable and other causes	Licensing Committee
Sched 2, Noise and Statutory Nuisance Act 1993	40.	Power to grant consent for the operation of a loudspeaker	Assistant Director - Environment & Enforcement
S 50 New Roads and Street Works Act 1991	41.	Power to grant a Street Works Licence	County
S 2 Nurses Agencies Act 1957	42.	Power to license agencies for the supply of nurses	County
Article 12 Pigs Order 1995	43.	Power to issue licences for the movement of pigs	County
Article 13 Pigs Order 1995	44.	Power to license the sale of pigs	County
Article 14 Pigs Order 1995	45.	Power to license collecting centres for the movement of pigs	County
Article 5(2) Cattle Identification Regs 1998	46.	Power to issue a licence to move cattle from a market	County
Ss 115E, 115F and 115K of the Highways Act 1980	46a	Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers	Assistant Director - Economy
S 139 Highways Act 1980	47.	Power to permit builder's skip on highway	County
Section 115G of the Highways Act 1980	47a	Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Assistant Director – Economy and Communities

Statutory Provision		Function	Who Discharges
S 142 Highways Act 1980.	48.	Power to license planting, retention and maintenance of trees, etc. in part of highway	County
S 147 Highways Act 1980.	49.	Power to authorise erection of stiles, etc. on footpaths or bridleways	County
S 169 Highways Act 1980.	50.	Power to license works in relation to buildings, etc. which obstruct the highway	County
S 171 Highways Act 1980.	51.	Power to consent to temporary deposits or excavations in streets	County
S 172 Highways Act 1980.	52.	Power to dispense with obligation to erect hoarding or fence	County
S 178 Highways Act 1980.	53.	Power to restrict the placing of rails, beams, etc. over highways	County
S 179 Highways Act 1980	54.	Power to consent to construction of cellars, etc. under streets	County
S 180 Highways Act 1980.	55.	Power to consent to the making of openings into cellars, etc. under streets, and pavement lights and ventilators	County
S 1 Celluloid and Cinematograph Film Act 1922	56.	Power to sanction use of parts of buildings for storage of celluloid	County
Regs. 4 and 5 Meat Products (Hygiene) Regs. 1994	57.	Power to approve meat product premises	Assistant Director - Environment & Enforcement
Reg 4 Minced Meat and Meat Preparations (Hygiene) Regs 1995	58.	Power to approve premises for the production of minced meat or meat preparations	Assistant Director - Environment & Enforcement

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

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

Statutory Provision		Function	Who Discharges
Part I Health and Safety at Work Etc. Act 1974		Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Etc. Act 1974, to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer	Assistant Director - Environment & Enforcement
D. Functions Relating to Elections			
S 8(2) RPA 1983	1.	Duty to appoint an Electoral Registration Officer	Full Council
S 52(4) RPA 1983	2.	Power to assign officers in relation to requisitions of the Registration Officer	Full Council
Part II Local Government and Rating Act 1997 and subordinate legislation under that Part	3.	Functions in relation to parishes and parish councils	Full Council
S 10 LGA 1972	4.	Power to dissolve small parish councils	Full Council
S 11 LGA 1972	5.	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups	Full Council
S 35 RPA 1983	6.	Duty to appoint Returning Officer for Local Government Elections	Full Council
S 18A to 18E of, and Sched A1 to RPA 1983	8.	Duty to divide constituency into polling districts	Full Council
S 31 RPA 1983	9.	Power to divide electoral divisions into polling districts at Local Government Elections	Full Council

Statutory Provision	Function	Who Discharges
S 39(4) RPA 1983	10. Powers in respect of holding of elections	Full Council
S 54 RPA 1983	11. Power to pay expenses properly incurred by Electoral Registration Officers	Full Council
S 21 RPA 1985	12. Power to fill vacancies in the event of insufficient nominations	Full Council
S 86 LGA 1972	13. Duty to declare vacancy in office in certain cases	Head of Paid Service Monitoring Officer
S 87 LGA 1972	14. Duty to give public notice of a casual vacancy	Head of Paid Service Monitoring Officer
S 91 LGA1972	15. Power to make temporary appointments to parish Councils	Full Council
S 10 RPA 2000	16...	Full Council
S 10 of the Representation of the People Act 2000	17. Power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Full Council
LGPIH Ss 33(2), 38(2) and 40(2) of the 2007 Act	18. Duty to consult on change of scheme for elections	Full Council
Ss 35, 41 and 52 of the 2007 Act	19. Duties relating to publicity	Head of Paid Service Monitoring Officer
Ss 36 and 42 of the 2007 Act	20. Duties relating to notice to Electoral Commission	Head of Paid Service Monitoring Officer
S 53 of the 2007 Act	21. Power to alter years of ordinary elections of parish councillors	Full Council

Statutory Provision	Function	Who Discharges
S 59 of the 2007 Act	22. Functions relating to change of name of electoral area	Full Council
E. Functions Relating to Name and Status of Areas and Individuals		
S 74 LGA 1972	1. Power to change the name of a county, district or London Borough	Full Council
S 75 LGA 1972	2. Power to change the name of a parish	Full Council
S 249 LGA 1972	3. Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman	Full Council
S 245b LGA 1972	4. Power to petition for a charter to confer Borough status	Full Council
EA. Functions Relating to Changing Governance Arrangements		
EB. Functions Relating to Community Governance		
S 79 of the 2007 Act	1. Duties relating to community governance reviews	Full Council
Ss 80, 83 to 85 of the 2007 Act	2. Functions relating to community governance petitions	Full Council
Ss 81(4) to (6)	3. Functions relating to terms of reference of review	Full Council
S 82 of the 2007 Act	4. Power to undertake a community governance review	Full Council
Ss 87 to 92 of the 2007 Act	5. Functions relating to making of recommendations	Full Council
S 93 to 95 of the 2007 Act	6. Duties when undertaking review	Full Council

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

Statutory Provision	Function	Who Discharges
G. Power to promote or oppose local or personal Bills		
S 239 LGA 1972	Power to promote or oppose local or personal Bills	Full Council
H. Functions Relating to Pensions etc		
Regs under S 7, 12 or 24 Superannuation Act 1972	1. Functions relating to Local Government pensions, etc.	County
Ss 34 and 36 of the Fire and Rescue Services Act 2004	2. Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to S 1 of the Fire and Rescue Services Act 2004	County
I. Miscellaneous Functions	**Part I: Functions Relating to Public Rights of Way**	
S. 25 Highways Act 1980	1. Power to create footpath [bridleway or restricted byway] by agreement	Planning Applications Committee
S. 26 Highways Act 1980.	2. Power to create footpaths [bridleways and restricted byways]	Planning Applications Committee
S.31A Highways Act 1980.	3. Duty to keep register of information with respect to maps, statements and declarations	County
S.118 Highways Act 1980.	4. Power to stop up footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 118ZA and 118C(2) Highways Act 1980.	5. Power to determine application for Public Path Extinguishment Order	Planning Applications Committee
S. 118A Highways Act 1980.	6. Power to make a Rail Crossing Extinguishment Order	Planning Applications Committee
S. 118B Highways Act 1980.	7. Power to make a Special Extinguishment Order	Planning Applications Committee

Statutory Provision	Function	Who Discharges
S. 119 Highways Act 1980.	8. Power to divert footpaths [bridleways and restricted byways]	Planning Applications Committee
Ss. 119ZA and 119C(4) Highways Act 1980.	9. Power to make a Public Path Diversion Order	Planning Applications Committee
S. 119A Highways Act 1980.	10. Power to make a Rail Crossing Diversion Order	Planning Applications Committee
S. 119B Highways Act 1980.	11. Power to make a Special Diversion Order	Planning Applications Committee
S. 119C(3) Highways Act 1980.	12. Power to require applicant for Order to enter into Agreement	Planning Applications Committee
S. 119D Highways Act 1980.	13. Power to make an SSSI Diversion Order	Planning Applications Committee
S. 121B Highways Act 1980.	14. Duty to keep Register with respect to applications under ss. 118ZA, 118C, 119ZA and 119C Highways Act 1980	Assistant Director - Planning
S. 121C Highways Act 1980.	15. Power to decline to determine certain applications	Planning Applications Committee
S. 130 Highways Act 1980.	16. Duty to assert and protect the rights of the public to use and enjoyment of highways	County
S.130A Highways Act 1980.	17. Duty to serve Notice of Proposed Action in relation to obstruction	County
S.130B(7) Highways Act 1980.	18. Power to apply for variation of Order under S.130B Highways Act 1980	County
S.135 Highways Act 1980.	19. Power to authorise temporary disturbance of surface of footpath [bridleway or restricted byway]	County

Statutory Provision	Function	Who Discharges
S.135A Highways Act 1980.	20. Power temporarily to divert footpath [bridleway or restricted byway]	County
S.135B Highways Act 1980.	21. Functions relating to the making good of damage and the removal of obstructions	County
S.149 Highways Act 1980.	22. Powers relating to the removal of things so deposited on highways as to be a nuisance	County
S.32 Acquisition of Land Act 1981	23. Power to extinguish certain public rights of way	Full Council
S.53 Wildlife and Countryside Act 1981	24. Duty to keep definitive map and statement under review	County
S.53A Wildlife and Countryside Act 1981.	25. Power to include modifications in other Orders	County
S.53B Wildlife and Countryside Act 1981.	26. Duty to keep Register of prescribed information with respect to applications under S. 53(5) of the Wildlife and Countryside Act 1981	County
S.54 Wildlife and Countryside Act 1981	27. Duty to reclassify roads used as public paths	County
S.57A Wildlife and Countryside Act 1981.	28. Power to prepare map and statement by way of consolidation of definitive map and statement	County
S.3 Cycle Tracks Act 1984	29. Power to designate footpath as cycle track	County
S.294 Housing Act 1981	30. Power to extinguish public right of way over land acquired for clearance	Planning Applications Committee
S.247 of the Town and Country Planning Act 1990	30a. Power to authorise stopping up or diversion of highway	Planning Applications Committee
S.257 TCPA90.	31. Power to authorise stopping-up or diversion of footpath [or bridleway or restricted byway]	Planning Applications Committee

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

Statutory Provision	Function	Who Discharges
S.4(1) Local Government and Housing Act 1989	43. Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc.	Full Council
S.5(1) Local Government and Housing Act 1989.	44. Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	Full Council
S82A(4) and (5) of the Local Government Act 2000	44a Duty to provide staff, etc, to person nominated by Monitoring Officer	Full Council
Para 12 and 14 of Sched 3 to the Local Government Act 2000	44b Powers relating to Overview & Scrutiny Committees (voting rights of co-opted members)	Full Council
The Accounts and Audit Regs 1996	45. Duty to approve Authority's Statement of Accounts, Income and Expenditure and Balance Sheet, or record of payments and receipts (as the case may be)	Full Council
The Hedgerows Regs 1997	46. Powers relating to the protection of important hedgerows	Assistant Director - Planning
Ss.197 to 214D TCPA90, and the Trees Regs 1999	47. Powers relating to the preservation of trees	Planning Applications Committee
Part 8 of the Anti-Social Behaviour Act 2003	47a. Powers relating to complaints about high hedges	Assistant Director - Planning
S.92 LGA 2000	48. Power to make payments or provide other benefits in cases of maladministration, etc.	Full Council
S13(2) of the Criminal Justice and Police Act 2001	49. Power to make an Order identifying a place as a designated public place for the purposes of Police powers in relation to alcohol consumption	Full Council

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

3C RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

a) List of Functions Not to be the Sole Responsibility of the Executive

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.1(2) of the Public Libraries and Museums Act 1964	Annual Library Plan	N/A	N/A
S.6(1) of the Local Government Act 1999	Best Value Performance Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)
Children and Young People's Plan (England) Regs 2005	Children and Young People's Plan	N/A	N/A
S 5 and 6 Crime and Disorder Act 1998	Crime and Disorder Reduction Strategy	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve the final version (see Reg 4 of S.I.2000/2853 as amended)

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.15 of the Planning & Compulsory Purchase Act 2004	Development Plan documents	Formulate and produce the documents	The giving of instructions to Cabinet to reconsider any draft document, the approval of draft documents for consultation or examination and the adoption of the documents
S. 349 of the Gambling Act 2005	Licensing Authority Policy Statement	Formulate and produce the Policy	Adoption of the Policy Statement
S.108(3) of the Transport Act 2000	Local Transport Plan	N/A	N/A
S.54 Town and Country Planning Act 1990	Plans and alterations which together comprise the Development Plan	Formulate and produce the Plan (see Reg 4 of S.I.2000/2853 as amended)	Approve final version (see Reg 4 of S.I.2000/2853 as amended)
S.40 of the Crime and Disorder Act 1998	Youth Justice Plan	N/A	N/A

Statutory Provision	Item	Part for Cabinet	Part for Full Council
S.135 Leasehold Reform Act 1993 and ss.32 and 43 Housing Act 1985	Disposal of housing land and buildings	All except that reserved to Full Council	Authorising making the application (see Reg 4 of S.I.2000/2853 as amended)
Ss. 32-37, 43-49, 52I, 52J, 52T, 52U and Chapter IV of Part I of the Local Government Finance Act 1992	Making a calculation or issuing a precept leading to setting of Council Tax	Prepare submission of estimates or revised estimates	All other steps (see Reg 4 of S.I.2000/2853 as amended)
S.70 Deregulation and Contracting Out Act 1994	Authorising a person to exercise a function, or revoking that authorisation	To the extent that the function is an Executive function	In all other cases (see Reg 4 of S.I.2000/2853 as amended)
	Council's Corporate Plan	Produce version for adoption	Adoption of the Plan
	Local Agenda 21 Strategy	Produce version for adoption	Adoption of the Plan

a) Cabinet Member Delegation

A Cabinet Member may authorise the Head of Paid Service or Director, to take any action concerning matters within his/her portfolio, in accordance with policies and strategies set by the Cabinet and Full Council, unless any legal rule requires otherwise.

b) Cabinet Delegation

The Cabinet collectively may authorise any Cabinet Member, the Head of Paid Service, Strategic Director, Assistant Director or other Officer to whom delegation has been made in the Council's Scheme of Delegation, unless any legal rule requires otherwise (see Cabinet Procedure Rule 4D.1.3(b))

c) Delegation of Decisions to Single Members

i. A Single Member may take any decision which:

1. is required to implement a Policy that is part of the framework, provided the decision is:

- within budget, and does not amend either the Policy framework or the budget
- wholly within the remit of the services for which the Member is responsible; and
- not a key decision.

ii. is to adopt a new Policy or procedure to deliver services for which the Member is responsible, provided that the decision:

- does not amend or alter any Policy that is part of the Policy framework (without the prior approval of Council); and
- does not amend or alter the budget, nor requires the budget to be amended; and
- falls entirely within his/her portfolio.

iii. Where a decision is to adopt a new Policy or procedure to deliver the services for which the Member is responsible AND it does not fall entirely within his/her portfolio then the decision must be taken jointly with the other portfolio holder(s) affected.

iv. The procedure for Individual Cabinet Member Decisions is set out in Part 5H of this Constitution

3D OFFICER DELEGATIONS - Part A - General Delegations

Functions Allocated to the Chief Executive, Strategic Directors & Assistant Directors or such other officer or post identified by the Chief Executive, Strategic Director, or Assistant Director in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection**.**

3D.1 **General**

a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

S.100D Local Government Act 1972 (background papers for reports)

b) Take any action on matters relating to the day to day administration of services within their unit.

c) Take any action to maintain the operation and effectiveness of services within their unit.

d) Take any action incidental to, or to give effect to, decisions taken by elected Members within their sphere of responsibility.

e) Determine the allocation of and responsibility for matters within their unit.

f) Delegate any of their powers and appointments to employees within their unit who possess the relevant qualification, experience and skills for the task - a list of such powers indicating the post to which they have been delegated must be kept by the Monitoring Officer and made available for public inspection.

g) Serve notices and obtain information as to interests in land - S.16 Local Government (Miscellaneous Provisions) Act 1976.

h) Keep any statutory register concerning aspects within their sphere of responsibility.

i) The receipt of Notices concerning aspects within their sphere of responsibility.

j) In consultation with the relevant Overview & Scrutiny Committee Chair, settle any best value review documents for submission to Inspectors.

k) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

3D.2 **Financial Resources**

a) Incur normal expenditure up to the limit of provision within the budgets under his/her control, subject to compliance with contract standing orders, financial standing orders, financial regulations and financial instructions.

b) Invite and accept tenders or quotations for contracts, subject to contract standing orders, financial standing orders, financial regulations and financial instructions.

c) Provide administrative, professional or technical services to outside bodies using any spare capacity PROVIDED this does not interfere with the proper service provision of the Council.

d) Pay full compensation for loss where the Council is likely to be liable if sued.

e) Pay compensation for complaints up to £1000 or higher in consultation with the portfolio holder.

f) To annually review fees and charges.

3D.3 **Human Resources**

a) Appoint persons to posts below Director level within the unit (as nominated by the Chief Executive where necessary), in accordance with the Recruitment and Selection Policy from time to time in force.

b) Employ and dismiss persons on temporary contracts, in accordance with the Recruitment and Selection and Disciplinary Policies from time to time in force.

c) Discipline and dismiss employees within the unit, subject to Disciplinary Policies from time to time in force.

d) In consultation with the Portfolio Holder responsible for Human Resources and Human Resources Officers, take any action relating to terms and conditions of service for employees within their unit.

3D.4 **Other**

a) Apply for planning permission for Council development within his/ her sphere of responsibility.

b) To recover any sum owed to the Council under a contract made between the Council and a third party.

c) To submit bids for and enter into agreements for grants and other funding sources.

d) Arrange bookings or limited exhibitions and other commercial events on Council land within the responsibility of the Portfolio Holder.

e) In the event of the invocation of the Council's emergency plan, or the declaration of an incident by the Local Resilience Forum, or Emergency Service partner, that requires a Council response, the relevant officer

on duty (Chief Executive, Strategic Director and/or Assistant Director) is granted delegated authority to take such decisions as necessary for the immediate management of the Council's response and to liaise with appropriate partners as necessary under the Civil Contingencies Act 2004.

f) Approve press releases and official statements to press enquiries on behalf of the Authority as and when required.

3D.5 Functions allocated to the Chief Executive & Deputy Chief Executive

a) Any function delegated to a Strategic Director or Assistant Director or other officer.

b) Any action arising from an appointment given to a Director or other officer if that Director or other officer is absent or otherwise unable to act.

c) Take all steps to ensure the Council receives additional supplementary credit approval re Council house sales.

d) Delegate any of their powers and appointments to employees who possess the relevant qualification, experience and skills for the task - a list of such powers, indicating the post to which they have been delegated, must be kept by the Monitoring Officer and made available for public inspection.

e) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

f) Exercise any power of the Local Authority relating to human resources under the following statues or regulation or by-laws made (now or in the future) under them:

Health & Safety at Work Act 1974
Employment Rights Act 1996

g) Implement national awards affecting wages, salaries and conditions of service.

3D.6 Functions allocated to the Strategic Directors

a) Any function delegated to an Assistant Director or other officer.

b) Any action arising from an appointment given to an Assistant Director or other officer if that Assistant Director or other officer is absent or otherwise unable to act.

c) Delegate any of their powers and appointments to employees who possess the relevant qualification, experience and skills for the task - a list of such powers, indicating the post to which they have been delegated,

must be kept by the Monitoring Officer and made available for public inspection.

d) Respond to any consultation document on Executive functions in consultation with the Leader and/or relevant portfolio holder.

3E OFFICER DELEGATIONS - Part B - Specific Delegations

The specific delegations set out below to the Chief Executive /Strategic Directors/ Assistant Director or such other officer or post identified by the Chief Executive /Strategic Director / Assistant Director in a Scheme of Delegation, such scheme to be held by the Monitoring Officer and made available at all times for public inspection are without prejudice to the general Delegations in 3D above.

3E.1 Chief Executive (Head of Paid Service, Electoral Registration & Returning Officer)

a) Proper officer, appointed officer or inspector in respect of the following statutory provision

Statutory Provision	Brief Description
S.4 Local Government and Housing Act 1989	Head of Paid Service
Ss. 84,84,88,89, 100B, 100C, 100F, 210, 225, 229, 234, 236, 238, 248, Scheds. 12 and 14 Local Government Act 1972	Secretary to the Council
S.41 Local Government (Miscellaneous Provisions) Act 1976	Certification of reports and minutes
Local Government Act 2000 and Regs made there under	Executive Arrangements
S.3, LGHA89. Modify the list of Politically restricted posts and give any certificate of opinion under it.	Duty to keep a list of politically restricted posts
Ss. 83, 100B, 200F, 115, 229, 234, Local Government Act 1972	Secretary to the Council
Representation of the People Act 1983	Ss. 8 and 35 Representation of the People Act 1983, and any other provision relating to electoral registration and elections.
Any reference in pre 1972 legislation to the Clerk of a Council or the Town Clerk, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer Proper, or authorised, officer or inspector for any statutory purpose where no specific authorisation has been given	

Superannuation Act 1972	Local Government Pension Scheme

b) Suspend the exercise of Delegated Authority by any officer where he/she considers a particular case should be considered by elected Members.

c) Authorise any person acting for the Council to enter any land, for any statutory purpose.

d) The Chief Executive shall have authority

i. for Cabinet in the case of an emergency:

a. requiring a non-key decision, where it is not possible in the time to convene either a special meeting of Cabinet or a Single Member Decision, or the Single Member is not available, and in consultation with the Leader, or in his absence any Member of the Cabinet, to make decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Cabinet

b. subject to consultation with the aforesaid and the Chair of the relevant OSP, to make such urgent decisions which are key decisions on behalf of the Cabinet, all such decisions to be reported to the next Ordinary Meeting of the Council.

ii. for Council and its Committees, in cases of urgency and in consultation with the Mayor/Chairman of the relevant Committee or Chair of the relevant OSP, to make decisions on behalf of the Council or Committee, all such decisions to be reported to the next Ordinary Meeting of the relevant Council/Committee.

iii. To consider oral representations pursuant to the Scrap Metal Dealers Act 2013.

e) Make any necessary and consequential changes to the Council's Scheme of Delegation to Officers to give effect to any changes in personnel, legislation, or the structure of the Council, to ensure its efficient and effective operation, in consultation with the Leader of the Council.

f) Change the staff structure in consultation with the Leader and/or the relevant portfolio holder(s), the S.151 Officer, the Monitoring Officer and the Unions.

g) In consultation with the Leader, the relevant Housing and Communities portfolio holder(s) and ward Members, take every step necessary (including compulsory purchase and determination of tenancies) to implement the Camp Hill Urban Village Scheme.

h) Apply for and hold licences for premises owned by the Council in respect of regulated activities.

i) Authorise the use and display of the Council's badge.

j) In consultation with the S. 151 Officer and Leader of the Council approve proposals for Members or officers to make foreign visits and receive foreign visitors where the cost is to be met in whole or part by the Council, subject to any protocol in this regard that may apply from time to time.

k) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.

l) Increase the scale of fees for elections and electoral registration in line with the average salary awards for Joint National Council scales and taking into account any nationally agreed fees.

m) Be the Council's Nominated Officer for the purpose of the Local Government Pension (Amendment) Regulations 2004 - Internal Dispute Resolution Procedure.

n) Approve and pay death grants under schemes adopted by the Council.

o) Serve all Notices under the Pensions Acts.

p) Administer and review the Council's car loan, and car user allowance schemes.

q) Assess value for pension purposes of emoluments in kind paid to employees and giving effect thereto.

r) Enter into any initiatives with the Occupational Health Service seen as beneficial to the employees of the Council.

s) In consultation with the relevant Portfolio Holder, set promotional and other charges.

t) Returning Officer Indemnity - Note

Further to the Chief Executive (Head of Paid Service) being appointed as Electoral Registration Officer and Returning Officer, Full Council resolved to grant an indemnity to the officer acting in that capacity, as well as to any appointed Deputy Returning Officer(s). This indemnity applies in relation to local elections, and any other elections falling within the scope of those functions, and covers the reasonable costs incurred in obtaining appropriate legal advice and representation in respect of any civil or criminal proceedings, together with any costs awarded by a court following the presentation of an election petition.

The full terms of the indemnity are set out in agenda item 11 of the Full Council report and agenda for the meeting held on Wednesday 29 April 2026, minute reference CL83.

3E.2 Assistant Director – Digital & Business Change

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

Statutory Provision	Brief Description
Regulation of Investigatory Powers Act 2000	Authorisation of covert surveillance
Data Protection Act 2018	Data Protection obligations and structure contains the appointment of the Data Protection Officer (DPO)
Environmental Information Regulations 2004	Duty to comply with requests for information
Freedom of Information Act 2000	Duty to comply with requests for information and to maintain the Council's Publication Scheme

b) Monitor the use of the Council's IT systems including internet and e-mail (where appropriate following appropriate authorisation) – Regulation of Investigatory Powers Act 2000.

c) Manage the Council's telephonic and Information technology systems, in accordance with the Policy of the Council.

d) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000.

e) To be the Council nominated Senior Information Risk Officer (SIRO) with corporate responsibility for information risk management and information governance assurance.

f) Take all steps regarding risk management within the Council.

g) Coordinate the collection and provision of performance data and arrange for the publication of performance information and strategy reporting.

3E.3 Assistant Director – Democracy & Governance

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

Statutory Provision	Brief Description
S.5 & 5A Local Government and Housing Act 1989	Monitoring Officer
S110A, S116 & S116A Social Security Administration Act 1992	Benefit fraud including investigations on behalf of the Department of Work and Pensions
Children Act 1989	Discharge the duties under the Childrens Acts
Equalities Act 2010	Responsibility to ensure compliance with the Public Sector Equalities Duty
Ss. 83, 100B, 100F, 229, 234, 238, Sched 14 Local Government Act 1972	Byelaws
S. 41 Local Government (Miscellaneous Provisions) Act 1976	Lost or uncollected property
Ss. 191 Local Government Act 1972	Ordnance Survey
Local Government Act 2000 and regulations thereunder	Executive Arrangements
Ss. 26, 118, 119 Highways Act 1980 and S.257 Town and Country Planning Act 1990	Public Footpath Orders
Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.
Ss.14-16A Road Traffic Regulation Act 1984	Orders to prohibit or restrict traffic
Any reference in pre 1972 legislation to the surveyor, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
Regulation of Investigatory Powers Act 2000	Authorisation of Cover Surveillance

b) Authorise any person acting for the Council to enter any land, for any statutory purpose.

c) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.

d) Authorise proceedings for recovery of any sums due to the Council and possession of property held as security for same.

e) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.

f) Conduct internal audit of financial transactions of the council

g) Hold premises licences for Council property in connection with any functions assigned.

h) Amend the Members' Allowance Scheme in accordance with increases fixed by the Secretary of State.

i) Provide the role of Mayor's Secretary.

j) Make arrangements in connection with Civic matters/engagements relating to Mayoralty.

k) Where any delegation proposed to be relied upon or procedure proposed to be utilised refers to any office-holder, Cabinet, Committee or Ward Member, or forum that no longer exists, the Monitoring Officer shall determine how the power shall be appropriately exercised or procedure interpreted.

l) Take all necessary steps relating to Purchase Notices served on the Council.

m) In consultation with the Leader of the relevant political group, appoint a substitute Member to Audit and Standards Committee where a prejudicial interest precludes a Member hearing a complaint.

n) To take all actions and make decision not reserved to the Council relating to the Council's functions in respect of Communications.

o) Fix and charge the appropriate hire fee for external bookings for the Civic Suite in order to cover the Council's costs.

3E.4 Assistant Director – Economy and Communities

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

Statutory Provision	Brief Description
Road Traffic Regulation Act 1984 Ss. 35A and 112	Enforcement of Car parking Order & Nuneaton Bus Station Order
Local Government (Miscellaneous Provisions Act 1982 Sch. 4	Licensing of Street Traders
Local Government Act 2003	BIDS (Business Improvement Districts)
Markets and Fair Clauses Act 1847	Markets
Food Act 1984	Markets
Landlord & Tenant Act 1954	Management of Commercial Tenancies
Localism Act 2011	General Power of Competence to promote economic development
Local Government Act 1972 Ss. 191	Ordnance Survey
Local Government Act 1972 S123	Disposal & Acquisition of land & property
Local Government Act 1972 S 101	Agency arrangements
Party Wall Etc. Act 1996 (Appointing Officer)	Power to appoint surveyor
Planning & Compulsory Purchase Act 2004	Compulsory Purchase
Regulation of Investigatory Powers Act 2000	Authorisation of covert surveillance
Children Act 1989	Discharge the duties under the Children's Acts
Equalities Act 2010	Responsibility to ensure compliance with the Public Sector Equalities Duty
The Anti-Social Behaviour, Crime and Policing Act 2014	Investigation and enforcement against anti-social behaviour and related powers

b) Be duty holder for the purposes of the Control of Asbestos Regulations 2012

c) Manage the operation of the Nuneaton and Bedworth Markets in accordance with the Market Regulations as made by the Council from time to time.

d) As a consequence of any decision of Cabinet or Council in consultation with the Portfolio Holder with responsibility for markets, make any necessary changes to the markets, the layout, or their regulations.

e) Be the Radio Terminal Custodian for the Airwave Service.

f) Undertake all the Town Centre management activities including Delivery of Town Centre Master Plan, including street scene enhancement activities.

g) Manage the Council's off street car park in accordance with the Council's Off Street Parking Order.

h) In Consultation with the relevant Portfolio Holder, waive car park charges from time to time.

i) Undertake all matter relating to the provisions of public conveniences.

j) Manage the Council's car parks and resident parking schemes.

k) Manage the Bus Station

l) Undertake all functions relating to CCTV.

m) Arrange bookings or limited exhibitions and other commercial events on Council land (other than town centre).

n) Authority to undertake Land/Asset Disposal and Acquisitions on behalf of the Council, in consultation with the relevant Portfolio Holder.

o) Exercise the Council's responsibilities in respect of Economic Development

p) Authority to take action on Closure Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.

q) Exercise functions under any Agency agreement with Warwickshire County Council.

r) Undertake management of the Council's Commercial Property Portfolio.

s) Conclude any land transactions required to complete the Camp Hill Urban Village Scheme.

t) All Property Management steps in respect of the Council's land and buildings and related transactions in accordance with any relevant Council Policy, and the Council's Budget and Policy framework, including creating,

renewing and terminating interests in land, reviewing and recovering rents, disposing of and acquiring interests including:

a. Carry out urgent repairs to private streets

b. Renew plant, equipment and vehicles within the budget provision, and dispose of items being so renewed.

c. Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.

d. Take all actions necessary to implement the Council's Planned and Reactive Maintenance Programme including to corporate operational and non- operational buildings, including car parks and the Bus Station (not including day to day responsive repairs and gas servicing activities).

u) Exercise any power of the Local Authority relating to environmental health under the following statutory provisions or pursuant to regulations or by-laws made (now or in future) under them:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Care Act 2014 (as delegated from WCC)
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Equality Act
- Building Safety Act 2022

v) Manage and facilitate the operation of the Nuneaton and Bedworth Safer Community Partnership and the development of the Crime and Disorder and Substance Misuse Plan.

w) Manage Community Safety Schemes and take action in relation to Nuneaton and Bedworth's Crime and Disorder and Substance Misuse Plan, and the Council's powers under the Crime and Disorder Act 1998 (as amended).

x) Take all actions and make all decisions relating to the Council's functions in respect of Community Cohesion.

y) Take all appropriate action and to exercise all powers and duties in relation to Community Development in consultation with the Portfolio Holder.

z) Consult with and respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Criminal Behaviour Orders, Closure Orders, Dispersal

Orders or other relevant specific items included in the ASB, Crime and Policing Act.

aa) Respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Anti-Social Behaviour Orders.

bb) Consult with Warwickshire Police and other agencies in relation to applications for Anti-Social Behaviour Orders.

cc) Respond to requests for consultation under the Anti-social Behaviour Act 2003, including with reference to making Dispersal Orders under Section 30 of the Act.

dd) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.

ee) Take relevant court action to deal with anti-social behaviour (having previously informed Ward Members).

ff) Manage the development and implementation of the Council's Equality Scheme

3E.5 Assistant Director – Environment & Enforcement

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

Statutory Provision	Brief Description
Ss.14-16A Road Traffic Regulation Act 1984	Orders to prohibit or restrict traffic
Crime and Disorder Act 1998 (as amended)	ASBOs and other Orders
The Anti-social Behaviour, Crime and Policing Act 2014	
Environmental Protection Act 1990	Search and seizure of vehicles and street litter control
Anti-Social Behaviour Act 2003	Graffiti
Clean Neighbourhoods and Environmental Act 2005	
Town and Country Planning Act 1990 - S.215-219, 224–225, 330 and 324 and Town and Country Planning (Control of Advertisement) Regs	Miscellaneous Planning enforcement
Liaison Officer under Food Safety Act 1990	Link officer with the Food Standards Agency
Any reference in pre 1972 legislation to the medical officer of health or public health inspector, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
S.2 and Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982	Control of Sex Establishments
Licensing Act 2003 provided no objections are received	
Animal Welfare Act 2006 and The Microchipping of Dogs (England) Regs 2015	
S.61 Local Government (Miscellaneous Provisions) Act 1976	Revoke and Suspend licences
S.75(3) Local Government (Miscellaneous Provisions) Act 1976	Applications for Certificates of Exemption re PHVs
Health and Safety at Work Act 1974	Duty to enforce
Environment Act 1995 S. 82 & Sched. 11	Air Quality
S.15 Local Government (Miscellaneous Provisions) Act 1976	Authorise staff to survey land where no specific power is available
Environmental Protection Act 1990 s.2	Appoint any other person including third party contractors to discharge the Council's functions pursuant to Part II and Sched 3 of the Act
S.19 & 20 Health and Safety at Work Etc Act 1974	Authorise inspectors and enforcement and other technical experts to discharge functions including powers of entry
Refuse Disposal (Amenity) Act 1978	Remove and deal with abandoned vehicles

Business and Planning Act 2020 Part 7A of the Highways Act 1980 The Levelling Up and Regeneration Act 2023	Pavement Licences subject to provisions under the Licensing Act 2003 section below.

b) Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.

c) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.

d) Undertake all functions relating to amenity lighting.

e) Undertake all functions relating to transport.

f) Deal with requests for the loan of equipment and materials to charitable and voluntary organisations regarding refuse collection and cleansing.

g) Provide a trade refuse service when required and fix appropriate charges.

h) Manage the Council's refuse collection and street cleaning service.

i) Undertake all functions relating to land drainage.

j) Exercise functions under any Agency agreement with Warwickshire County Council

k) Authorisation of officers to serve Fixed Penalty Notices for litter enforcement pursuant to the Clean Neighbourhoods and Environment Act 2005.

l) In consultation with Chair and (Vice-Chair) of Licensing Committee determine applications for permits for house to house or street collections which cannot be considered by Licensing Committee at its November meeting (unless objection has been submitted).

m)Administer the Council's arrangements for the Licensing of hackney carriage and private hire vehicles including the grant and renewal of hackney carriage and private hire vehicle licences, and private hire operators' licences, unless either there are unspent convictions or objections are received, or both.

n) Authority to take action relevant to their service under the Crime and Policing Act 2014.

o) Undertake enforcement action where appropriate under the Renters' Rights Act 2015.

p) Exercise any power of the Local Authority relating to environmental health under the following statutory provisions or pursuant to regulations or by-laws made (now or in future) under them:

a. Animal Boarding Establishments Act 1963
b. Animal Welfare Act 2006
c. Anti-Social Behaviour Act 2003
d. Anti-Social Behaviour, Crime and Policing Act 2014

e. Breeding of Dogs Act 1973 & 1991
f. Building Act 1984
g. Caravan Sites Act 1968
h. Clean Air Act 1993
i. Clean Neighbourhoods and Environment Act 2005
j. Criminal Justice and Public Order Act 1994
k. Crime and Disorder Act 1998
l. Control of Pollution Act 1974
m. Dangerous Wild Animals Act 1976
n. Dangerous Dogs Act 1991
o. Dogs (Fouling of Land) Act 1996
p. Enterprise and Reform Act 2013
q. Environment Act 1995
r. Environment and Safety Information Act 1988
s. Environmental Protection Act 1990
t. Equality Act 2010
u. European Communities Act 1972
v. Factories Acts 1961
w. Food Act 1984
x. Food and Environment Protection Act 1985
y. Food Safety Act 1990
z. Gambling Act 2005
aa. Guard Dogs Act 1975
bb. Health Act 2006
cc. Health and Safety at Work Etc Act 1974
dd. Highways Act 1980
ee. House to House Collections Act 1939
ff. Housing and Planning Act 2016
gg. Land Compensation Act 1973
hh. Licensing Act 2003
ii. Local Government (Misc Prov) Act 1976
jj. Local Government (Misc Prov) Act 1982
kk. Local Government and Housing Act 1989
ll. Noise Act 1996
mm. Noise and Statutory Nuisance Act 1993
nn. Offices, Shops & Railway Premises Act 1963
oo. Performing Animals (Regulation) Act 1925
pp. Pet Animals Act 1951
qq. Police, Factories Etc (Misc Prov) Act 1916
rr. Pollution Prevention and Control Act 1999
ss. Prevention of Damage by Pests Act 1949
tt. Public Health Acts 1936 & 1961
uu. Public Health (Control of Disease) Act 1984
vv. Refuse (Disposal) Amenity Act 1978
ww. Regulatory Reform Act 2001
xx. Renters' Rights Act 2015

yy. Riding Establishments Acts 1964 & 1970
zz. Scrap Metal Dealers Act 1964

aaa. Scrap Metal Dealers Act 2013
bbb. Slaughter of Poultry Act 1967
ccc. Slaughterhouses Act 1974
ddd. Sunbeds (Regulation) Act 2010
eee. Sunday Trading Act 1994
fff. Town Police Clauses Act 1847
ggg. Town and Country Planning Act 1990 s.215-219, 224-225, 330, 324
hhh. Town and Country Planning (Control of Advertisement) England Regs 2007
iii. Vehicles (Crime) Act 2001
jjj. Water Industry Act 1991
kkk. Zoo Licensing Act 1981

Licensing Act 2003

q) Issue notices of exemption to taxi drivers relating to the carriage of guide dogs etc. in certain circumstances (see minute 586 of 8.2.01).

r) Deal with applications for Personal Licence, if no objection made.

s) Deal with applications for Premises Licence/Club Premises Certificate, if no relevant representation made.

t) Deal with applications for Provisional Statement, if no relevant representation made.

u) Deal with applications to vary Premises Licence/Club Premises certificate, if no relevant representation made.

v) Deal with applications to vary Designated Premises Supervisor if no notice of objection is received.

w) Deal with requests to be removed as designated premises supervisor, all cases.

x) Deal with applications for transfer of Premises Licence if no Notice of Objection is received.

y) Deal with applications for interim authorities if no Notice of Objection is received.

z) Deal with decisions on whether a complaint is irrelevant, frivolous vexatious, etc., all cases.

aa) be authorised to issue pavement licences under Part 1 of the Business and Planning Act 2020, subject to both Part 7A of the Highways Act 1980 and The Levelling Up and Regeneration Act 2023 where:

i. no objections are received; or

ii. following withdrawal of representations and/or negotiated conditions being agreed between applicants and interested parties/responsible authorities.

bb) Be authorised in consultation with the Chair of Licensing or Vice Chair (where the Chair is unavailable following reasonable period of delay) to reject applications for

pavement licences under Part 1 of the Business and Planning Act 2020 (subject to both Part 7A of the Highways Act 1980 and The Levelling Up and Regeneration Act 2023) where conditions of licence are not met or relevant objections are received.

Gambling Act 2005

cc) Fee setting where appropriate.

dd) Determination of application for premise's Licences where no representations received/representations have been withdrawn.

ee) Determination of application for a variation to a Licence where no representations received/representations have been withdrawn.

ff) Determination of application for a transfer of a Licence where no representations received from the Gambling Commission.

gg) Determination of application for a Provisional Statement where no representations received/representations have been withdrawn.

hh) Application for Club Gaming/Club Machine Permits where no objections made/objections have been withdrawn.

ii) Applications for other permits.

jj) Cancellation of Licensed Premises Gaming Machine Permits.

kk) Consideration of Temporary Use Notices.

ll) Determination as to whether representation is frivolous or vexatious, or will not influence decision.

3E.6 Assistant Director – Finance

a) Proper officer, appointed officer or inspector in respect of the following statutory provisions

- Ss. 115, 146, 151 (as Deputy) Local Government Act 1972
- Ss. 26 and 114 Local Government Finance Act 1988
- Local Government Act 2003 Part I

b) Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in future) under them.

Statutory Provision	Brief Description
Sch.13 Local Government Act 1972; ss. 39 – 66 Local Government and Housing Act 1989	Loans and other financial provisions
s.438 and Sch. 16, Housing Act 1985	Vary interest rates to meet legislative requirements
Local Government Act 2003 Parts I & II	Capital Finance
S116, S116A & 110A Social Security Administration Act 1992	Benefit fraud including investigations on behalf of the Department of Work and Pensions
Ss. 41 - 67 Local Government Finance Act 1988; Local Government Finance Act 1992 (with the exception of setting the Council Tax base save Ss.32 - 37); Social Security Administration Act 1992; ss.123 - 137 and 172 - 177 Social Security Contributions and Benefits Act 1992; Social Security Act 1998; Welfare Reform and Pensions Act 1999;	Council Tax, rating, Council Tax Benefit, Housing Benefit and Discretionary Rate Relief (DRR)
S110A Social Security Administration Act 1992 Benefit Fraud Matters.	Investigation & prosecution of fraud
S. 41 Local Government (Miscellaneous Provisions) Act 1976	Lost or uncollected property
S.116 Local Government Finance Act 1988	Investigation & prosecution of fraud
S110A, S116 & S116A Social Security Administration Act 1992	Benefit fraud including investigations on behalf of the Department of Work and Pensions

c) Operate scheme for transfer of Council's mortgage debt to private sector.

d) Authorise any person acting for the Council to enter any land, for any statutory purpose.

e) Authorise applications renewals, reviews and cancellations under the Regulation of Investigatory Powers Act 2000 including surveillance likely to obtain confidential information.

f) Assess and grant gratuities within the terms of and up to maxima approved by Policy decisions of the Council.

g) Manage and invest the special and reserve funds and acquire and dispose of securities comprising such funds.

h) Approve (but not refuse) loans for house purchase and improvement.

i) Be the Council's Money Laundering Reporting Officer.

j) Set the Council Tax base.

k) Authorise proceedings for recovery of any sums due to the Council and possession of property held as security for same.

l) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.

m) Make virements and write offs in excess of the Authority delegated to officers in consultation and agreement with the Leader.

n) Carry out relevant research and surveys including incurring necessary expenditure in relation to such research and surveys as one appropriate to help facilitate the Council's functions.

o) Write –off irrecoverable debts within financial limits laid down in the Council's Financial Procedure Rules.

p) Grant (but not refuse) mandatory rate relief in line with the Council's policy.

q) Deal with applications for discretionary rate relief in line with the Council's policy.

r) Collect and enforce Council Tax.

s) Coordinate the collection and provision of performance data and arrange for the publication of performance information and strategy reporting.

t) To approve the business rates forecast as part of the budget setting

process.

u) In consultation with the Monitoring Officer, coordinate the formulation of the Corporate Plan and Corporate Plan Delivery Plan.

v) Incur any expenditure through making grants and loans where an emergency or disaster involves danger to life or property, or is imminent and to incur expenditure for the purposes for contingency planning.

w) In consultation with the relevant Portfolio Holder, set promotional and other charges.

3E.7 Assistant Director – Planning

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

Statutory Provision – Assistant Director - Planning

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

b) To process and make decisions on all planning applications as defined in Schedule 1 below except in any one of the following cases:

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

ii. Where letters of objection that meet the criteria as set out in the table at Annex A below have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, (unless the objection does not, in the Assistant Director – Planning's opinion, relate to valid planning

considerations (which are set out in the leaflet 'Having Your Say on Planning Applications') or are matters as set out in Schedule 2 below).

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

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

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

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

that application be dealt with by the Planning Applications Committee.

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

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

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

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

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

Schedule 1

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

Schedule 2

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

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

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

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

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

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

h. Negotiate terms of S106 TCPA90 obligations.

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

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

k. Determine applications for Non-Material Amendments

Annex A: Criteria for letters of Objection

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

Scale of Application	**Number of valid objections required**
Non-major (residential - less than 10 dwellings, or sites of less than 0.5 hectares; non-residential, less than 1,000 sqm gross floorspace, or sites less than 1 hectare)	At least 5 valid objections
10 to 50 dwellings and commercial non-residential between 1,000 and 3,750 sqm of floorspace	At least 10 valid objections

Over 50 dwellings or more than 3,750 sqm commercial floorspace	At least 15 valid objections

c) Undertake functions relating to street name and numbering.

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

3E.8 Assistant Director – Recreation & Culture

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

Statutory Provision	Brief Description
Any reference in pre 1972 legislation to the medical officer of health or public health inspector, which, by virtue of the Local Government Act 1972, is to be construed as a Proper Officer	
Health and Safety at Work Act 1974	Duty to comply on leisure sites
Civil Contingencies Act 2004	Emergency Planning

b) Manage the Council's parks and open spaces and horticultural services

c) Manage allotments.

d) Manage cemeteries.

e) Subject to the agreement of the Highway Authority, enter into licenses to cultivate land under S.142 Highways Act 1980.

f) Authorise the use of Council controlled water for one-off angling events for children's competition practice sessions.

g) In consultation with the Assistant Director of Planning, settle terms for agreements to acquire open space, amenity, play or recreation areas in new developments and negotiate S.106 agreements in connection with Parks & Leisure.

h) Conclude agreements made pursuant to the Code of Practice for Members and officers on boards of voluntary organisations.

i) Be a duty holder for the purposes of the Control of Asbestos Regulations 2012.

j) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.

k) In Consultation with the relevant Portfolio Holder, manage the arrangements in connection with the managements of the Council's Leisure Centres and the related activities undertaken by any contractor appointed.

l) Enter into arrangements for the letting and/or use by organisations or individuals of leisure facilities provided by the Council, in accordance with the Policy of the Council.

m) In consultation with the relevant Portfolio Holder amend Arts Grant criteria if appropriate.

n) Manage the Museums in accordance with any associated Policies.

o) Accept or reject potential gifts or bequests to the Museum and Art Gallery.

p) Solicit gifts of historical or artistic material for the Collections within the terms of the Nuneaton Museum and Art Gallery Acquisition and Disposal Policy.

q) Make recommendations and take all necessary action on the purchase of historical or artistic material and pictures, in accordance with the Council's financial and contract procedures.

r) Accept items on loan for finite period for display or specific study.

s) Hold premises licences for Council property in connection with any functions assigned.

t) Undertake all functions relating to amenity lighting.

u) Undertake all functions relating to land drainage.

v) Enter into arrangements for the letting and/or use by organisations or individuals of parks and open spaces provided by the Council, in accordance with the Policy of the Council.

w) Exercise functions under any Agency agreement with Warwickshire County Council

x) Enter into arrangements for the provision of entertainments, in accordance with the Policy of the Council.

y) Arrange bookings or limited exhibitions and other events in Town Centre pedestrianised areas.

z) Manage and undertake the Council's duties under the Civil Contingencies Act 2004.

aa) Take appropriate action in relation to emergencies and to produce and update the Council's Emergency Plan and Business Continuity Plan, all powers under Section 138 of the Local Government Act 1972 and all relevant legislation.

3E.10 Assistant Director – Assets & Compliance

a) Proper officer, appointed officer or inspector in respect of the following statutory provisions or regulations made under them.

Statutory Provision	
The Prevention of Social Housing Fraud Act 2013	Investigation and Prosecution of housing fraud
The Prevention of Social Housing Fraud (Power to Require Information) Regs 2014	Investigation of housing fraud
The Anti-Social Behaviour, Crime and Policing Act 2014	Investigation and enforcement against anti-social behaviour and related powers
Homeless Reduction Act 2017	
Housing Acts 1985 and 1996	Management of Council owned property for rent
Ss.25 and 26 Local Government (Miscellaneous Provisions) Act 1976	Any steps concerning dangerous excavations
Highways Act 1980	Various District Council functions

b) Exercise any power of a Local Authority relating to Housing services under the following statutes or regulations or byelaws made (now or in the future) under them:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Care Act 2014 (as delegated from WCC)
- Construction Design and Management Regulations 2015
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Energy Act 2011
- Enterprise and Reform Act 2013
- Land Compensation Act 1973
- Housing Acts 1985, 1988 1996 & 2004
- Housing & Regeneration Act 2008
- Housing (Consequential Provisions) Act 1985
- Housing Grants Construction and Regeneration Act 1996
- Housing and Planning Act 2016

- Infrastructure Act 2015
- Land compensation Act 1973
- Landlord and Tenant Act 1985
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 & 1982
- Home Safety Act 1961
- Home Energy Conservation Act 1995
- The Homeless Reduction Act 2017
- Housing (Consequential Provisions) Act 1985
- Landlord and Tenant Act 1985
- Mobile Homes Act 1983
- Mobile Homes Act 2013
- National Assistance Act 1948
- Police, Crime, Sentencing and Courts Act 2022
- Prevention of Damage by Pests Act 1949
- Prevention of Social Housing Fraud Act 2013
- Protection From Eviction Act 1977
- Regulatory Reform Act 2001
- Renters' Rights Act 2015
- Social Housing (Regulation) Act 2023/Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.
-

- Water Industries Act 1991
- Health and Safety at Work Act 1974
- Equality Act
- Regulatory Reform (Fire) Order 2005
- Control of Asbestos regulations 2006.

c) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector
d) Take all necessary action to implement the Council's Planned Maintenance and Major Improvement Programmes to all dwellings, shops and garages provided under the Housing Act powers.
e) All Property Management steps in respect of the Council's land and buildings and related transactions in accordance with any relevant Council Policy, and the Council's Budget and Policy framework including:

    i. Renew plant, equipment and vehicles within the budget provision, and dispose of items being so renewed.
    ii. Taking all actions necessary to implement the Council's Planned and Reactive Maintenance Programme including to corporate operational and non-operational buildings, including car parks and the Bus Station.

f) Take all necessary action to implement the Council's reactive maintenance functions to all dwellings, shops, and garages provided under Housing Act powers.

g) Assess grants within the terms of and up to a maximum approved by the Policy decisions of the Council.

h) Take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Consultation.

i) Be duty holder for the purposes of the Control of Asbestos Regulations 2012.

j) Exercise all management aspects regarding dwellings, shops and other accommodation and garages provided under Housing Act powers, and other dwellings owned or formerly owned by the Council save that eviction of any resident shall be made in consultation with the relevant Portfolio Holder.

k) Arrange for the valuation of properties pursuant to the Right to Buy and the issuing of offers.

l) Take all steps regarding the right to buy including anything to achieve the targets set by the Secretary of State.

m) Settle the terms of nomination agreements with housing associations.

n) To authorise proceedings for possession of Council owned property and recovery of rent arrears under the Housing Act powers.

o) Undertake all facilities management activities for Council office buildings.

3E.11 Assistant Director – Housing Services

a) Proper officer, appointed officer or inspector in respect of the following statutory provisions or regulations made under them.

Statutory Provision	
Housing Grants Construction and Regeneration Act 1996	Home Improvement Grants
Public Health (Control of Disease) Act 1984	Filthy & Verminous premises
Public Health Acts 1936 and 1961	Filthy & Verminous premises
Prevention of Damage by Pests Act 1949	Filthy & Verminous premises
Environmental Protection Act 1990	Statutory Nuisance
Housing Act 2004	Enforcement of fitness standards
Homeless Reduction Act 2017	
Ss.25 and 26 Local Government (Miscellaneous Provisions) Act 1976	Any steps concerning dangerous excavations
Highways Act 1980	Various District Council functions
The Prevention of Social Housing Fraud Act 2013	Investigation and Prosecution of housing fraud
The Prevention of Social Housing Fraud (Power to Require Information) Regs 2014	Investigation of housing fraud
The Anti-Social Behaviour, Crime and Policing Act 2014	Investigation and enforcement against anti-social behaviour and related powers
Housing Acts 1985 and 1996	Management of Council owned property for rent

b) Exercise any power of a Local Authority relating to Housing services under the following statutes or regulations or byelaws made (now or in the future) under them:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Act 1984
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Care Act 2014 (as delegated from WCC)
- Construction Design and Management Regulations 2015
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Energy Act 2011
- Enterprise and Reform Act 2013
- Land Compensation Act 1973
- Housing Acts 1985, 1988 1996 & 2004
- Housing & Regeneration Act 2008
- Housing (Consequential Provisions) Act 1985
- Housing Grants Construction and Regeneration Act 1996
- Housing and Planning Act 2016
- Infrastructure Act 2015
- Land compensation Act 1973
- Landlord and Tenant Act 1985
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 & 1982
- Home Safety Act 1961
- Home Energy Conservation Act 1995
- The Homeless Reduction Act 2017
- Housing (Consequential Provisions) Act 1985
- Landlord and Tenant Act 1985
- Mobile Homes Act 1983
- Mobile Homes Act 2013
- National Assistance Act 1948
- Police, Crime, Sentencing and Courts Act 2022
- Prevention of Damage by Pests Act 1949
- Prevention of Social Housing Fraud Act 2013
- Protection From Eviction Act 1977
- Regulatory Reform Act 2001
- Renters' Rights Act 2015
- Social Housing (Regulation) Act 2023/Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.

- Water Industries Act 1991
- Health and Safety at Work Act 1974

- Equality Act
- Regulatory Reform (Fire) Order 2005
- Control of Asbestos regulations 2006.

c) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.

d) Assess grants within the terms of and up to a maximum approved by the Policy decisions of the Council.

e) Take all actions and make all decisions not reserved to the Council relating to the Council's functions in respect of Consultation.

f) Settle the terms of nomination agreements with housing associations.

g) In consultation with the relevant Portfolio Holder, make temporary accommodation available to refugees or asylum seekers

h) Deal with functions relating to Home Environment Assessment and Response Team Partnership Agreement.

i) Waive licence conditions regarding clear boundary space at mobile home sites subject to consultation with the Fire Officer.

j) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.

k) Take relevant court action to deal with anti-social behaviour (having previously informed Ward Members).

l) Consult with and respond to requests for consultation from Warwickshire Police and other organisations to act as a consultee in relation to applications for Criminal Behaviour Orders, Closure Orders, Dispersal Orders or other relevant specific items included in the ASB, Crime and Policing Act.

m) Authority to take action relevant to their service under the Anti-social Behaviour, Crime and Policing Act 2014.

n) In consultation with the relevant Portfolio Holder, make temporary accommodation available to refugees or asylum seekers

3E.12 Solicitor to the Council

a) Act for any officer of the Council in proceedings before a court or a tribunal relating to the officer's role for the Council.

b) Institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to a decision of the Council or in any case where he/she considers that such action is necessary to protect the Council's interests.

c) Sign any document necessary to any legal procedure or proceedings on behalf of the Council, unless any enactment otherwise authorises or requires.

d) Keep in safe custody the Common Seal of the Council, and affix and attest the Common Seal to those documents, which in his/her opinion should be sealed.

e) Be the designated co-ordinator responsible for making the necessary arrangements for monitoring all authorisations signed on behalf of the Council pursuant to the Regulation of Investigatory Powers Act 2000.

f) Take any enforcement action, including any application to a court or tribunal, in respect of powers delegated to him/her or in respect of functions for which he/she is a proper officer, appointed officer or inspector.

g) Proper officer, appointed officer or inspector in respect of the following statutory provisions.

Statutory Provision	Brief Description
Solicitor to the Council and Clerk to the Benefit Review Boards	Solicitor to the Council and Clerk to the Benefit Review Boards

3E.13 The Proper Officer for Health

Exercise any power of the Local Authority under the following statutory provisions or pursuant to regulations made (now or in the future) under them.

Public Health (Control of Diseases) Act 1984 and in any subordinate regulations or orders National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951, S.47	Consultant for Communicable Disease Control for Nuneaton and Bedworth as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency and any equivalently medically deputising officer, also as designated by the Public Health England West Midlands (East) Health Protection Unit or by any successor agency



Rules of Procedure

CONSTITUTION

Part 4

Part 4 - RULES OF PROCEDURE

4A – COUNCIL PROCEDURE RULES

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4A1. **ANNUAL MEETING OF THE COUNCIL**

4.1.1 **Timing and Business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the Annual Meeting will take place in May.

The Annual Meeting will:

(i) elect a person to preside if the Mayor is not present;

(ii) elect the Chair of Council (to be styled "Mayor") for the forthcoming municipal year;

(iii) elect the vice Chair of Council (to be styled "Deputy Mayor") for the forthcoming municipal year;

(iv) approve the accuracy of the minutes of the last meeting;

(v) receive any declarations of interests from Members;

(vi) receive any announcements from the Mayor or Head of Paid Service;

(vii) receive the Returning Officer's report, if appropriate

(viii) elect the Leader;

(ix) note the number of Members in the Cabinet and the Members appointed to it;

(x) decide the allocation of seats to political groups in accordance with the political balance rules;

(xi) agree the number of Members on the Overview & Scrutiny Panels, the Audit and Standards Committee and the regulatory Committees, appoint Members to them and select the Chairs and Vice Chairs;

(xii) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of the Constitution);

(xiii) consider any business set out in the notice convening the meeting; and

(xiv) receive nominations of Members to serve on outside bodies, and appoint to those outside bodies.

4A.2 **ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:

(i) elect a person to preside if the Mayor and Deputy Mayor are not present;

(ii) approve the accuracy of the minutes of the last meeting;

(iii) receive any declarations of interest from Councillors;

(iv) receive any announcements from the Mayor, Leader, and Members of the Cabinet or the Head of Paid Service;

(v) provide answers to questions, and permit the making of statements from the public submitted in accordance with paragraph 4A.9;

(vi) provide answers to questions from Councillors submitted in accordance with paragraph 4A.10

(vii) consider any decisions taken urgently and not subject to call in (see Access to Information Procedural Rule 17.3);

(viii) deal with any business from the last Council meeting;

(ix) receive reports from the Cabinet and if appropriate the Council's Committees (as determined by the Chair of the relevant Committee) and receive questions and answers on any of those reports;

(x) receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;

(xi) consider motions; and

(xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview & Scrutiny Panels for debate (see Overview & Scrutiny Panel Procedural Rule 8(b)).

4A.3 **EXTRAORDINARY MEETINGS**

4.3.1 **Calling Extraordinary Meetings**

The Head of Paid Service shall call an Extraordinary Council Meeting within ten working days if requested by:

(i) the Council by resolution;

(ii) the Mayor of the Council;

(iii) the Monitoring Officer;

(iv) any five Members of the Council if they have signed a requisition presented to the Head of Paid Service; or

(v) on any matter requiring an urgent decision of Council, the Head of Paid Service.

In the case of (i) to (iv) above, such request shall state the reason for calling the meeting and set out the proposed decision that is sought. Subject to complying with the above requirements, the Head of Paid Service shall ensure that the necessary notices and summonses are published and sent and in the case of (v) above, the summons shall state the substance of the urgent item and the decision sought.

4.3.2 **Business**

The business to be conducted at an Extraordinary Meeting shall be restricted to consideration of the business to be transacted specified by the Council, individual or Member further to paragraph 4.3.1 above, and will be subject to the normal rules of debate set in paragraph 4A.13.

4A.4 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Paid Service and notified in the summons.

4A.5 NOTICE OF AND SUMMONS TO MEETINGS

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Paid Service will send a summons signed by him or her by electronic mail to every Member of the Council or by post, or by leaving it at their usual place of residence. The summons will give the date, time and place of each meeting, and specify the business to be transacted, and will be accompanied by such reports as are available.

4A.6 CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee meetings, references to the Mayor also include the Chair of Committees.

4A.7 QUORUM

The quorum of a meeting will be nine Councillors. During any meeting, if the Mayor counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

4A.8 DURATION OF MEETING

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. If the only remaining business relates to Members' questions, they shall be dealt with in writing and the questions and responses will be minuted. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting,

4A.9 PUBLIC PARTICIPATION

4.9.1 General

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

4.9.2 Notice of Questions and Statements

No such question shall be asked, or statement made, unless it shall have been delivered in writing to the Head of Paid Service no later than 12 noon 2 working days before the meeting of the Council.

4.9.3 Scope of Questions and Statements

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

a) is not about a matter for which the Council has a responsibility or which doesn't affect the Borough;

b) is defamatory, frivolous or offensive;

c) is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months;

d) requires or involves the disclosure of confidential or exempt information; or

e) It is not a question nor a statement, as provided for in these Procedure Rules.

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

4.9.5 **Time Limit and Number of Questions**

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

4.9.6 **Record of Questions and Statements**

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

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

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

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

4A.10 **QUESTIONS BY COUNCILLORS**

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

4.10.2 **Questions on Notice at Full Council**

At each meeting a Member of the Council may ask no more than one question (but see 4.10.3(b) below) on any matter in relation to which the

Council has powers or duties, or which affects the Borough. A Member may choose to ask their permitted question of either:

- a Member of the Cabinet; or

- the Chair of any Committee, Panel or Sub-Committee

4.10.3 No such question under paragraph 4.10.2 shall be asked unless:
(a) the question has been delivered in writing to the Head of Paid Service and Leader before 12 noon 2 working days before the meeting of the Council; or
(b) where the question relates to urgent matters, they have the consent of the Mayor or the Leader of the Council or the Portfolio Holder to whom the question is to be put or in the case of a Committee, Panel or Sub-Committee, the Chair, and the content of the question is given to the Head of Paid Service at least three hours before the time that the meeting is due to start.

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

4.10.5 **Response**

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

4.10.6 **Request to Speak on the Matter**

(a) Arising from the question, and the response or supplementary response given, any other member of the Council may request to move a motion in connection with the response under consideration and, if seconded, speak on the item. The Rules of Debate as set out in Council Procedure Rule 13 shall apply (as modified below) and the responder to the original question shall have the right of reply at the end of the debate.

(b) Any debate on a question shall be limited to no more than 15 minutes (excluding the right of reply) and each member shall be limited to speaking for no more than three minutes each.

(c) Notwithstanding the provisions of (b) above, the maximum time for Members' questions shall not normally exceed 45 minutes, and the Mayor shall have discretion to limit the debate on questions as he or she shall see fit.

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

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

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

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

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

4A.11 **MOTIONS ON NOTICE**

4.11.1 **Notice**

Except for motions, which can be moved without notice under Rule 12, written notice of every motion, signed by at least one Councillor and seconded by another Councillor, must be delivered to the Head of Paid Service not later than noon at least eight working days before the date of the meeting. These will be entered in a book open to public inspection.

4.11.2 **Motion Set Out in the Agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting, or withdraw it.

4.11.3 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

4.11.4 The Head of Paid Service may reject a motion if in his or her opinion it:

a) is not about a matter for which the Local Authority has a responsibility, or which affects the Borough;

b) is defamatory, frivolous or offensive;

c) is substantially the same as a motion which has been put at a meeting of the Council in the past six months; or

d) requires the disclosure of confidential or exempt information.

4.11.5 a) A motion shall only be moved by the Member who has first signed the Notice, or by any other signatory to the motion authorised by that Member and notified to the Head of Paid Service not later than the commencement of the meeting.

b) Any other signatory to the notice of motion may second the motion.

4A.12 **MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

(a) to appoint a Chair of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a Committee or Member arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of Cabinet, Panels, Committees or officers, and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question/motion be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) that the meeting continue beyond three hours in duration;

(n) to suspend a particular Council procedure rule;

(o) to exclude the public and press in accordance with the Access to Information Rules;

(p) to not hear further a Councillor named under rule 4.19.3 or to exclude them from the meeting under rule 4.19.4; and

(q) to give the consent of the Council where its consent is required by the Constitution.

(r) to extend the time limits for speeches.

4A.13 RULES OF DEBATE

4.13.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

4.13.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

4.13.3Seconder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

4.13.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The Mayor may stop a Member from speaking if they deviate from the question under discussion and, if the Member refuses to comply with the Mayor's request, then the Mayor may move that the Councillor not be heard further pursuant to Procedure Rule 4.19.3. Subject to any motion under paragraph 12, the mover and seconder of a motion must limit their speech to no longer than five minutes. Any other speech must not exceed five minutes unless Council has agreed to a motion under paragraph 12, or the Mayor has given consent.

4.13.5 When a Councillor may Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on an amendment moved by another Member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) Where they have not spoken other than to move an amendment to a motion, then that member may, if their amendment is lost, speak on the original substantive motion;

(e) in exercise of a right of reply;

(f) on a point of order; ang

(g) by way of personal explanation.

4.13.6 **Amendments to Motions**

(a) An amendment to a motion must be relevant to the motion and will either be:

i to refer the matter to an appropriate body or individual for consideration or reconsideration;

ii to leave out words;

iii to leave out words and add others; or

iv to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.13.7 **Alteration of Motion**

(a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

4.13.8 **Withdrawal of Motion**

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

4.13.9 **Right of Reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

4.13.10 **Motions Which May be Moved During Debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) that the meeting continue beyond three hours in duration;

(h) to exclude the public and press in accordance with the Access to Information Rules; and

(i) to not hear further a Member named under Rule 4.19.3 or to exclude them from the meeting under Rule 4.19.4.

4.13.11 **Closure motions**

(a) A member may move, without comment, the following motions at the end of a speech of another Member:

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed (which shall be minuted), he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the closure motion is carried, the substantive motion under consideration and any proposed amendment to that substantive motion shall lapse.

(c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, (which shall be minuted), he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion or the amended motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has been sufficiently discussed, (which shall be minuted), he or she may refuse to accept the closure motions and shall instead move from the Chair a motion “that the question be now put” as at paragraphs 4.13.11(a)(ii) above. Subject to that motion being seconded, paragraph 4.13.11(c) shall apply, and the motion dealt with accordingly.

(ii) If the Mayor is of the opinion that the substantive motion has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, (which shall be minuted), he/she will

put the procedural motion to the vote without giving the owner of the substantive motion the right to reply. The motion (if the debate is adjourned) or the remaining business (if the meeting is adjourned) shall then stand over as uncompleted business to the next meeting.

4.13.12**Point of Order**

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

4.13.13**Personal Explanation**

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

4A.14 **PREVIOUS DECISIONS AND MOTIONS**

4.14.1 **Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members.

4.14.2 **Motion Similar to One Previously Rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4A.15 **VOTING**

4.15.1 **Majority**

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

4.15.2 **Chair's Casting Vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

4.15.3 **Show of Hands**

Unless a recorded vote is demanded under Rule 15.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4.15.4 **Recorded Vote**

(a) In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, at any budget decision meeting there shall be recorded in writing and entered into the minutes the names for and against a motion or amendment or abstention from voting with respect to a budget decision as defined within the above-mentioned Regulations; and

(b) In all other cases where a recorded vote is demanded at a meeting, the names for and against the substantive motion or amendment or abstention will be recorded in writing and entered into the minutes. A demand for a recorded vote will be shown by at least three Members standing to show their support.

4.15.5 **Right to Require Individual Vote to be Recorded**

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.15.6 **Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4A.16 **MINUTES**

4.16.1 **Signing the Minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

4.16.2 **No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

4.16.3 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

4A.17 RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

4A.18 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in part 4 of the Constitution or Rule 20 (Disturbance by Public).

4A.19 COUNCILLORS' CONDUCT

4.19.1 **Standing to Speak**

When a Member speaks at Full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

4.19.2 **Mayor Standing**

When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

4.19.3 **Councillor Not to be Heard Further**

If a Member persistently disregards or challenges the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move "that Member [name] be not heard further". If seconded, the motion will be voted on without discussion. If the motion is carried, the named Member may not speak further at the meeting.

4.19.4 **Councillor to Leave the Meeting**

If the Member having been silenced pursuant to CPR 4.19.3 continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.19.5 **General Disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

4A.20 DISTURBANCE BY PUBLIC

4.20.1 **Removal of a Member of the Public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

4.20.2 **Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

4.20.3 If proceedings are interrupted by one or more members of the public or paragraph 20.2 applies, the Mayor may adjourn the meeting for so long as he or she thinks necessary.

4A.21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

4.21.1 **Suspension**

All of these Council Rules Of Procedure except paragraphs 1 (Annual Meeting of the Council); 3 (Extraordinary Meetings) 4 (Time and Place of Meetings); 5 (Notice of and Summons to Meetings); 6 (Chair of Meetings; 7 (Quorum); 12(o) (Access to Information Rules); 16 (Voting) and 17 (Minutes) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

4.21.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will when proposed and seconded, stand adjourned without discussion to the next Ordinary Meeting of the Council.

4A.22 APPLICATION TO COMMITTEES AND PANELS

4.22.1 Unless stated elsewhere in this Constitution, all of the Council Rules Of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet. Only rules 4–8, 10–13, 15–23 (but not Rule 20.1), and 24 apply to meetings of Committees, Panels and Sub-Committees save that, unless stated elsewhere in this Constitution, the quorum for each Committee shall be one third of its Councillorship rounded up to a whole number.

4. 22.2 At Cabinet, Committee or Panel meetings any member of the public (including a Councillor) who has notified the Chair of their intention to speak on an item on the agenda for that meeting may address the Committee for a maximum of three minutes. The Chair may decide at what stage such a person may speak (provided it is before the Committee has dealt with the item in question) and, if there is more than one speaker, the order in which persons shall address the Committee.

4A.23 APPOINTMENT OF SUBSTITUTES

4.23.1 Allocation

Subject to any existing restriction on attendance at any particular meeting, members of any Overview & Scrutiny Panel will be entitled to nominate a substitute, from a Member of their own group, to attend a particular meeting in their place if they are unable to attend the meeting.

Members of any Licensing Sub-Committee will be entitled to nominate a substitute, from any Member who also sits on the Licensing Committee, to attend a particular meeting in their place if they are unable to attend the meeting.

Subject to any existing restriction on attendance at any particular meeting, members of any Regulatory Committee will be entitled to nominate a substitute, from a Member of their own group, to attend a particular meeting in their place if they are unable to attend the meeting. A Regulatory Committee is any Committee established by Article 8 of this Constitution.

Subject to any existing restriction on attendance at any particular meeting, members of the Audit and Standards Committee will be entitled to nominate a substitute, from a Member of their own group, to attend a particular meeting in their place if they are unable to attend the meeting.

4.23.2 Powers and Duties

Substitute Members will have all the powers and duties of any ordinary Member but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

4.23.3 **Substitution**

Subject to 23.4, substitute Members may attend meetings in that capacity only:

a) to take the place of the ordinary Member for whom they are the substitute;

b) where the ordinary Member will be absent for the whole of the meeting;

c) if, in the case of a Regulatory Committee or the Audit and Standards Committee, they have attended appropriate training in connection with the work of that Committee within the preceding 2 years of the date of the meeting; and

d) after notifying the Head of Paid Service in writing, any time up to one hour before the time stated for the meeting to commence, of the intended substitution.

4.23.4 Upon receipt of the notification referred to in 4.23.3 (c) above, the Head of Paid Service shall consider whether to approve the appointment or not and, in the event that the nomination is not approved, must notify both the Member and the substitute before the meeting is due to commence.

4A24. **Disclosable Pecuniary Interest**

4.24.1 Any Member or co-opted Member attending a meeting where a matter arises in which he/she has a Disclosable Pecuniary Interest or deemed Disclosable Pecuniary Interest as defined in the Council's Member Code of Conduct (unless s/he has a dispensation from the Audit and Standards Committee with respect to that Interest permitting them to speak or vote) must leave the meeting room until the matter has been concluded and must not participate in any discussion on that item.

4B ACCESS TO INFORMATION PROCEDURE RULES

4B.1 SCOPE

These rules apply to all meetings of the Full Council, Overview & Scrutiny Panels, Area Committees (if any), the Audit and Standards Committee and regulatory Committees and meetings of the Cabinet Single Member Decisions (together called meetings).

4B.2 ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

4B.3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4B.4 NOTICES OF MEETING

Subject to 4.4.1 below the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Town Hall, Nuneaton. All Members of the Council will be sent notice of the meeting five clear days before it takes place.

4.4.1 Where, in a case of urgency, any meeting is called on less than five clear days' notice, details will be posted at the Town Hall and the Civic Hall, and Members notified as soon as practicable after the meeting is called.

4B.5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to Members.

4B.6 SUPPLY OF COPIES

4.6.1 The Council will supply copies of:

a) any agenda and reports which are open to public inspection;

b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

c) if the proper officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

4B.7 ACCESS TO MINUTES ETC. AFTER THE MEETING

4.7.1 The Council will make available copies of the following for six years after a meeting:

a) the minutes of the meeting;

b) the agenda for the meeting; and

c) reports relating to items when the meeting was open to the public.

4B.8 BACKGROUND PAPERS

4.8.1 List of Background Papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

a) discloses any facts or matters on which the report or an important part of the report is based; and

b) which have been relied on to a material extent in preparing the report but does not include

i. published works;

ii. those which disclose exempt or confidential information (as defined in Rule 10);

iii. in respect of Cabinet reports, the advice of a political advisor.

4.8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

4B.9 SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept available to the public at the Town Hall, Nuneaton.

4B.10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

4.10.1 Confidential Information – Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information given to the Council by a Government department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

4.10.2 Exempt Information – Discretion to Exclude Public

a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed (see table in 4.10.3. below).

b) Executive Decisions: Exempt Information

The public may be excluded from meetings where executive decisions are to be taken whenever it is likely in view of the nature of the business to be transacted that exempt information would be disclosed (see 4.10.3 below) and the following has occurred:-

i. The business is included in the relevant Forward Plan with the reasons stated as to why the matter is exempt

ii. at least five clear days before the decision is taken a Notice is published confirming the intention to hold the meeting in private, including:-

1. a statement of the reasons for the private meeting (or that part of the meeting)
2. details of any representations received by the decision-maker about why the meeting should be held in public; and
3. a statement from the decision-maker in response to 2. above

c) Urgent Executive Decisions: Exempt Information

i. If compliance with 4.10.2 alone cannot be achieved due to the urgency of the business, the business can only be transacted in private where the decision-maker has obtained the agreement from the Chair of the relevant Overview & Scrutiny Panel or, if that person does not exist or is unable to act, the Mayor or, if there is not Mayor, the Deputy Mayor, that the meeting is urgent and cannot reasonably be deferred.

ii. As soon as practicable after obtaining agreement in 4.10.2 (c)i) above, the decision-maker must publish a Notice setting out the reasons for urgency and why the meeting cannot be deferred.

d) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

4.10.3 **Meaning of Exempt Information**

a) Exempt information means information falling within the following categories in Part 1 below (subject to any qualification in Part 2).

PART 1:
Descriptions of Exempt Information: England

i. Information relating to any individual.

ii. Information which is likely to reveal the identity of an individual.

iii. Information relating to the financial or business affairs of any particular person (including the Authority holding that information).

iv. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority.

v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

vi. Information which reveals that the Authority proposes:-

1. to give under any enactment a Notice under or by virtue of which requirements are imposed on a person; or

2. to make an Order or direction under any enactment.

vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

PART 2: QUALIFICATIONS: ENGLAND

i. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:-

1. the Companies Act 1985
2. the Friendly Societies Act 1974
3. the Friendly Societies Act 1992
4. the Industrial and Provident Societies Acts 1965 to 1978
5. the Building Societies Act 1986 or
6. the Charities Act 1993.

ii. Information is not exempt information if it relates to proposed development for which the local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and County Planning Regulations 1992.

iii. Information which:-

1. falls within any paragraphs 1 to 7 above ; and

2. is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4B.11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

4B.12 APPLICATION OF RULES TO THE CABINET

4.12.1 Rules 1 – 11 apply to the Cabinet. If the Cabinet meets to take a Key Decision then it must also comply with Rules 13 – 21 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Article 12.3 of this Constitution.

4.12.2 If the Cabinet meets

i. to discuss a Key Decision to be taken collectively

ii.with an officer other than a political assistant present

iii. within 28 days of the date according to the Forward Plan by which it is to be decided,

then it must also comply with Rules 1 – 11, unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A Key Decision is as defined in Article 12.3 of this Constitution.

4B.13 PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a Key Decision may not be taken unless:

a) a Notice (called here a Forward Plan) has been published in connection with the matter in question;

b) at least 28 clear days have elapsed since the publication of the Forward Plan; and

c) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

4B.14 THE FORWARD PLAN

4.14.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding Plan.

4.14.2 Contents of the Forward Plan

a) The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a Key Decision or an exempt item to be taken during the period covered by the Plan. It could be a Key Decision to be taken by the Cabinet, individual Members of the Cabinet, officers, Area Committees or under joint arrangements. The Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:

i. the matter in respect of which a decision is to be made;

ii. where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;

iii. the date on which, or the period within which, the decision will be taken;

iv. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

v. the means by which any such consultation is proposed to be undertaken;

vi. the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

vii. a list of the documents submitted to the decision taker for consideration in relation to the matter.

viii. whether the matter is to be considered in private session together with reasons for the privacy and inviting representations from the public as to why that matter should be considered in public

b) The Forward Plan must be published at least 28 clear days before the start of the period covered. The proper officer will publish once a year a Notice in at least one newspaper circulating in the area, stating:

i. that Key Decisions are to be taken on behalf of the Council;

ii. that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;

iii. that the Plan will contain details of the Key Decisions to be made for the four month period following its publication;

iv. that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;

v. that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Plan;

vi. the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;

vii. that other documents may be submitted to decision takers;

viii. the procedure for requesting details of documents (if any) as they become available; and

ix. the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

4B.15 GENERAL EXCEPTION

If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 4B.16 (special urgency), the decision may still be taken if:

a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;

b) the proper officer has informed the Chair of a relevant Overview & Scrutiny Panel, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;

c) the proper officer has made copies of that notice available to the public at the offices of the Council; and

d) at least five clear days have elapsed since the proper officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

4B.16 SPECIAL URGENCY

4.16.1 If a decision is so urgently required that Rule 15 (general exception) cannot be followed, then the decision can be taken in the following circumstances. The individual decision taker, or the Chair of the body making the decision, must obtain the agreement of the Chair of a relevant Overview & Scrutiny Panel that the taking of the decision cannot reasonably be deferred. If there is no Chair of a relevant Overview & Scrutiny Panel, or if the Chair of each relevant Overview & Scrutiny Panel is unable to act, then the agreement of the Mayor or in the Mayor's absence, the Deputy Mayor, will suffice.

4.16.2 As soon as possible after the agreement has been obtained under paragraph 11.1 above, the decision-maker must publish a Notice setting out the reasons that the matter is urgent and cannot be deferred

4B.17 REPORT TO COUNCIL

4.17.1 When an Overview & Scrutiny Panel Can Require a Report

If an Overview & Scrutiny Panel thinks that a Key Decision has been taken which was not:

a) included in the Forward Plan; or

b) the subject of the general exception procedure; or

c) the subject of an agreement with a relevant Overview & Scrutiny Panel Chair, or the Chairman/vice Chairman of the Council under Rule 16;

the Panel may require the Cabinet to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the proper officer, who shall require such a report on behalf of the Panel when so requested by (the Chairman or any five Members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview & Scrutiny Panel.

4.17.2 **Cabinet's Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written Notice, or the resolution of the Panel, then the report may be submitted to the meeting after that. The report to Council will summarise the main reports considered by earlier Cabinet meetings and if appropriate individual Cabinet Members, and the decisions made. A summary of all Key Decisions will be included.

4.17.3 **Quarterly Reports on Special Urgency Decisions**

In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

4B.18 RECORD OF DECISIONS

After any meeting of the Cabinet, whether held in public or private, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

4B.19 CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

Meetings relating to matters which are not Key Decisions will be held in public save that consideration of confidential or exempt items may be held in private.

4B.20 DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

4.20.1 Reports Intended to be Taken Into Account

Where an individual Member of the Cabinet receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least five clear days after receipt of that report.

4.20.2 Provision of Copies of Reports to Overview & Scrutiny Panels

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview & Scrutiny Panel as soon as reasonably practicable, and make it publicly available at the same time.

4.20.3 Record of an Individual Decision

As soon as reasonably practicable after an Executive Decision has been taken by an individual Member of the Cabinet or a Key Decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare:

a) a record of the Decision,

b) a statement of the reasons for it, and

c) any alternative options considered and rejected.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

4B.21 ACCESS TO DOCUMENTS BY MEMBERS

4.21.1 Rights to Copies

Subject to Rule 4.21.2 below, any Member will be entitled to copies of any document which contains material relating to

a) any business transacted at a private meeting of the Cabinet

b) any decision taken by an individual Member of the Cabinet.

c) any decision made by an officer in accordance with executive arrangements once the decision has been made and within 24 hours of that decision.

4.21.2 **Limit on Rights**

Members will not be entitled to:

a) any document that is in draft form;

b) any part of a document that contains exempt or confidential information, unless that information relative to an action or decision pursuant to paragraph 4B. 4.10.3(a).vi of this Constitution or paragraph 4B.10.3.1.3 of this Constitution with exception of where a contract is being or is to be negotiated; or

c) the advice of a political adviser.

4B.22 OVERVIEW & SCRUTINY PANELS ACCESS TO DOCUMENTS

4.22.1 **Rights to Copies**

Subject to rule 4.22.2 below, any member of an Overview & Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to

a) any business transacted at a meeting of the Cabinet

b) any decision taken by an individual Member of the Cabinet.

c) any decision taken by an officer in accordance with Executive arrangements

4.22.2 **Limit on Rights**

An Overview & Scrutiny Panel will not be entitled to:

a) any document that is in draft form;

b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

c) the advice of a political adviser.

4.22.3 **Disclosure**

Where a request is made pursuant to 4.22.1 above, the Cabinet must provide that document as soon as possible and in any case no later than ten clear days after the request is received.

4B.23 RECORDING, FILMING, PHOTOGRAPHING AND BROADCASTING NUNEATON & BEDWORTH BOROUGH COUNCIL MEETINGS

4.23.1 General

Nuneaton & Bedworth Borough Council is committed to good governance, and to open and transparent decision making. The Council welcomes the attendance of the press and public at all of its meetings, whilst they are open to the public. The Council has also introduced a right for the public to speak at its meetings, including on Planning Applications being considered by the Planning Applications Committee.

This Policy provides guidance to the public and press on the use of mobile phones, social media (use of web-based technologies to share information and to interact with online communities, e.g. blogs, Twitter, Facebook, YouTube and SMS text messaging), filming, photographing, recording and broadcasting of Council Committee meetings. The Policy also relates to the Council and any Councillor who wishes to film, photograph or otherwise record Council meetings.

4.23.2 Who May Attend Council Meetings To Record Them?

The press or public may attend any Council meeting whilst that meeting is in open session. They may record, film, photograph and broadcast the proceedings of any of these meetings.

The “press” is widely defined and includes citizen journalists, bloggers, social commentators and people wishing to film proceedings, as well as more traditional print media. There is no requirement for accreditation.

4.23.3 What Facilities are Available to the Public and Press under this Policy?

The Council will make “reasonable” facilities available to assist anyone wishing to record, film, photograph or broadcast proceedings of its meetings. This will include providing a table at each meeting for use by the press to assist with taking their reports.

The Council will also designate an area in the public gallery, typically the front row, for use by anyone wishing to record, film, photograph or broadcast proceedings. The Council will not provide any additional kit or equipment to enable the recording, filming, photographing or broadcasting of proceedings. Nor will the Council facilitate additional internet access.

4.23.4 What can be Recorded, Filmed, Photographed or Broadcast?

Any Council meeting may be recorded, filmed, photographed or broadcast, whilst these meetings are in public session only. However any such activity, broadcast, commentary or expression of views is subject to

the UK legislation, including the laws of defamation, public order, data protection and human rights.

4.23.5 **What Restrictions are there on Recording, Filming, Photographing or Broadcasting**?

(a) Meetings during which the presence of the press and public are excluded: The public and the press may be excluded, by resolution, from a meeting, where the transaction of business on the agenda is likely to involve the disclosure of confidential information.

Where it is resolved to exclude the press and public then all rights to film, record, photograph or broadcast the meeting are rescinded, and recording equipment used for the purpose of reporting the meeting must be removed from the meeting while the meeting is in closed session.

(b) Members of the public attending the meeting who do not wish to be recorded, filmed, photographed or broadcast.

A separate area in the public gallery has been designated for people who do not wish to be filmed, photographed, recorded, or appear in any broadcast. This area will typically be towards the rear of the public gallery.

Persons who film, photograph, record, or broadcast meetings are required to only focus on Councillors, officers and the public who are directly involved in the conduct of the meeting.

Where a member of the public is permitted to address a meeting (e.g. at the Planning Applications Committee) the Chairman or Senior Officer will ask each individual to give their express permission to being filmed, recorded, photographed or to appear in a broadcast or in any other means used by the press or public for enabling persons not present to see or hear proceedings at the meeting as it takes place, or later. Where permission is refused, the Chairman will instruct that any recording, filming, photographing, etc. ceases with immediate effect, whilst the person is addressing the meeting. Failure to comply with this instruction will be deemed to constitute disruptive behaviour which may result in expulsion from the meeting, under the Council's Standing Orders.

(c) Use of mobile devices and oral commentary: To minimise disruption to others attending the meeting, all attendees must ensure that their phone or other mobile devices are set to silent mode during the meeting. Whilst written report or written commentary is permitted during a meeting, no oral commentary or oral reporting is permitted by anyone at the meeting, as this could be disruptive to the proceedings of the meeting.

(d) No flash photography shall be used unless permission is given by the Mayor at the Annual Council meeting during the 'Mayor making' process.

4.23.6 **Exclusion from a Meeting on the Grounds of Disruptive or Intrusive Behaviour**

As far as possible, every effort will be made by the Council to ensure that the public and the press are able to exercise their rights to film, etc. However, should this activity become overly intrusive or disruptive to the point where it is considered to interfere with the proceedings or the conduct of business, or the decision making process, then the Mayor (in the case of Council meetings) or the Chairman (in the case of other meetings) will warn the person to desist. If the instruction is not respected, the person may be asked to leave the meeting.

If the activity is disruptive or distracting to the good order and conduct of the meeting, the Mayor or Chairman may rescind permission to record, photograph, film, broadcast or to the use of any other means by the press or public for enabling persons not present, to see or hear proceedings at the meeting as it takes place, or later. The Mayor or Chairman's ruling is final.

Examples of disruptive behaviour include:

i) moving to areas outside of the designated area within the public gallery for the purpose of recording, filming, photographing or broadcasting the meeting, without the permission of the Mayor or Chairman;

ii) generating excessive noise in making a recording or during the setting up or resisting of equipment during the meeting;

iii) intrusive lighting or use of flash photography;

iv) attempting to address the meeting without permission or asking for statements to be repeated for the purposes of recording;

v) seeking to record, film, photograph or broadcast members of the public against their wishes. (This list is not exhaustive).

4.23.7 **Is Permission Required to Attend a Meeting for the Purpose of Recording Proceedings**?

While no prior permission is required to film, record, photograph or broadcast a meeting in open session, it is advisable that any person wishing to film or audio record a public meeting notify Committee Services in advance, so that reasonable facilities can be provided for the public meeting.

4.23.8 **Claims or Liabilities**

Any person or organisation choosing to film, photograph, record or broadcast any Council meeting is responsible for any claims or other liability resulting from their activities, and by choosing to film, photograph, record or broadcast proceedings, they accept that they are required to indemnify the Council, its Members and officers in relation to any such claims or liabilities.

4.23.9 **Deemed Acceptance of this Policy's Requirements**

Any person or organisation choosing to film, photograph, record or broadcast any Council meeting is deemed to have accepted the requirements of this Policy, whether they have read the Policy or not.

4.23.10 **Review**

This Policy will be reviewed initially one year after its adoption, and then every three years

4C BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

4C.1 The Framework for Executive Decisions

a) The Council is responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Executive to implement it.

b) For the purposes of these rules “Executive” means the Cabinet, a Cabinet Portfolio Holder or an officer as the case may be.

4C.2 Process for Developing the Framework

The process by which the Budget and Policy Framework shall be developed is:

a) the Executive will publicise by including in the Forward Plan, which is published at the Council’s offices and on its website, a timetable for making proposals to the Council for the adoption of any Plan, Strategy or Budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Overview & Scrutiny Panels will also be notified. The consultation period shall in each instance be not less than eight weeks.

b) At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant Overview & Scrutiny Panel wishes to respond to the Executive in that consultation process then it may do so. As the Overview & Scrutiny Panels have responsibility for fixing their own work programme, it is open to the Overview & Scrutiny Panels to investigate, research or report in detail with Policy recommendations before the end of the consultation period. The Executive will take any response from an Overview & Scrutiny Panel into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive’s response.

c) Once the Executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.

d) In reaching a decision, the Council may

   i. adopt the Executive’s proposals,
   ii. refer them back to the Executive for further consideration,
   iii. make grammatical, typographical or minor amendments to the proposals,
   iv. propose substantive amendment or revision to the Executive's proposals.

e) Any decision mentioned in sub-paragraph (d)(i), (ii) or (iii) above shall have immediate effect.

f) Where the Council decides the issue in accordance with sub-paragraph (d)(iv) above it shall also require the Leader to reconsider the Executive's proposals in the light of the Council's amendments and revisions within ten working days.

g) Not later than 15 working days after the Council decision pursuant to sub-paragraph (d)(iv) above, a further meeting of the Council shall occur at which the Leader shall either

i. submit revised proposals with the Executive's reasons for any changes; or

ii. inform the Council, with reasons, of any disagreement the Executive has with any of the Council's amendments and revisions.

The Council will then, taking account of the Leader's submission or observations, determine the relevant Plan, Strategy or Budgetary provision.

h) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

i) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these rules (virement and in-year adjustments). Any other changes to the Policy and Budgetary framework are reserved to the Council.

4C.3 **Decisions Outside the Budget or Policy Framework**

a) Subject to the provisions of paragraph 4C.5 (virement) and 4C.6 (In-year adjustments) the Executive may only take decisions, which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 4C below.

b) If the Executive want to make such a decision, they shall take advice from the Monitoring Officer or the Chief Financial Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget or Policy Framework, then unless the decision is urgent it must be referred by that body or person to the Council for decision. Where the decision is urgent the provisions in paragraph 4 shall apply.

4C.4 **Urgent Decisions Outside the Budget or Policy Framework**

a) The Executive may take a decision which is contrary to the Council's Policy Framework or contrary to, or not wholly in accordance with, the Budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

   i. if it is not practical to convene a quorate meeting of the Full Council; and

   ii. if the Chair of a relevant Overview & Scrutiny Panel agrees that the decision is a matter of urgency.

   The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview & Scrutiny Panel's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Overview & Scrutiny Panel the consent of three Members of that Panel will be sufficient.

b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4C.5 **Virement**

The Council shall have the Budget headings allocated to the service units covering the Council's services and functions.

a) Steps taken by the Executive, to implement Council Policy shall not exceed those Budgets allocated to each Budget head.

b) However, such bodies or individuals shall be entitled to vire across Budget heads on up to three occasions in any one year where each individual virement does not exceed up to a maximum of 5% of the Council's Budget. Beyond that limit, approval to any virement across Budget heads shall require the approval of the Full Council.

4C.6 **In-Year Adjustments**

The responsibility for agreeing the Budget and Policy Framework lies with the Council. No changes to any Policy and Strategy, which make up the Policy Framework may be made by the Executive except those changes:

a) which will result in the closure or discontinuance of a service or part of service to meet a Budgetary constraint;

b) necessary to ensure compliance with the law, ministerial direction or Government guidance;

c) in relation to the Policy Framework in respect of a Policy which would normally be agreed annually by the Council following consultation, but where the existing Policy document is silent on the matter under consideration.

4D CABINET PROCEDURE RULES

4D.1 HOW DOES THE CABINET OPERATE?

4.1.1 Who May Make Cabinet Decisions?

The arrangements for the discharge of Cabinet functions are set out in the Executive arrangements adopted by the Council. The arrangements may provide for Executive functions to be discharged by:

a) the Cabinet as a whole;

b) an individual Member of the Cabinet;

c) an officer;

d) an Area Committee;

e) joint arrangements; or

f) another Local Authority.

4.1.2 Delegation by the Leader

At a meeting of the Council (usually the Annual Meeting or when reviewing the Constitution), the Council will note the Council's Scheme of Delegation at Part 3 to this Constitution in connection with Executive functions. This will include the following information about Executive functions in relation to the coming year:

a) the extent of any Authority delegated to Cabinet Members individually, including details of the limitation on their authority;
b) the nature and extent of any delegation of Executive functions to Area Committees, any other Authority or any joint arrangements, and the names of those Members appointed to any Joint Committee for the coming year; and
c) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.
d) where a function is delegated to Cabinet, a Committee or Sub Committee does not limit their ability to further delegate that function.

4.1.3 Delegation of Executive Functions

a) Where the Cabinet, or an individual Member of the Cabinet, is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements, or an officer.

b) Unless the Council directs otherwise, if the Leader or individual Member of the Cabinet delegates functions to the Cabinet, then the Cabinet may delegate further to a Cabinet Member(s) or to an officer(s).

c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated it.

4.1.4 The Council's Scheme of Delegation and Executive Functions

a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

b) If the Leader or individual Member of the Cabinet is able to decide whether to delegate Executive functions, he/she may amend the Scheme of Delegation relating to Executive functions at any time during the year. To do so, the Leader or individual Member must give written notice to the proper officer and to the person, body or Committee concerned. The Notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

c) Where the Leader or individual Member is required under (b) above to give notice to a Committee, service can be effected on its Chair.

4.1.5 Conflicts of Interest

a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.

b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.

c) Where an Executive function has been delegated to an individual Member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5A of this Constitution.

4.1.6 Cabinet Meetings – When and Where?

The Cabinet will meet at least ten times per year at times to be agreed by the Leader. The Cabinet shall meet at the Town Hall, Nuneaton or any other location to be agreed by the Leader.

4.1.7 **Public or Private Meetings of the Cabinet?**

The meetings of the Cabinet will be held in public save for the consideration of confidential or exempt items.

4.1.8 **Quorum**

The quorum for a meeting of the Cabinet shall be three.

4.1.9 **How are decisions to be taken by the Cabinet?**

Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

4D.2 **HOW ARE THE CABINET MEETINGS CONDUCTED?**

4.2.1 **Who Presides?**

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

4.2.2 **Who May Attend?**

The Cabinet meetings will be held in public except for consideration of matters which are confidential or for which the Cabinet has decided are exempt within Schedule 12A to the Local Government Act 1972. The Leader of the Main opposition group shall be invited to attend Cabinet meetings as an observer and may participate in any debate on an item under discussion (but shall not have voting rights). When the Leader of the main opposition group is unavailable to attend a meeting of Cabinet, the Deputy Leader of the main opposition group shall stand as a substitute, with the same right to speak (but not vote).

Any Member of the Council may attend Cabinet and, at the discretion of the Leader or person presiding, address the Cabinet (but shall not have voting rights).

Any Member of the public may attend Cabinet and, at the discretion of the Leader or person presiding, address the Cabinet for a maximum of three minutes in accordance with Council Procedural Rule 4A.9.

Members of the Council may, at the discretion of the Leader or person presiding, attend during consideration of exempt items where their attendance is necessary to better represent their constituents.

4.2.3 **What Business?**

At each meeting of the Cabinet the following business will be conducted:

a) consideration of the minutes of the last meeting;

b) declarations of interest, if any;

c) matters referred to the Cabinet (whether by an Overview & Scrutiny Panel or by the Full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview & Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

d) consideration of reports from Overview & Scrutiny Panels; and

e) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

4.2.4 **Consultation**

All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview & Scrutiny Panel, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

4.2.5 **Who Can Put Items on the Cabinet Agenda?**

a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, or any Member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

b) Any Member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

c) Where the Head of Paid Service, Chief Financial Officer or Monitoring Officer believes that a matter requires a Cabinet decision, he/she may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

4D.3 CABINET SUPPORT MEMBERS

4.3.1 Appointment

a) Cabinet Support Members are appointed by the Leader of the Council. Their titles and functions are also agreed by the Leader.

b) Their primary role is to provide advice and support to their Cabinet Member.

4.3.2 Key Responsibilities

Cabinet Support Members will be allocated specific service areas to lead and advise the Cabinet member. They are not able to take decisions.

They will:

a) Focus on information gathering and understanding key policy / service delivery areas

b) Assist with the development of options and policies for consideration by the Cabinet member taking into account national policies and local circumstances

c) Brief and make recommendations to Cabinet members and others on relevant issues in relation to policy development and decision making.

d) Represent or deputise for the Cabinet member at meetings or events as necessary.

e) Promote and support good governance of the Council and its business;

f) To keep other Members of Council informed about their activities; and

g) To maintain effective working relationships with Senior Leadership Team officers and other Officers.

4E OVERVIEW AND SCRUTINY PROCEDURE RULES

4E.1 ARRANGEMENTS FOR OVERVIEW & SCRUTINY PANELS

The Council will have the Overview & Scrutiny Panels ("OSPs") set out in Article 6. The Council will appoint 9 Members to each OSP at its Annual Meeting and may change such appointments as it considers appropriate from time to time. Such OSPs may appoint Select Committees for a fixed period or Working Groups to look into particular issues that report back to the parent OSP.

4E.2 WHO MAY SIT ON OSPS?

All Members except Members of the Cabinet may be members of an OSP. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

4E.3 CO-OPTEES

Each OSP shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4E.4 MEETINGS OF THE OSPS

There shall be at least three ordinary meetings of each OSP in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate by the proper officer [or Chair of the relevant OSP or, in the Chair's absence, the Vice-Chair]. The time and date of each meeting may, if appropriate, be changed by the proper officer in consultation with the Chair of the relevant OSP or, in his or her absence, the Vice-Chair.

4E.5 QUORUM

The quorum for an OSP shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

4E.6 WHO CHAIRS OSP MEETINGS?

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

If at any meeting neither the Chair nor Vice-Chair are present, the Members present will appoint a Chair for that meeting from any member of that committee.

4E.7 WORK PROGRAMME

At the start of each municipal year the Members of each OSP will determine the annual work programme. This may include any items carried forward from the previous year, any new items that have been submitted and the standing items for that particular OSP.

4E.8 **AGENDA ITEMS**

a) Any Member of the Council shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

b) Each OSP shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. If so, the OSP shall report its findings and any recommendations back to the Council or Cabinet as the case may be. The proper officer shall ensure it is included on the next available agenda of the Council or Cabinet.

c) At the start of each Meeting of the OSPs, 20 minutes shall be set aside for questions to a member of the Cabinet from the panel in relation to matters in respect of which the panel has powers or duties.

4E.9 **POLICY REVIEW AND DEVELOPMENT**

a) The role of the OSPs in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework procedure rules.

b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, OSPs may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.

c) OSPs may hold enquiries and investigate the available options for future direction in Policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

4E.10 **REPORTS FROM OSPS**

a) Once it has formed recommendations on proposals for development, the OSP will prepare a formal report and submit it to the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or by the Council (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

b) The Council or Cabinet shall consider the report of the OSP at its next Ordinary Meeting.

4E.11 MAKING SURE THAT OVERVIEW & SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

If the Cabinet does not consider any matter referred to it by an OSP within the timescales above, any Member can require the proper officer to place the OSP report on the next Council meeting agenda for consideration of further action.

4E.12 RIGHTS OF OSP MEMBERS TO DOCUMENTS

In addition to their rights as Members, Members of OSPs have the additional right to documents, and to notice of meetings as set out in the access to information Procedure Rules in Part 4 of this Constitution.

4E.13 MEMBERS AND OFFICERS GIVING ACCOUNT

a) Any OSP may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any other member of the Cabinet, the Head of Paid Service and any senior officer to attend before it to explain in relation to matters within their remit:

i. any particular decision or series of decisions;

ii. the extent to which the actions taken implement Council Policy; and

iii. their performance.

and it is the duty of those persons to attend if so required.

b) Where any Member or officer is required to attend an OSP under this provision, the Chair of that OSP will inform the proper officer. The proper officer shall inform the Member or officer in writing giving at least three working days' notice of the meeting at which he/she is required to attend. The Notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the OSP. Where the account to be given to the OSP will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the OSP shall in consultation with the Member or officer arrange an alternative date for attend, or consider the attendance of another officer.

4E.14 **ATTENDANCE BY OTHERS**

An OSP may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend, or consider the attendance of another officer.

4E.15 **CALL-IN**

a) Call-in should only be used where Members of the appropriate OSP have clear evidence suggesting that the Cabinet, an individual Member, or an officer making a Key Decision, did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or the decision appears to be outside the Budget and Policy Framework approved by Council

b) When a decision is made by the Cabinet or an individual member of the Cabinet, or a Key Decision is made by an officer, or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council as soon as possible but in any event within ten days of being made. All Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

c) For decisions that do not appear to accord with Article 12:

i. The published decision will bear the date of publication and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless called in;

ii. During that period, the proper officer shall call in a decision for scrutiny by an OSP if he/she receives a valid request in writing signed by any one Member of the relevant OSP together with any other two Members of the Council. Once satisfied that the request is valid, having regard to the principles in Article 12 (Decision Making), either Chief Executive shall forthwith notify the decision taker of the call-in. The OSP shall meet within ten working days of the end of the five day period mentioned in (c) above. Where this is

not viable, the ten working day period shall be extended and no decision shall be implemented until the OSP has met and considered the matter. The decision maker (or Chair of the decision making body) shall be entitled to address the OSP at its meeting. The called in decision may be implemented on expiry of this ten day period unless the OSP has not met, or it has been referred to Full Council;

iii. The OSP may refer the decision back to the decision maker for reconsideration, or refer the matter to Full Council. If the matter was referred to Full Council, the Council will refer its views on the decision back to the decision maker; and

iv. Any Member, who is not a member of the OSP but who has signed the Request for Call in shall have the right to participate in the debate at the meeting convened to consider the Call-in, but shall not have the right to vote.

d) For decisions which appear to be or would be outside the Budget or Policy Framework:

i. Where any one Member of the relevant OSP together with any other two Members of the Council are of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it or they shall submit a request to the Proper Officer requesting the matter be called in. The Proper Officer shall, upon receipt of the request seek advice from the Monitoring Officer or Chief Financial Officer, as appropriate. The Monitoring Officer or Chief Financial Officer shall thereafter draft a report outlining their opinion on the matter.

ii. In respect of functions, which are the responsibilities of the Executive, the report of the Monitoring Officer or Chief Financial Officer shall be to the Executive with a copy to every Member of the Council. In the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure (either in whole or part) from the approved Budget and Policy Framework, the report shall be to the OSP, explaining the reasons for that conclusion.

iii. Upon receipt of the Monitoring Officer's or Chief Financial Officer's report, the Proper Officer shall immediately refer the report to the Executive for consideration. Upon consideration of the Monitoring Officer's or Chief Financial Officer's report, the Executive may:

1. amend its decision to bring it within the approved Budget and Policy Framework; or

2. prepare a report to Council setting out what action the Executive propose to take, or seeking the necessary changes to the approved Budget and Policy Framework.

iv. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer or the Chief Financial Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and the Executive does not modify its decision, the OSP may itself refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 25 working days of the request by the OSP. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer or the Chief Financial Officer. The Council may either;

1. endorse a decision or proposal of the Executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way; or

2. amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way; or

3. where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, the Council shall either require the Executive to reconsider the matter in accordance with the advice of the Monitoring Officer or Chief Financial Officer as the case may be or substitute its own decision.

EXCEPTIONS

e) Unless a decision continues to be contrary to the Budget and Policy Framework, a decision reconsidered by the decision maker under the call-in procedure may not itself be called in.

CALL-IN AND URGENCY

f) The call-in procedure set out above shall not apply where the decision being taken is a decision governed by paragraph 15(c) above and is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the publics' interests. The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in.

g) Where the decision is contrary to the Budget and Policy framework and the special provisions in paragraphs 3 and 4 of the Budget and Policy Framework Procedure Rules apply, that decision shall not be capable of being called in pursuant to paragraph 15(d) above.

h) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

4E.16 **THE PARTY WHIP**

a) For the purpose of this Rule, "the party whip" means any instruction given by or on behalf of a political group to any Member who is a member of that group as to how that Member shall speak or vote on any matter before the Council or any OSP or Sub -Committee, or the application or threat to apply any sanction by the group in respect of that Member should he/she speak or vote in any particular manner.

b) When considering any matter in respect of which a Member of an OSP is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the OSP's deliberations on the matter. The declaration shall be recorded in the minutes of the meeting.

4E.17 **PROCEDURE AT OSP MEETINGS**

a) OSPs shall consider the following business;

i. accuracy of the minutes of the last meeting;

ii. declarations of interest (including whipping declarations);

iii. consideration of any matter referred to the OSP for a decision in relation to call-in of a decision;

iv. responses of the Cabinet to recommendations of the OSP; and

v. the business otherwise set out on the agenda for the meeting.

b) Where the OSP conducts investigations (e.g. with a view to Policy Development), the OSP may also ask people to attend to give evidence at OSP meetings which are to be conducted in accordance with the following principles;

i. that the investigation be conducted fairly and all Members of the OSP be given the opportunity to ask questions of attendees, and to contribute and speak;

ii. that those assisting the OSP by giving evidence be treated with respect and courtesy; and

iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

c) Following any investigation or review, the OSP shall prepare a report, for submission to the Cabinet or Council and shall make its report and findings public.

4E.18 **MATTERS WITHIN THE REMIT OF MORE THAN ONE OSP**

Where an OSP conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another OSP, then the Panel conducting the review shall invite the Chair or in his or her absence, the Vice Chair of the other OSP (or his/her nominee) to attend its meetings when the matter is being reviewed.

4E.19 **SELECT COMMITTEES**

a) An OSP may establish a Select Committee to undertake a one meeting evidence gathering investigation concerning any topic. The Select Committee will produce and present a report and recommendations to the OSP. The OSP shall set the Terms of Reference of the Select Committee and shall choose its Chair. The Select Committee shall comprise not more than eight Members, and its quorum shall be three.

b) Rules 2,4,6,9,13,14 16 and 17 above apply to Select Committees in the same way as to OSPs.

4E.20 **WORKING GROUPS**

a) An OSP may establish a Working Group to undertake an in-depth review and produce recommendations concerning any topic set it by the OSP. The Working Group shall set the Terms of Reference of the Review, and shall choose its Chair. The Working Group shall report back to the OSP three months after its first meeting, and present a timeframe for the

conclusion of the Review for approval or the final report. The Working Group shall comprise not more than eight Members, and its quorum shall be three. Membership shall comprise of at least 3 members of the relevant OSP and, the remaining seats shall be offered to all other members (except those who are excluded from OSP membership by law or this Constitution.ie. a Cabinet Member or a Member with a conflict of interest.

b) Where a topic is cross cutting and falls within the remit of more than one OSP then, with the agreement of the relevant OSP Chairs, a joint Working Group may be formed with Members from the OSPs involved.

4F FINANCIAL PROCEDURE RULES

4F.0 These comprise the Council's Financial Standing Orders and Financial Regulations.

(a) Financial Standing Orders

(1) The Cabinet is responsible for regulating and controlling the finances of the Council.

(2) The Strategic Director – Corporate Resources is designated as the responsible officer in accordance with Section 151 of the Local Government Act 1972 (for the proper administration of the Council's financial affairs) and the designated officer in accordance with Section 114 of the Local Government Finance Act 1988 (incurring of unlawful expenditure), and is referred to in these Standing Orders or Financial Regulations as the Chief Financial Officer.

(3) The Audit & Standards Committee shall be responsible for making and amending from time to time, such financial regulations as considered necessary for the control and supervision of the Council's finances in accordance with these Standing Orders.

(4) The Chief Executive, Strategic Directors and Assistant Directors of the Council shall be responsible for ensuring that the provisions of these Standing Orders and associated Financial Regulations are observed by the employees of their Service Unit.

(5) The Chief Financial Officer shall report to the Cabinet on the level of resources to be used in each financial year, and shall keep it informed with respect to the Council's finances and financial performance and activities.

(6) The Cabinet shall be responsible for advising the Council on the state of the Council's finances, and in particular shall make recommendations to the Council regarding the capital and revenue budgets for each portfolio. This will include the level of local resources which need to be raised for the following financial year and any additional budget allocations which are to be made, after considering a report on the matter from the Chief Financial Officer having regard to the resources available.

(7) The Cabinet and employees of the Council shall only incur expenditure or raise income in accordance with approved revenue or capital budgets allocated to them by the Council. Amounts provided within approved budgets can only be transferred for other purposes (virement) in accordance with Financial Accounting Instruction A on virement requests.

(8) All employees shall consult the Chief Financial Officer on any matter within their control, which is likely to materially affect the finances of the Council before incurring any commitment or reporting on the matter to any Cabinet Member.

(9) The Council shall be responsible for the preparation and publication of the Council's accounts in accordance with the most recent Accounts and Audit Regulations.

(10) Nothing in these Standing Orders shall prevent the incurring of expenditure considered essential to meet immediate and urgent needs as covered by Section 138 of the Local Government Act 1972 subject to its action being reported to the next meeting of the Cabinet.

(b) Financial Accounting Instructions

b. **Financial Regulations issued under Standing Orders**

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4F.1 FINANCIAL REGULATION ONE: GENERAL

1.1. These Financial Regulations (FR's) set out the rules for the proper financial administration of the Council's affairs. They are minimum requirements, and all Members and employees must comply with them. Non-compliance with the FR's may result in disciplinary action.
1.2. They are supplemented by Financial Accounting Instructions (FAI's) that provide more detailed guidance. The Chief Financial Officer will issue and amend these as required, and links between FR's and relevant FAI's will be shown throughout these Regulations.

Financial Accounting Instructions

1.3. Financial Regulations and Instructions must be used in conjunction with the Constitution and other appropriate Codes and Protocols, including:

i. Contract Procedure Rules
ii. Members, Code of Conduct
iii. Employee Code of Conduct
iv. Budget and Budgetary Framework
v. Anti Money Laundering Framework

(This is not a complete list and is provided for general guidance).

1.4. The amounts £A to £H in these Financial Regulations have the initial values given to them in the table below.

£A = £7,500
£B = £25,000
£C = £125,000
£D = £3,000,000
£E = £500
£F = £10
£G = £1,000
£H = £5,000

1.5. All monetary values included in these FR's shall be deemed to exclude Value Added Tax.

1.6. The Chief Financial Officer shall review all monetary limits annually, and any amendments, having regard to inflation and other relevant factors, shall be reported to the Audit & Standards Committee and/or Council for approval.

1.7. Questions of interpretation of Financial Regulations should be referred to the Chief Financial Officer.

1.8. References to the Chief Financial Officer shall include other employees authorised to undertake duties on behalf of the Chief Financial Officer, generally the Assistant Director - Finance.

4F.2 FINANCIAL REGULATION TWO: MAKING FINANCIAL DECISIONS

2.1. All financial decisions are governed by the Constitution and by the Budget and Budgetary framework, which is approved by the Council prior to the start of each financial year.

2.2. All items of income and expenditure must be included within the revenue accounts of the Council unless a specific decision is taken to treat them as capital items, and provision is made in the capital programme for them.

2.3. Expenditure incurred in any financial year, and financed from reserve contributions should be included in the annual budget. However, if additional spending is required during the course of the year, this should be identified to Cabinet and a virement undertaken and approved as necessary, subject to the virement limits.

2.4. No expenditure is to be incurred by the Budget Holder unless there is specific provision for it in the revenue estimates or capital programme of the Council or it is covered by the Council's rules on virement.

Financial Accounting Instruction A - Virement Request Procedures

2.5. The Chief Financial Officer will issue Budget Guidelines annually, setting out the budget strategy timescales and broad guidelines for the budget setting process for capital and revenue.

2.6. All reports to Members that contain financial information must be agreed with the Chief Financial Officer prior to publication.

4F.3 FINANCIAL REGULATION THREE: FINANCIAL ADMINISTRATION

3.1. The Chief Financial Officer, in consultation with the appropriate Strategic Director/Assistant Director where necessary, shall determine all accounts, accounting procedures and accounting records of the Council and its employees.

Financial Accounting Instruction B - *Retention of Financial Documents.doc*

3.2. The following general principles requiring the separation of duties shall be observed in the allocation of accounting tasks: -

a) The duty of collecting sums due to the Council must be separated as completely as possible from the duty of providing information regarding these sums and the checking of these sums; and

b) The duty of certifying accounts to be paid in respect of goods or services received shall be separated as completely as possible from the duties of ordering or recording their receipt; and
c) Employees charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

(These examples are not exhaustive, and the Audit & Governance Manager should be consulted where any of these principles are in question).

3.3. All employees are required to consult the Chief Financial Officer on any matters involving the organisational structures or practices within their Service Unit, which may have an effect on the operation of financial controls.

3.4. All employees should consult the Chief Financial Officer on matters affecting the finances of their services who will determine the form and content of financial information reported.

3.5. The Chief Financial Officer shall present annually to the Council a Statement of Accounts in accordance with the Accounts and Audit Regulations, and any Accounting Codes of Practice.

3.6. The Chief Financial Officer shall be responsible for the submission of the Council's Accounts to the External Auditor.

4F.4 FINANCIAL REGULATION FOUR: CAPITAL SPENDING

4.1. The Council will approve the capital resources for each financial year, prior to the commencement of the year together with an approved Capital programme. The Cabinet will be permitted to change the approved programme under any delegations given by the approved budget and budgetary framework for the year.

4.2. All proposed Capital schemes will be submitted to the Corporate Programme Strategic Board which will either approve them, in accordance with the Capital Strategy, for inclusion in a future draft Capital Programme or not. Any capital schemes that involve additional revenue costs must also be approved by the Council's Management Team. The Capital Accountant must be consulted when Business Cases are drafted and approved. The Chief Financial Officer will submit the draft Capital Programme and commentary on the availability of resources to the Cabinet for approval as required.

4F.5 FINANCIAL REGULATION FIVE: CONTRACTS

5.1. All contracts shall comply with the Council's Contract Procedure Rules.

5.2. A Strategic Director or other employee responsible for letting a Contract shall be satisfied that a contractor is financially capable of carrying out his obligations. Before any tender is accepted or Contract signed, such financial status enquiries as considered necessary should have been undertaken to determine that the appropriate bonds and insurances have been affected and any necessary provision for liquidated damages made. For contracts with a total value exceeding £C the financial stability must be

assessed and checked annually to identify any changes at the earliest opportunity and Insurance cover of the contractor must be confirmed at least annually.

Financial Accounting Instruction C – *Financial Checks.*

5.3. In any case where the total cost of any work carried out under a contract is expected to exceed the contract sum, this will be escalated according to the virement limits procedure, in consultation with the Chief Financial Officer (see Financial Accounting Instruction A).

5.4. Claims from contractors in respect of matters which cannot be resolved clearly within the terms of any existing contract shall be referred to the Assistant Director – Democracy & Governance for consideration of the Authority's legal liability and, where necessary, to the Chief Financial Officer for financial consideration before settlement is reached.

5.5. Where progress of a contract is delayed so that it appears that the Contract period may be exceeded it shall be the duty of the Contract Manager to take appropriate action in accordance with the Contract Procedure Rules, liaising with the Procurement team where applicable, and report it to the relevant Cabinet Member.

5.6. In every case a Contract Manager issuing an interim or final certificate for payment under a Contract, shall be satisfied that all contractual terms have been met, the work has been carried out in accordance with the requirements of the relevant Contract, and that any payments made under the Contract are accurate. The supervising employee shall notify the Assistant Director – Democracy & Governance in writing on satisfactory completion of the Contract.

5.7. Where contracts entered into by the Council are supervised and managed by persons other than the Council's own employees, the agreement with the person having control of the works shall provide for the Council's Contract Procedure Rules, and these Financial Regulations to be followed.

4F.6 FINANCIAL REGULATION SIX: REVENUE BUDGETS

6.1. The responsible Strategic Director or budget holder, in consultation with the Chief Financial Officer, shall prepare annual estimates of income and expenditure for all services. Cabinet will be updated periodically throughout the budget setting process with the anticipated budget position based on the latest Central Government advice and funding information. This will allow Cabinet to assess the full implications for the Council.

6.2. Overview & Scrutiny Panels will have an opportunity to comment on the latest financial information regarding the setting of the revenue budget for the coming year.

6.3. The revenue estimates shall be summarised and submitted to the Cabinet by the Chief Financial Officer with appropriate recommendations, including the local tax requirements for the ensuing year.

6.4. The inclusion of items in the approved revenue estimates shall provide the necessary authority to incur such expenditure.

4F.7 FINANCIAL REGULATION SEVEN: MONITORING AND VIREMENT OF BUDGETS

7.1. These Regulations apply to both revenue and capital items.

7.2. It is the duty of each Strategic Director and/or budget holder and the Cabinet to monitor and regulate spending within approved estimates.

7.3. Where it appears that the amount of approved expenditure may be exceeded or there is a shortfall of income, this will be identified through the budget monitoring procedures and reported monthly to Management Team. Management Team will consider what mitigating action can be taken. A quarterly budget monitoring report will be submitted to Cabinet.

7.4. If any increased net expenditure or decreased income cannot be met within the approved budgets then the appropriate Strategic Director or budget holder should report on the matter together with a recommendation as to how it should be dealt with to the relevant Portfolio Holder and if necessary to the Cabinet, in consultation with the Chief Financial Officer.

7.5. An amount exceeding that provided in approved estimates can be covered by transfer from another budget head (virement), subject to the virement limits set out in Financial Accounting Instruction A and there is no commitment in respect of a subsequent year.

See Financial Accounting Instruction A – Virement Limits.

4F.8 FINANCIAL REGULATION EIGHT: ORDERING WORK, GOODS AND SERVICES

8.1. All employees must comply with the Council's Contract Procedure Rules to demonstrate that all procurement under their control is conducted in such a way as to obtain work, goods and services in the most cost-effective manner through the use of quotations and tenders.

8.2. The purpose of the Contract Procedure Rules is to:

i. ensure that the Council promotes the probity and integrity of the procurement process;
ii. provide employees involved in the procurement process a framework within which to work;
ii. ensure fairness in allocating contracts and protect employees from allegations of corruption and/or collusion with suppliers and contractors;
iii. promote public accountability;
iv. ensure compliance with legal requirements;
v. achieve value for money on behalf of the Council; and
vi. support the Council's corporate Themes and objectives in relation to procurement.

8.3. Contract Procedure Rules must be complied with strictly. They are minimum requirements and any instances of non-compliance may result in disciplinary action. A more thorough procedure may be appropriate for some contracts such as where the EU procurement regulations apply, and advice must be sought from the Procurement Team.

8.4. In some exceptional circumstances, an exemption to Contract Procedure Rules may be granted. For further information and guidance refer to the Contract Procedure Rules Three.

Financial Accounting Instruction D – *Official Orders/Electronic Orders Commitment Accounting.doc*

Financial Accounting Instruction E - *Payment by Credit Card.doc*

4F.9 FINANCIAL REGULATION NINE: PAYING INVOICES

9.1. The normal method of payment of amounts due from the Council shall be by BAC's or, in exceptional circumstances, cheque or other payment instructions drawn on the Council's banking accounts by the Chief Financial Officer. BACS is the preferred method wherever possible. The only exceptions are any payments made from petty cash or other imprest accounts, and payments by direct debit or corporate credit card. Direct Debit arrangements must be approved by the Treasury Team beforehand.

Financial Accounting Instruction F – *Payment by Direct Debit.doc*

Financial Accounting Instruction E – *Payment by Credit Card.doc.*

9.2. Every account submitted to the Chief Financial Officer for payment shall be submitted in the manner and frequency prescribed by him/her.

9.3. Authorised signatory lists must be maintained by Assistant Directors, and copies sent to the Treasury and Human Resources teams.

9.4. The relevant budget holder shall satisfy themselves that amounts are properly due and payable by the Council and will adhere to the no purchase order, no pay policy

9.5. All reimbursements of expenses to employees and members of the Council shall be made under the control of and in a manner prescribed by the Chief Financial Officer.

9.6. All payments shall be subject to the correct treatment of any taxation, as required by relevant legislation.

Financial Accounting Instruction G - *Taxation.doc*

4F.10 FINANCIAL REGULATION TEN: PAYING EMPLOYEES

10.1. The payment of all salaries, wages, recharges of pensions, statutory deduction of tax and National Insurance etc., compensation and other regular payments or

allowances to all employees or former employees of the Council and members under any scheme approved by the Council shall be made in accordance with arrangements established by the Chief Financial Officer.

10.2. The People Services Manager, with the agreement of the Chief Financial Officer or the Assistant Director Finance, in the absence of the CFO, is empowered automatically to apply salary and wage awards, expenses and other allowances approved by the various Joint Negotiating Councils. No other payment or allowance may be granted unless approved in accordance with Council Policies and procedures.

10.3. Appointments of all employees shall be made in accordance with approved establishments, grades and rates of pay.

10.4. The People Services Manager shall notify the appropriate employees as soon as possible and in a form prescribed by the Chief Financial Officer, together with supporting documents, of all appointments and other related matters.

10.5. All time records or other pay documents shall be in a form prescribed or approved by the Chief Financial Officer.

10.6. All claims by employees of the Council for payment of car mileage shall be submitted in the prescribed way approved by the Chief Financial Officer.

10.7. Upon receipt of a notification that a mileage claim has been submitted, line managers must ensure that the amounts claimed are reasonable and that the expenses were necessarily incurred and are properly payable by the Council in line with Council Policy.

10.8. Employees' claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the relevant Assistant Director. Claims for expenses incurred in March must be submitted as soon as possible after the year end and should be no later than the end of April.

10.9. Payments to members, including co-opted members of the Council or its Committees who are entitled to claim travelling or other allowances will be paid upon receipt of the prescribed form duly completed by them.

10.10. Members' claims submitted more than three months after the expenses were incurred will be paid only with the express approval The Chief Financial Officer. Claims for expenses incurred in March must be submitted as soon as possible after the year end, and should be no later than the end of April.

4F.11 FINANCIAL REGULATION ELEVEN: PETTY CASH, FLOATS AND IMPREST ACCOUNTS

11.1. The Chief Financial Officer shall provide petty cash accounts, floats and imprest accounts, as considered appropriate. All such accounts shall be maintained in a form prescribed by the Chief Financial Officer

11.2. Petty cash payments shall be limited to minor items of expenditure valued at £25 or less. They must be supported by a receipt wherever possible, and all receipts and vouchers shall be retained and forwarded to the Chief Financial Officer, with a claim for reimbursement. All vouchers and reimbursement requests shall be certified by an authorised employee and struck through as paid after being processed.

Financial Accounting Instruction H - *Petty Cash Accounts.doc*

11.3. Any employee responsible for a petty cash account, float or imprest account shall, in March every year, and at any other time as requested, provide the Chief Financial Officer with a certificate to confirm the balance of the amount held.

11.4. An employee ceasing to hold a petty cash account, float or imprest account shall account to the Chief Financial Officer for the amount advanced.

4F.12 FINANCIAL REGULATION TWELVE: INCOME

12.1. The collection and custody of all money due to the Council shall be under the supervision of the Chief Financial Officer.

12.2. Proposals dealing with new or existing sources of income exceeding £A, including scales of charges to be made for work done, services rendered, goods supplied, fees, tolls, rents and other income, shall not be submitted to the Council until a report by the Strategic Director / Assistant Director and the Chief Finance Officer, on the financial implications of the proposal, has been considered by the Cabinet.

12.3. The Chief Finance Officer shall be notified promptly of all money due to the Council and of contracts, leases and other arrangements entered into which involve the receipt of money by the Council. The Chief Finance Officer should be consulted on applications for grant money before they are submitted. The Chief Finance Officer shall have the right to inspect any documents or other evidence in this connection as he/she may decide.

12.4. Each employee shall furnish the Chief Financial Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

Financial Accounting Instruction I - *Debtor Accounting Procedures.doc*

12.5. The Chief Financial Officer may make arrangements with individual debtors to allow payment over a reasonable period of time or over the length of time the service is being provided (such as with annual bills), having regard to the cashflow implications of permitting such arrangements.

12.6. Credit notes should only be used when a replacement invoice is issued or when the initial invoice is no longer considered to be due and payable. In all other cases the write off procedure must be used.

12.7. The Chief Financial Officer shall have authority to write off debts due to the Council not exceeding £A and any debt exceeding this sum where the debtor has been judged bankrupt, or is the subject of a winding-up Order. Debts in excess of this sum may only be written off with the authorisation of the appropriate Cabinet Member.

12.8. The Council's Corporate Debt Policy enables debt write-offs which must not exceed £F for Revenues and Housing Supervisors, £G for Revenues and Housing Managers and £H for Finance and Housing Assistant Directors.

12.9. Employees may arrange for the sale of scrap or other surplus materials, furniture or equipment without quotation where the expected income does not exceed £E. Where the expected income is greater, the disposal process must be agreed by the Chief Financial Officer in consultation with the Assistant Director – Governance & Democracy. Payment shall be made in cash before delivery is taken unless otherwise agreed with the Chief Financial Officer. All disposals should seek to obtain the best value for the Council. All disposals should seek to obtain the best value for the Council. The use of auction sites such as E-Bay are not permitted.

4F.13 FINANCIAL REGULATION THIRTEEN: BORROWING AND LENDING

13.1. All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Financial Officer, who shall be authorised to operate such banking accounts as considered necessary.

13.2. The Chief Financial Officer may arrange overdraft facilities within such limits as appropriate.

13.3. The Chief Financial Officer shall be responsible for raising all finance as may be required from time to time; including borrowing, leasing and other resources and repayment in accordance with any Code of Practice and any statutory controls that may be in operation. All borrowings shall be in the name of the Council.

13.4. The Chief Financial Officer shall be responsible for all matters relating to the management of all money in the hands of the Council in accordance with approved Treasury Management and Investment policies and strategies.

13.5. The Chief Financial Officer shall report to the Council, prior to the start of the financial year, identifying the borrowing and investment strategies being followed, and subsequently on the results achieved over the preceding year. Treasury Management reports shall be taken to the Audit & Standards Committee by the Assistant Director – Finance and will be followed by approval at Council.

13.6. The Chief Financial Officer shall be the Council's registrar of stocks, bonds and mortgages, and shall maintain records of all borrowing of money by the Council, and shall be responsible for the safe custody of all securities.

4F.14 FINANCIAL REGULATION FOURTEEN: SECURITY

14.1. Each employee is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc., under their control. The

Assistant Director – Democracy and Governance should be consulted in any case where security is thought to be defective, assets cannot be accounted for or where it is considered that special security arrangements may be needed.

14.2. Maximum limits for cash holdings shall be agreed with the Chief Financial Officer in consultation with the Assistant Director – Democracy and Governance, and shall not be exceeded without prior approval. Employees with responsibility for holding and carrying cash must ensure that they are aware of the insurer's current requirements in this respect.

14.3. Keys to safes and similar receptacles are to be carried by those responsible for them at all times; the loss of any such keys must be reported to the Chief Financial Officer and Assistant Director – Democracy and Governance immediately. The conditions laid down by the Council's insurers concerning the removal of safe keys and safe combination codes from premises outside working hours shall be fully adhered to. Employees having responsibility for such keys and codes must ensure they are aware of insurer's current requirements in this respect.

14.4. All employees and Members shall be responsible for maintaining proper security and privacy in respect of information held by them and must comply with all relevant legislation.

14.5. An appropriate form of identification shall be issued to each employee, including temporary and agency staff and contractors, which must be displayed at all times.

14.6. If the Council's Fidelity Insurance Cover requires adherence to a 'System of Check', this should be fully complied with. If full compliance ceases to be possible or practicable, the matter must be referred promptly to the Assistant Director – Democracy and Governance.

Financial Accounting Instruction J - *Security Limits and Controls.doc.*

4F.15 FINANCIAL REGULATION FIFTEEN: LAND & PROPERTY

15.1. The Strategic Director – Place and Economy will maintain a register terrier of all land and properties owned by the Council, in conjunction with the Strategic Director - Finance & Governance.

15.2. The Assistant Director – Democracy and Governance shall have the custody of all title deeds under secure arrangements agreed with the Chief Financial Officer.

15.3. All disposals of land and property shall take place only after consideration of a report by the Strategic Director – Place and Economy on the proposed disposal by the Assistant Director – Economy and Regeneration (delegated responsibility) or Cabinet or delegated Cabinet Member. When preparing the report the Chief Financial Officer must be consulted. All disposals should seek to obtain the best outcome for the Council. Consideration must be given to using the Council's e-tendering portal to undertake an openly advertised sealed bid process for the sale of land and property. This is a fully auditable, transparent and equitable method. Contact the Procurement Team for details.

4F.16 FINANCIAL REGULATION SIXTEEN: STOCK, STORES AND EQUIPMENT

16.1. All employees shall be responsible for the care and custody of stocks and stores used regularly by them and their departments. Stores shall not be held in excess of reasonable requirements.

16.2. All valuation methods, stores accounts and all records in connection with the accounting for stocks and stores shall be approved by the Chief Financial Officer.

16.3. The Chief Financial Officer shall determine how to deal with any surpluses or deficiencies shown in any items of stock reporting to the appropriate Cabinet Member. Discrepancies exceeding £E must be reported to the Chief Financial Officer and adjustments to Stores' records shall only be made with their prior approval.

16.4. Each Assistant Director shall supply the Chief Financial Officer with such returns about stores as may be necessary for the purpose of the accounting and financial records of the Council.

16.5. Disposals or write-off of stock shall follow laid down procedures. The sale of any surplus stock must comply with Procedure Rule 12 above. All disposals should seek to obtain the best value for the Council.

Financial Accounting Instruction K - *Disposal or Write-off of Stock.doc. All disposals should seek to obtain the best value for the Council.*

4F.17 FINANCIAL REGULATION SEVENTEEN: INTERNAL AUDIT

17.1. A continuous internal audit shall be maintained under the independent control and direction of the Strategic Director - Corporate Resources. The Public Sector Internal Audit Standards define internal audit as "an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management control and governance processes."

17.2. Internal auditors shall have full, free and unrestricted access to all services and functions, premises, assets, employees, elected Members, suppliers and contractors, records and other documentation that the Assistant Director – Democracy and Governance considers necessary to enable the Internal Audit service to fulfil its responsibilities. Auditors also have authority to access all relevant computer data as part of their work, including that registered under the Data Protection Act.

17.3. Internal Audit is authorised to obtain the information and explanations they consider necessary from any employees, partners or agents of the Council to fulfil their objectives and responsibilities. Managers must ensure that Internal Audit access is considered when preparing partnership agreements or contracts for the purchase or supply of goods and services.

17.4. The Central Midlands Audit Partnership team has the right of direct access to the Head of Paid Service, the Monitoring Officer, Elected Members, the Chair of the Audit & Standards Committee, Directors and Assistant Directors.

17.5. All employees are required to respond promptly, in writing, to all points raised in audit reports addressed to them.

17.6. Whenever any matter arises which involves, or is thought to involve, irregularities concerning the property or functions of the Council, any employee discovering the matter shall immediately notify their own Strategic Director/Assistant Director or The Head of the Central Midlands Audit Partnership. Any Strategic Director/Assistant Director becoming aware of any such irregularities shall immediately notify the Head of the Central Midlands Audit Partnership who shall take such steps as considered necessary by way of investigation and report.

17.7. Where any matter referred to in the previous paragraph d) is brought to light by the Head of the Central Midlands Audit Partnership during routine audit procedures, the relevant Strategic Director/Assistant Director shall be notified immediately.

17.8. The Central Midlands Audit Partnership shall report twice yearly to Members on the work of the Internal Audit Section. Members shall also approve the Annual Internal Audit Plan.

4F.18 FINANCIAL REGULATION EIGHTEEN: ASSET REGISTERS

18.1. The Assistant Director – Digital & Business Change is responsible for maintaining a register of I.T. equipment throughout the Council, and the Assistant Director – Environment and Enforcement is responsible for maintaining a register of all transport and plant.

18.2. All items in the Asset Register should be marked as Council property. A serial number should be recorded and cross-referred, excluding office furniture.

18.3. Each Asset Register should be updated at least annually and the existence of each asset verified. No Council property should be taken away from Council premises unless it is with the permission of the Strategic Director/Assistant Director.

4F.19 FINANCIAL REGULATION NINETEEN: VALUABLES

19.1. All valuables such as jewellery, watches and other small articles of a similar nature and documents of title found upon any Council establishment and not claimed within seven days shall, unless decided by the Chief Financial Officer, be deposited with the Chief Financial Officer for safe custody. After a period of six months the Chief Financial Officer is authorised to dispose of the items.

4F.20 FINANCIAL REGULATION TWENTY: INSURANCE

20.1. The Strategic Director – Corporate Resources in consultation with the Assistant Directors for Finance and Democracy & Governance shall assess risks and affect all insurance cover and negotiate all claims in consultation with other employees as appropriate.

20.2. The Assistant Directors for Finance and Democracy & Governance shall annually, or at such other period considered necessary, review all insurances in consultation with other employees as appropriate.

20.3. Employees shall give prompt notification to the Assistant Director – Finance of all new risks, properties or vehicles and of any alterations or changes in risk which may affect existing insurances.

20.4. Employees shall immediately notify the Finance Manager - Treasury in writing of any loss, liability or damage or any event likely to lead to a claim.

20.5. The Council shall include all appropriate employees in suitable fidelity guarantee insurance.

20.6. Employees shall consult the Assistant Directors for Finance and Democracy & Governance in respect of the terms of any indemnity, which the Council is requested to give.

20.7. When requested, employees and members claiming car mileage must produce a current driving licence, MOT certificate if needed and copies of insurance documents to prove the existence of adequate cover against any liability of the Council arising out of using the vehicle for official journeys.

4F.21 FINANCIAL REGULATION TWENTY ONE: GRANTS TO OTHER ORGANISATIONS

21.1. The procedure for allocating grants shall be decided by Cabinet or relevant Portfolio Holder.

21.2. Directors or budget holders must make sure that:

- The organisation receiving the money spends it in accordance with the grant approval;
- the performance of the organisation is monitored during the year in accordance with any grant conditions.

21.3. Applicants for grant aid must supply all information requested, including financial records, before grants can be paid.

4F.22 FINANCIAL REGULATION TWENTY TWO: MONEY LAUNDERING

22.1. Local Authorities and their staff are subject to the full provisions of the Terrorism Act 2000, as amended by the Anti-Terrorism, Crime and Security Act 2001, the Terrorism Act 2006 and the Proceeds of Crime Act 2002 (Amendment) Regulations 2007, and may commit most of the principal offences under the Proceeds of Crime Act 2002.as amended by the Crime and Courts Act 2013 and the Serious Crime Act 2015. Public Authorities are not, however, legally obliged to apply the provisions of the Money Laundering Regulations 2007. Nevertheless, as responsible public bodies, they have a responsibility for the proper conduct of public business so should embrace and adopt the underlying principles of the money laundering legislation and regulations (see the NBBC Anti Money Laundering Framework document for more detailed information).

4F.23 FINANCIAL REGULATION TWENTY THREE: COMMUNITY RIGHT TO CHALLENGE

23.1. The Localism Act 2011 introduced a right for Parish Councils, community and voluntary bodies, charitable trusts and two or more local Council employees to submit an Expression of Interest in taking over the provision of a service on behalf of the Council. Where a valid expression of interest is received, the Council is required to undertake a procurement exercise for that service, which may lead to the Council awarding a contract for the provision of that service.

An Expression of Interest must be dealt with according to the Policy approved by Cabinet.

Financial Accounting Instruction L – Community Right to Challenge Policy and Guidelines

4F. 24 FINANCIAL REGULATION TWENTY-FOUR: SUBSIDY CONTROL

24.1. Subsidy is where a public authority provides support to an enterprise that could give them an economic advantage over competitors. The Subsidy Control Act 2022 is a law that sets out the UKs prevailing subsidy control rules.

24.2. The regulations are designed to be flexible, to allow public authorities to support business growth and innovation, promoting competition and investment in the UK. Under the regulations, public authorities can deliver subsidies that are tailored to local needs to deliver their strategic priorities.

24.3. It is essential that subsidy rules are considered when working with organisations and there is guidance available to support officers. The Assistant Director – Democracy & Governance will support with advice where required.

https://www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance

Financial Accounting Instruction M – Subsidy Control

DEFINITIONS

i. **Accounting Code**

A Code, which we use to allocate income and spending to cost centres and budget heads on the financial system.

ii. **Accounting System**

All procedures, which manage, record, control and protect assets, finances and any other Council interest.

iii. **Agreed Price**

The cost of work or services that is agreed with a supplier before the work is done.

iv. **Budget Head**

A particular type of income or revenue cost within a cost centre budget, such as salaries.

v. **Capital Expenditure**

Money spent on schemes in the Capital Programme, which is not charged to revenue routine costs.

vi. **Central Purchasing Contract**

A Contract arranged centrally for the procurement of specific goods and services.

vii. **Contract Sum**

An amount usually agreed in writing for work or services.

viii. **Cost Centre**

A unit within a service which is separately costed.

ix. **Internal Control**

The part of the procedure within a system, which prevents loss, error, abuse and fraud.

x. **Management Team**

Comprises of the Chief Executive and the Strategic Directors.

xi. **Money**

Includes cash, cheques, postal orders and other kinds of payment.

xii. **Money Laundering**

Any activity used to conceal or disguise the nature, source, location, ownership or control of currency or assets. It is most often an attempt to hide the proceeds of dishonest or criminal activity and to try and give the impression that the income is from a legitimate source.

xiii. **Revenue Expenditure**

Costs shown in the budget, which are paid by cost centres in a particular year, such as salaries.

xiv. **Stock**

Items that can be sold.

xv. **Suppliers**

People or firms doing work for us or selling us goods.

xvi. **Tender/Quotation**

A stated price in writing from a person or firm for doing work or services for the Council.

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Section A – Introduction and Scope

1. PROCEDURE RULE 1: Introduction

1.1. Contract Procedure Rules (CPR's) are permitted in accordance with section 135 of the Local Government Act 1972, to make standing orders with respect to the making of contracts by them and on their behalf, for the supply of goods, services and/or for the execution of works.

1.2. As a public sector organisation that is funded and uses public resources, the Council must set and follow the highest standards of financial control and stewardship to ensure effective governance. Contract Procedure Rules provide Officers and Members with procedures to follow to ensure that the required standards are met. The CPR's are consistent with procurement legislation designed to ensure that the Council achieves value for money and social value, that it complies with statutory requirements, that its affairs are prudently managed and properly controlled. Any permission to waive a procedure rule is outlined in Procedure Rule 24, otherwise known as an Exemption.

1.3. The purpose of these Procedure Rules are to:-

a) Ensure that the Council promotes the probity and integrity of the procurement process;
b) Provide employees involved in the procurement process a framework within which to work;
c) Ensure fairness in allocating contracts and protect employees from allegations of corruption and/or collusion from suppliers and contractors;
d) Promote public accountability;
e) Ensure transparency;
f) Ensure compliance with all legal requirements;
g) Achieve value for money on behalf of the Council; and
h) Support and deliver the Council's corporate aims and objectives.

1.4. Procedure rules must be complied with strictly. They are minimum requirements and any instances of non-compliance may result in disciplinary action being taken as a breach of legislation, statute and the Constitution. From an operational perspective, failure to comply with the procurement legislation will result:

a) in the contract being deemed ineffective (terminated);
b) in the contract term being shorted;
c) in a financial penalty for the Council.

1.5. Any consultant, agent, project manager or contractor acting on behalf of the Council who undertakes a procurement which results in the Council appointing a supplier, must also comply with these Procedure Rules and this must be a condition of their employment.

1.6. Contracts let on behalf of a consortium, association or similar body of which the Council is a member should comply with the rules of the body or lead authority.

1.7. The amounts £A to £D in these Procedure Rules have the initial values given to them as follows:-

£A = £7,500
£B = £25,000
£C = £125,000

£D = £3,500,000

1.8. All monetary values included in these Procedure Rules relate to the total value of the contract or framework agreement (Lifetime Contract Value) including extension options and shall be deemed to exclude any Value Added Tax applicable unless otherwise stated.

1.9. The Strategic Director – Corporate Resources is designated as the responsible officer in accordance with Section 151 of the Local Government Act 1972 (for the proper administration of the Council's financial affairs) and the designated officer in accordance with Section 114 of the Local Government Finance Act 1988 (incurring of unlawful expenditure) and is referred to in these Procedure Rules as the Chief Financial Officer.

1.10. The Chief Financial Officer shall review all monetary limits annually and any amendments, if appropriate having regard to inflation and other relevant factors, shall be reported to the Senior Leadership Team then the Audit and Standards Committee for consideration with a recommendation to Council for approval and adoption.

1.11. References to the Chief Financial Officer shall include other employees authorised to undertake duties on behalf of the Chief Financial Officer such as the Deputy Chief Financial Officer (Assistant Director – Finance).

1.12. References to the Monitoring Officer shall include other employees authorised to undertake duties on behalf of the Monitoring Officer such as the Deputy Monitoring Officer (Elections and Democratic Services Manager).

1.13. Questions of interpretation of these Contract Procedure Rules should be referred to the Monitoring Officer, the Procurement Service Manager, the Procurement Team and/or the Chief Financial Officer.

2. PROCEDURE RULE 2: Scope

2.1. These Contract Procedure Rules relate to any arrangement made by, or on behalf of, the Council for the execution of work or for the provision of goods and/or services. These include but not limited to arrangements for:-

a) The supply or disposal of goods;
b) Hire, rental or lease of goods or equipment;
c) Execution of works such as new build, construction works, demolition and/or refurbishment works;
d) The delivery of services including those relating to the recruitment of temporary staff, professional and consultancy services; and
e) Service Concessions and Work Concessions as defined by Part 1 Key Definitions of the Procurement Act 2023.

2.2. These Procedure Rules do not apply to:-

a) The employment of permanent staff;

b) Land and building agreements, broadcasting agreements, electronic communication services, alternative dispute resolution services, legal representation services and financial lending as defined in Schedule 2 Exempted Contracts Part 2 of the Procurement Act 2023;
c) Grants* from the Council (except where they are to buy services); and
d) Any other requirements that fall in scope of Schedule 2 Exempted Contracts Part 2 of the Procurement Act 2023 with the exception of Vertical and Horizontal arrangements.

**grants issued by the Council are subject to the Financial Procedure Rules.*

2.3. The use of e-procurement technology and Purchasing Cards does not negate the requirement to comply with all elements of these Contract Procedure Rules.

2.4. Officers and the Procurement Team must note these CPR's are intended to go live in February 2025 which is when the new Procurement Act will officially go live (24th February 2025). The fundamental principle is that procurements that commence (the date a tender is launched) after the entry into force of the Act (24th February 2025) must be conducted by reference to the Act only, whilst those that were commenced under the previous legislation (the Public Contracts Regulations 2015 (PCR), the Utilities Contracts Regulations 2016 (UCR), the Concession Regulations 2016 (CCR) and the Defence and Security Public Contracts Regulations 2011 (DSPCR)) must continue to be procured and managed under that legislation.

2.5. Any contracts awarded under the previous legislation will continue to be managed under that legislation until such a time as the contract, or commercial tool ceases to exist. This means that in respect of modifications, for example, contracting authorities can only modify contracts awarded under the previous legislation using provisions set out at regulation 72 of the PCR, regulation 88 of the UCR and regulation 43 of the CCR as appropriate. In addition, contracts awarded via a Framework Agreement that was procured under the previous regime will result in that call off contract being awarded present to the previous legislation not the new Procurement Act. As a result, for the next two (2) financial years at least, it is highly likely that the procurement process will be a hybrid of both the old legislation and the new legislation effective 24th February 2025. These CPR's are heavily bias towards the new Procurement Act rather than the previous legislation to ensure compliance. The Procurement Team have been trained and are aware of the procedures to mitigate risk of non-compliance with the relevant procurement legislation.

3. PROCEDURE RULE 3: Partnering

3.1. A partnership is an agreement between the Council and one or more independent legal bodies, organisations or entities to work collectively to achieve a common purpose with specified aims and objectives. These are more commonly known as Public-Private Partnerships (PPPs). PPPs are common in almost every aspect of public infrastructure in England and Wales, including:

a) roads, schools, university student accommodation, prisons, defence, healthcare and hospitals;
b) waste to energy and waste management;
c) public security and border control;
d) waste water transportation;
e) certain natural resources developments; and
f) street lighting, energy transmission and other energy projects, including solar.

3.2. For the avoidance of any doubt, partnering arrangements which involve a joint venture or contractual arrangement with a private sector body are subject to the provisions of these Procedure Rules.

Section B – Plan

Pre-procurement process including the development of strategy and plan in line with business objectives and commercial policy outcomes, have clear and transparent commercial pipelines and a good understanding of the market.

4. PROCEDURE RULE 4: Steps Prior To Purchase

4.1. Before beginning a purchase the employee responsible for it must appraise the purchase, in a manner commensurate with its complexity and value, by:-

a) Appraising the need for the expenditure and its priority;
b) Defining the purpose and objectives and intended outcomes of the purchase;
c) Confirming that approval has been given for the expenditure and that an appropriate budget exists;
d) Allocating resources to ensure capacity and capability throughout all stages;
e) Defining requirements and success criteria that are relevant, specific and proportionate;
f) Ensuring the Business Case has been approved where applicable;
g) Referring to the Procurement Toolkit on HPRM/Dash or contacting the Procurement Team;
h) Completing the Procurement Checklist located with the Procurement Toolkit on Dash/HPCM;
i) Consider how the contract might improve the economic, social and environmental wellbeing of the borough and consider if external consultation is required (Public Services (Social Value) Act 2012);
j) Checking to ensure that the Procurement Team do not already have a preferred supplier agreement for the product/service or if a local agreement would be suitable;
k) Assessing the risks associated with the purchase and determine how to adequately manage them;
l) Considering what procurement method is most likely to achieve the objectives, including internal or external sourcing, partnering, and collaborative procurement arrangements with another local authority,

government department, statutory undertaker or public service purchasing consortium;

m) Consulting users as appropriate about the proposed procurement method, contract standards and methods of performance and user satisfaction monitoring;
n) Selecting the terms and conditions that are to apply to the proposed contract in consultation with the Procurement Team and Legal Services Team;
o) Decide if the contract can be awarded in separate Lots to obtain better value and additional benefits (encourage SME's or more local suppliers);
p) Ensuring that the purchase has been reported in the Forward Plan if it is a Key Decision i.e. incurring expenditure or creating savings of more than £125k unless approval has been granted separately. If it has not been reported as part of the Forward Plan or a previous Cabinet report, it will be necessary to seek approval from Cabinet for the spend.

4.2. Officers must not enter into separate contracts or select a method of calculating the total value in order to minimise the application of these Contract Procedure Rules or Procurement Regulations.

4.3. The splitting of contracts to avoid the procurement regulations applying is prohibited. However, the Council may decide to award one procurement in separate Lots as per Part 3 Award of public contracts and procedures section 18 (Duty to consider lots). Contact the Procurement Team for advice.

4.4. Wherever possible, consideration should be given to contract mergers and aggregation with existing preferred contracts to encourage value for money or collaboration with other public sector bodies. It is essential that if a contract already exists for the supply of the same goods, services or works, the existing contract must be used in the first instance, but only if the scope is similar and any contract modification requirements are adhered to. Please contact the Procurement Team for advice and guidance. Further information is contained in Procedure Rule 19.2.

4.5. The calculation of the Lifetime Contract Value must be calculating by the Council. It must estimate the value of a contract as the maximum amount it could expect to pay under the contract including, where applicable, amounts already paid. The amount the Council could expect to pay includes the following—

(a) the value of any goods, services or works provided by the contracting authority under the contract other than for payment;
(b) amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised;
(c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised;
(d) amounts representing premiums, fees, commissions or interest that could be payable under the contract (including indexation);
(e) amounts representing prizes or payments that could be payable to participants in the procurement.

Please note the term in the Glossary for the purposes of calculating a Concession Contract value.

5. PROCEDURE RULE 5: Long Term Arrangements

5.1. Better value for money and improved quality of service delivery can be achieved by entering into long-term agreements with the supply chain. Therefore, Officers must package contracts in such a way that they reduce the number of times that the Council needs to seek competitive tenders due to the administrative burden associated with a procurement process but also to ensure it is proportionate for the supply chain. This can be achieved by amalgamating similar types of supplies and services into single contracts and then seeking competitive tenders but this must be balanced with the duty to consider Lots. Officers must also consider the term of the contract when considering the plan stage of the procurement process. For instance, it would not be proportionate or prudent to procure a refuse collection service contract for six (6)/ twelve (12) months given the plant and equipment that would be required to fulfil the service, but also the staffing required. It would in this scenario be more proportionate and prudent to offer a contract period of at least five (5) years.

6. PROCEDURE RULE 6: Transfer Of Undertakings (Protection Of Employment) Regulations 2006

6.1. All procurements where applicable must indicate how the Council intends to deal with The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). This is a critical element of the procurement process and the lead service area must consider this, liaising with Human Resources (HR) and the current supplier. This will relate to employees transferring from a Council service to an external provider (outsourcing), or vice versa (in-sourcing) or where employees transfer from an external provider to another external provider following a procurement process. If the latter, the involvement from HR will be light touch as the Council facilitates the process and transfer of TUPE information.

6.2. When the Council considers there to be a TUPE transfer from the Council, the advice of the People Services Manager, Assistant Director – Digital & Business Change and Monitoring Officer must be sought. The Assistant Director – Finance and Strategic Director – Corporate Resources will be notified.

6.3. All contracts shall require a successful tenderer to undertake to comply with its obligations under TUPE.

7. PROCEDURE RULE 7: Preliminary Market Engagement

7.1. The Council may conduct preliminary market engagement prior to the publication of a tender and competitive procurement process, for the purpose of:

a) developing the Council requirements and approach to the procurement;

b) designing a procedure, conditions of participation or award criteria;
c) preparing the tender notice and associated tender documents (for instance Lots, procurement route to market, timescales associated to the tender stage, whether site visits would be beneficial);
d) identifying suppliers that may be able to supply the goods, services or works required;
e) identifying likely contractual terms;
f) building capacity among suppliers in relation to the contract being awarded.

7.2. In carrying out preliminary market engagement, a contracting authority must take steps to ensure that:

a) suppliers participating in the preliminary market engagement are not put at an unfair advantage, and
b) competition in relation to the award of the public contract is not otherwise distorted.

7.3. The Procurement Team must be involved and where it is likely that the requirement is above threshold, the Procurement Team will need to publish a Preliminary Market Engagement Notice as set out in Procedure Rule 14. The Procurement Team have templates available for officers to undertake a preliminary market engagement exercise and will facilitate this via the tendering portal for efficiency and audit purposes. Alternatively, preliminary market engagement could be undertaken via a framework with suppliers under the relevant scope/lot.

Section C – Define

Identify options and determine relevant procurement requirements that encourage broad participation and are open and accessible to all.

8. PROCEDURE RULE 8: Specification

8.1. A Specification is a statement of requirements which must be produced by the Officers in the service as the expert within their field with support/advice from the Procurement Team. It provides a detailed description of the goods, services and/or works a supplier is expected to supply during the lifetime of the contract. It is also a record against which suppliers can be measured and is legally binding.

8.2. It should encourage fair and open competition within the marketplace and help suppliers make informed decisions on whether to bid.

8.3. The Specification is a core document for the procurement and subsequent contract. A supplier shouldn't need to make assumptions as a good specification must include all the right information to enable the supplier to cost up goods, services and/or works accurately so a Council can evaluate bids on a like for like basis. The specification mustn't mislead suppliers or give them false expectations.

8.4. Officers must ascertain the relevant British or equivalent International Industry standard that applies to the contract and these must be used to properly describe the required quality. Clarification can be sought from the Procurement Team where applicable.

8.5. For guidance on how to write a specification, Officers may use the standard template available and review guidance available such as the Procurement Essentials guidance created by Crown Commercial Services - How to write a specification – Procurement Essentials - CCS.

9. PROCEDURE RULE 9: Key Performance Indicators

9.1. A Key Performance Indicator (KPI) is a quantifiable measure against which a supplier's performance of a contract can be assessed during the life-cycle of the contract. This ensures the Council has a way to hold the supplier to account regarding performance and helps evidence good or poor performance.

9.2. The Procurement Team will assist the Officer with the production of the KPI's but it is the Officers responsibility to finalise and decide the KPI for inclusion in the specification and contract. The KPI's need to be measurable and relevant to the requirement and contract. It is also the Principal Contract Officer's responsibility during contract management to monitor performance against the KPI's agreed.

9.3. Where the value of the public contract is estimated more than £5 million, the Council must set at least three KPI's in respect of the Contract. The obligation to set at least three KPIs does not apply if the contracting authority considers that the supplier's performance could not appropriately be assessed by reference to KPIs. This might include, for example, where the contract is for a one-off delivery of or off-the-shelf goods.

9.4. Where more than three (3) KPIs are set, the Council will be required to publish all KPIs. Please refer to Procedure Rule 19 for more information related to the management, monitoring and publication of KPI's once the contract has been awarded. Please see Procedure Rule 14 and 19.

10. PROCEDURE RULE 10: Social Value

10.1. The Council must consider how its requirement, procurement and contract will support the delivery and achievement of wider benefits including but not limited to social, economic and environmental sustainability benefits.

10.2. As a minimum, between 5% and 10% of the evaluation criteria must be earmarked for social value purposes in the following Quotations and/or Tenders:

a) Where the value of the proposed contract for goods and/or services is above the UK Public Procurement threshold; or
b) Where the value of the proposed contract for the execution and undertaking of works exceeds £500,000 (Net).

11. PROCEDURE RULE 11: Award Criteria

11.1. Award criteria means criteria set which Tenders or Quotations will be assessed for the purpose of awarding a public contract. In all tenders and quotes, the award criteria must be clearly defined and transparently communicated in the procurement documents to bidders. When setting award criteria, Officers must ensure that all award criteria relates to the subject-matter of the contract, is sufficiently clear, measurable and specific, do not break the rules on technical specifications and remain proportionate, having regard to the nature, complexity and cost of the contract.

11.2. The Procurement Team will assist the Officer with the production and finalisation of the award criteria but it is the Officers responsibility to finalise and decide the award criteria noting advice from the Procurement Team. Please also note, it is not the Procurement Team responsibility to evaluate the award criteria, that is a responsibility for the Officers.

11.3. Examples of award criteria themes including but are not limited to:

a) Level of service;
b) Quality of goods;
c) Cost effectiveness;
d) Delivery requirements;
e) Environmental considerations;
f) Functional characteristics, such as security, safety and control features;
g) After sales service;
h) Experience/Case Study;
i) Communication and expectation management;
j) Health and Safety;
k) Technical assistance;
l) Social value (please note Procedure Rule 10).

12. PROCEDURE RULE 12: Contract Documents, Signing and Sealing

12.1. High level detail for all contracts valued at £C (£125k) or above (or £B £25k if open advert at the point of award), must be published on the Council's Transparency Pages and Contracts Finder in accordance with The Local Government Transparency Code 2015.

12.2. All contracts shall clearly specify:-

a) The work to be done or the goods, materials or services to be supplied;
b) That all goods supplies and services used or supplied are to comply with any relevant standards specification or code of practice in force at the date of the tender (British or International equivalent);
c) The price to be paid with a statement of any discounts or deductions (amount and timing);
d) Any insurance requirements;
e) Any health and safety requirements;
f) Safeguarding vulnerable people requirements (if appropriate);

g) The terms of the Bribery Act 2010 or any other legislation that deals with Bribery and Corruption in force at the time the contract is let;
h) Compliance with the Equality Act 2010;
i) The time within which the contract is to be performed;
j) The provisions for the Council to terminate the contract; and
k) A mechanism for agreeing price escalation and or cost reduction requirements;
l) That both parties will comply with the provisions of the GDPR Regulation including the data controller and processor responsibilities;
m) That the supplier may not assign or sub-contract without prior written approval;
n) Any insurance requirements;
o) Health and Safety requirements;
p) Sustainability requirements;
q) Confidentiality;
r) A right of access to relevant documentation and records of the contractor for monitoring and audit purposes, if relevant;
s) Key Performance Indicators; and
t) That the Freedom of Information Act 2000 and The Local Government Transparency Code 2015 may require the Council to release information provided by the suppliers.

12.3. The formal advice of the Procurement Team must be sought for the following contracts:-

a) Where the total value exceeds £B (£25k);
b) Those involving leasing arrangements;
c) Where it is proposed to use a supplier's own terms (which should be the exception for exceptional reasons rather than the rule); and
d) Those which are complex or high risk in any other way.

12.4. All contracts over £C (£125k) must be concluded formally in writing and signed by an authorised signatory and formally sealed by the Legal Services Team before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written authority is provided by the Chief Financial Officer, Deputy Chief Financial Officer or Monitoring Officer. An award letter is insufficient. All contracts should be given a unique number allocated by the Procurement Team who should also be supplied with a copy of the contract.

12.5. The Principal Contract Officer from the service area must ensure approval and authority is in place prior to the award and signing of the Contract.

12.6. A contract must be sealed by the Council if:-

a) The Council may wish to enforce the contract more than six (6) years after its end;
b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services;
c) There is any doubt about the authority of the person signing for the other contracting party; or

d) The total value of the contract exceeds £C (£125k).

13. PROCEDURE RULE 13: Liquidated Damages, Bonds And Parent Company Guarantees

13.1. A risk assessment and financial check of every contract for the purposes of determining the level of security needed, if any, must be made by the appropriate Strategic Director or Assistant Director in consultation with the Procurement Team. Typically, this would be discussed at the pre-procurement planning stage when considering the criteria for the procurement as is considered in the Procurement Checklist.

13.2. For every contract where it is considered that the Council would suffer loss if the contract works, supplies or services are not provided in the time specified, the contract shall provide for the payment of liquidated damages by the contractor to reflect the anticipated loss to the Council.

13.3. Employees must consult with the Chief Financial Officer to establish whether a parent company guarantee is necessary when a supplier is a subsidiary company and:-

a) The award is based on an evaluation of the parent company; or
b) There is some concern about the financial stability of the supplier.

13.4. Employees must consult with the Chief Financial Officer to establish whether a bond is needed where:-

a) It is proposed to make stage payments during the life of the contract and there is some concern about the financial stability of the supplier; or
b) There will be a cost to maintain service delivery if the supplier goes into liquidation; or
c) Where a parent company guarantee cannot be provided (i.e. due to the company not having a parent company).

Section D – Procure

Prepare procurement documentation and publish, select suitable suppliers, evaluate bids, award and mobilise the contract.

14. PROCEDURE RULE 14: Procurement Process, Advertising Requirements and Procurement Notices

14.1. Further to 1.4 above, the penalties for non-compliance with procurement regulations are severe and failure to comply could expose the Council to legal action by suppliers, resulting in setting aside the contract, fines, re-tendering costs and compensation.

14.2. The Procurement Team must be notified and involved in all procurements above £B (£25k) as a minimum to ensure the process undertaken is compliant. This also ensures all awarded procurements are recorded on the Central Procurement Database.

14.3. The only exception to 14.2 is where a procurement is due to be awarded via a Framework Agreement or falls in scope of the Vertical or Horizontal arrangement regardless of the value (if below £b (£25k)). The Procurement Team must always be consulted and involved in the process to ensure a compliant award.

14.4. **Quotations and Tenders**

14.4.1. For the purposes of Quotations and Tenders (excluding Framework Agreement call-offs, Vertical and/or Horizontal Arrangements), please find below the matrix outlining the process to be followed.

Estimated Value of the Whole Contract*	Minimum Number of Suppliers to be Invited	Minimum Advertising Requirements	Procurement Method	Process Records Required	Form of Contract Required
Less than £A (£7.5k)	No minimum numbers, but must demonstrate value for money	Not Mandatory - Supplier selection based on Officer knowledge	Written Quote	Written record documenting the process (Including Written Quote submitted – if applicable)	Purchase Order (PO) and Invoice. Contract may be required depending on the risk and nature of the award.
£A to £B (£7.5k to £25k)	3 written Quotations	Not Mandatory - Supplier selection based on Officer Knowledge	Written Quotation (E-Mail or Purchasing system are also acceptable)	Quotations obtained and record documenting the process and reasoning as to the selection of the successful supplier	Purchase Order (PO) and Invoice. Formally signed contract may be required depending on the risk and nature of the award.

£B to £C or D if Works (£25k to £125k or £3.5M if Works)	**Must be via the Procurement Team** If open, sealed Tenders and no minimum amount need to be invited as it's an openly advertised opportunity. If however it is deemed to be closed, a minimum of five (5) must be invited to obtain at least three (3) Quotations.	Advertisement on the authorised eTendering Portal and Find a Tender (if open advert). Option to undertake closed Quotation process but must be justified and approved by the Procurement Service Manager and/or Assistant Director – Democracy and Governance. At least five (5) suppliers invited.	Invitation to Quote if closed (Consult the Procurement Team) or Invitation to Tender if open (Consult the Procurement Team)	Procurement Documents, Clarification Register, Submission Documents, Contract	Signed contract/agreement, PO and Invoice (Record on Central Contracts Database)
More than £C (£125k) to threshold or more than D (£3.5M) if Works	**Must be via the Procurement Team** Open sealed Tender.	Advertisement on the authorised eTendering Portal and Find a Tender. No option for it to be closed.	Invitation to Tender - Sealed Tenders (Consult the Procurement Team) No option for it to be closed.	Procurement Documents, Clarification Register, Submission Documents, Contract	Formal Sealed Contract (Record on Central Contract Database)
Above threshold	**Must be via the Procurement Team** Open sealed Tender.	Advertising on Find a Tender and Contracts Finder. No option for it to be closed.	Follow Regulations (Consult the Procurement Team). No option for it to be closed.	Complete Log of entire procedure	Formal Sealed Contract (Record on Central Contract Database)

* Including extension options and shall be deemed to exclude any Value Added Tax applicable to the contract/framework agreement.

14.4.2. Invitation to Quotes may be undertaken on a closed basis (£B to £C or D if Works (£25k to £125k or £3.5M if Works). This is where the contracting authority invites quotes from a closed group of pre-selected suppliers via the e-tendering portal provided it does not advertise the procurement in any other way (for example in a newspaper or on a local website or openly on the portal). The reasoning for the selection of suppliers must be justified (for instance all SME's, they are local in the Borough or County) and at least five (5) suppliers must be invited. The same five (5) suppliers cannot keep being reinvited to similar invitations to quote due to risk of service delivery in the event of supplier failure but to also ensure suitable competition. If the intention is to undertake a closed invitation to quote process, approval must always be given by the Procurement Service Manager and/or Assistant Director – Democracy and Governance. Where a closed invitation to quote

procedure is not being undertaken (and this excludes a framework agreement award, vertical and horizontal awards), the process will be deemed a below threshold tender and must therefore comply where relevant to the Procurement Act.

14.4.3. Timescales for above threshold and below threshold Tenders are outlined in the Procurement Act. For the purposes of Invitation to Quote processes, this must be out to the market for at least 30 days unless justified and approved by the Procurement Service Manager and/or Assistant Director – Democracy and Governance.

14.4.4. For Tenders which exceed £C (£125k) or £D (£3.5M) if Works, consideration should be given to re-tendering where two or fewer tenders are received, and where prices are high and VFM cannot be demonstrated. But this needs to be balanced with other factors such as programme, priority, risk and whether the opportunity was limited or restricted in some form.

14.4.5. Standstill Period is compulsory on all procurements above £C (£125k) including Works above £C (£125k) unless waivered following approval with the Chief Financial Officer. A Standstill period must always apply to an above threshold Tender as per the Regulations. It is optional for a competition via a Framework Agreement and would be deemed best practice if time permits, unless the Framework Agreement mandates a Standstill Period. Where a Standstill Period is not mandatory as per the Regulations, it will be called a Voluntary Standstill Period.

14.4.6. Concession contracts have the same threshold as 'works' contracts. In simple terms, a contract is a 'concession' when the economic operator is compensated by the ability to exploit the requirement on behalf of the authority (i.e. Leisure Centre Operator). However, concession contracts vary from standard service and works contracts in that, the operator must take the risk that no income is generated and a loss could be incurred. A full definition of what is meant by a 'concession contract' can be found in the Glossary of Terms. If you believe your requirement could be a concession contract, please contact the Procurement Team for advice.

14.5. **Framework Agreements (CHAPTER 4 Award under frameworks)**

14.5.1. A Framework Agreement means an agreement between a contracting authority and one or more suppliers that provides for the future award of contracts by a contracting authority to the supplier or suppliers. A contract can be awarded via a Framework Agreement but it must be done so in accordance with the Framework Agreement terms and conditions. All purchases made via a Local Authority consortium or public sector Framework Agreement, such as CSW, ESPO, CCS, PFH or PAGABO, are deemed to comply with these Contract Procedure Rules and an exemption is not required.

14.5.2. Framework Agreements, due to their nature, may be comprised of several suppliers, and a robust selection process should be undertaken to ensure

value for money is achieved. The Council must comply with the Framework Agreement call-off process to ensure compliance with the Regulations to result in a compliant award. Call-off Contracts may be awarded with or without competition between suppliers on the framework. Advice must always be sought from the Procurement Team who will facilitate and manage the process for Officers.

14.5.3. Access to Framework Agreements will be defined by the Framework Agreement owner.

14.5.4. The Procurement Team must vet the Framework Agreement to ensure it is a compliant Framework Agreement to use. Even though the Council may not be the Framework Agreement owner, any procurement process via a Framework Agreement to award a Call-off Contract will be the sole liability of the Council. Therefore, should the Framework Agreement be deemed non-compliant and/or the call-off process was non-compliant, the contract awarded will still be liable for the consequences set out in 1.4. This is why due diligence of the framework agreement is still required.

14.5.5. Where the Council may use a new Framework Agreement that requires the completion of an Access Agreement, approval must be granted by the Procurement Service Manager and/or Assistant Director – Democracy and Governance following a review and upon issue of a Delegated Officer Decision.

14.6. **Collaborative Procurements**

14.6.1. Typically, most procurements and contracts awarded will be in the form of a Tender or Quotation process as outlined above. However, there are alternative routes to market such as accessing a public sector compliant Framework Agreement or a collaborative Tender/Quote process led by another public sector body in order to secure better value for money. The Procurement Team must be consulted where a purchase is to be made using collaborative purchasing arrangements with another public sector body (including central government), statutory undertaker or public service purchasing consortium. Where the Council is acting as the lead authority in a consortium for the procurement of goods, works or services, these Contract Procedure Rules will be applicable. Where the Council is a participating buyer/customer to a wider collaborative procurement (such as a regional procurement exercise led by another borough/district or county council or, part of a national aggregated procurement exercise), the lead authority will comply with the regulations and their Contract Procedure Rules (or equivalent). However, Officers are informed that this relates only to the competitive part of the procurement process. The Principal Contract Officer at the Council will still be required to comply with internal process, governance, sign off and approval.

14.7. **Vertical Arrangements**

14.7.1. For the purposes of the Regulations, the Vertical Arrangement exemption applies only to contracting authorities that are public authorities and it does

not apply to public undertakings or private utilities. The exemption is available where a contracting authority (or two or more contracting authorities acting together) contracts with 'controlled person' over which the contracting authority owner has the form of control set out in the Act. One example of a controlled person is a local authority trading company that the contracting authority owner has set up, either on its own or with other contracting authorities, to provide services.

14.7.2. Schedule 2 Exempted Contracts, paragraph 2(2) of sets out the criteria that determine whether the person is 'controlled', all of which must be met in order for the exemption to apply. These are:

a) The Council is a parent undertaking, as defined in paragraph 2(4) (which refers to the definition in Section 1162 Companies Act 2006);
b) No other person exercises (directly or indirectly) a decisive influence over the activities of the controlled person; and
c) The controlled person carries out more than 80% of its activities for, or on behalf of, the contracting authority owner (the Council), or for or on behalf of other persons controlled by the contracting authority owner; and
d) Where there is joint control by more than one contracting authority owner, each contracting authority owner is represented on the controlled person's board or equivalent decision-making body, and the controlled person does not carry out activities which are contrary to the interests of one or more of the contracting authority owners.

14.7.3. This exemption (not to be confused with Procedure Rule 24 of the CPR's) applies to contracts awarded by the contracting authority owner (the Council) to the controlled person and to contracts awarded by the controlled person to its contracting authority owner. There still remains a requirement to publish notices, obtain and demonstrate value for money and undertake contract management duties. The exemption removes the need to undertake a competitive procurement process only. Therefore pre-procurement stages and contract management stages still apply.

14.8. **Horizontal Arrangements**

14.8.1. For the purposes of the regulations, the Horizontal Arrangement exemption applies only to contracts between contracting authorities and only where both of the co-operating contracting authorities are public authorities - it does not apply to public undertakings or private utilities.

14.8.2. A Horizontal Arrangement exists between co-operating contracting authorities when:

a) the arrangement is intended to achieve common goals in connection with the exercise of their public functions; and
b) the arrangement is solely in the public interest; and
c) no more than 20% of the activities envisaged by the arrangement are intended to be carried out for reasons other than for the purposes of their public functions.

14.9. **Advertising Requirements including Procurement Notices**

14.9.1. For the purposes of Above Threshold and all Invitation to Quotes or Tenders undertaken on an open basis, please find below the advertising and notice requirements throughout the lifetime of the procurement cycle.

a) Preparation Stage

i. Pipeline Notice (Mandatory if applicable): if a contracting authority considers they will pay >£100 million for contracts for goods and services in the upcoming financial year, then the publication of a pipeline notice 56 days prior to commencement of the financial year (being the 1st of April) setting out information about public contracts with an estimated value of over £2million each is mandatory.

ii. Planned Procurement Notice (Optional): this is an optional notice intending to show that a public body intends to publish a tender notice in the future.

iii. Preliminary Market Engagement Notice (Mandatory if applicable): contracting authorities are not obliged to perform Prior Market Engagement but where they do, they will be required to publish a Prior Market Engagement Notice or provide reasons for conducting Prior Market Engagement in the tender notice. This is a change from the current Public Contracts Regulations 2015 which does not require (but allows) the publication of such notice.

b) Procurement stage

i. Tender Notice (Mandatory if applicable): where a contracting authority is planning to award a public contract via a competitive procedure, then tender notice will be mandatory and commences the procedure. This is the equivalent to the current contract notice.

iv. Transparency Notice (Mandatory if applicable): this is mandatory if there is a direct award made by a public body and replaces the current voluntary transparency notice.

v. Below Threshold Tender Notice (Mandatory if applicable): this is mandatory where the contracting authority intend to advertise for the purpose of inviting tenders for a below threshold procurement (being a contract with estimated value of not less than £12,000 (inc. VAT) for central government authorities and not less than £30,000 (inc. VAT) for all other contracting authorities) and must be published prior to advertising a notifiable below threshold contract.

vi. Procurement Termination Notice (Mandatory if applicable): these do not extend to private utilities or contracts awarded under section 41 as specified in paragraph 15 of Schedule 5, however, they are mandatory for public contracts where after publishing a tender or transparency notice the contracting authority decides not to award the contract.

c) Contract award

i. Contract Award Notice (Mandatory if applicable): this is published at conclusion of procurement and before entering into the contract and sets out

the intention to enter into a public contract – this is mandatory. It should be noted that contracting authorities will be required to give an assessment summary (the equivalent to the current standstill letters, albeit with different requirements) to each supplier that submitted a tender before publishing the contract award notice.

ii. Contract Details Notice (Mandatory if applicable): this shows that a contract has been entered into and is mandatory. In addition
    a. Publication of contract (Mandatory if applicable): contracting authorities who enter into a public contract with a value of more than £5m will have to publish a copy of the contract within 90 days of entering into the contract (or 180 days if the contract is light touch). However, Welsh contracting authorities are required to publish contracts only if the contract was awarded as part of a procurement under a reserved procurement arrangement (i.e a framework or Dynamic Market awarded by an English / non-devolved contracting authority) and the value of the call off is over £5m.

iii. Procurement Termination Notice (Mandatory if applicable): this is a new requirement where a contracting authority is now required to publish a notice where it decides to abandon a procurement. Such a notice must be published as soon as reasonably practicable after making the decision.

iv. Below-Threshold Contract Details Notice (Mandatory if applicable): where a contracting authority enters into a notifiable below-threshold contract (being a contract with estimated value of not less than £12,000 (inc. VAT) for central government authorities and not less than £30,000 (inc. VAT) for all other contracting authorities) then the contracting authority must publish a contract details notice as soon as reasonably practicable after entering into the contract.

d) Contract performance management

i. Contract Change Notice (Mandatory if applicable): mandatory where an above-threshold modification is made to the contract. This is a wider requirement compared to the Public Contracts Regulations 2015 which only require contract modification notices in limited circumstances. No contract change notice is required to be published where the modification do not increase or decrease the value of the contract (a) in the case of supply of goods and services contracts, by 10% or less or (b) in the case of works contracts, 15% or less.

ii. Contract Termination Notice (Mandatory if applicable): this is mandatory and must be published within 30 days of contract termination date, (whether termination is due to expiry or otherwise). This is a new requirement.

iii. Payments Compliance Notes (Mandatory if applicable): this is mandatory and must show the contracting authorities compliance with 30-day payment terms. Such notices must be published within 30 days of the last reporting period (being each 6 month period on either the 31 March or 30 September)

iv. Contract Performance Notice (Mandatory if applicable): with the exception of private utilities, (where no contract performance notice will be required), where a contracting authority has included KPIs in the contract and the contract has a value of over £5million then the contracting authority must at

least once every year assess the suppliers performance against those KPIs and publish information about the suppliers performance. In addition, contracting authorities will be required to share information about breaches of contract or poor performance (including those which result in termination, payment of damages or a settlement agreement) by the supplier within 30 days of the breach or poor performance.

e) Relevant at more than one part of the procurement process

i. Dynamic Market Notices (Mandatory if applicable): this notice mandatory where a dynamic market will be publicised, established, awarded or where it will be terminated. A Dynamic Market Notice will get updated as it passes each stage. No Dynamic Market Notice is required to be provided for a termination if the dynamic market is established by a private utility.

15. PROCEDURE RULE 15: Receipt And Opening Of Tenders/Quotations

15.1. All sealed Quote and Tenders must be via a procurement portal. Where utilising the Council e-tendering portal (rather than a framework provider portal or lead authority (such as another public sector body)), at least two officers from the Procurement Team must receipt and undertake the opening ceremony. Any faxed, post and/or email submissions must be rejected.

15.2. A summary of the tender or quote opening information as detailed below shall be produced and retained with the contract documents:

a) Title of the Contract
b) Names of all tenderers
c) The amount of each tender
d) Date and time of opening
e) Name of those present at opening
f) Verification that all documents are present

15.3. The Procurement Team will download the tender or quote responses and make them available to relevant Officers as required for record/audit/evaluation. This will result in an initial anonymised tender opening record and pricing documents will not be shared until the pass/fail and quality assessment has been undertaken to mitigate any potential bias during the evaluation process.

16. PROCEDURE RULE 16: Evaluation, Award and Debriefing Suppliers

16.1. With the exception of debriefing required or permitted by these Procedure Rules, the confidentiality of quotations, tenders and the identity of suppliers must be preserved at all times and the information about a bid response must not be given to any other supplier or external party unless for a justifiable reason (insurance advisors, externally appointed project manager/consultant). Freedom of Information Act 2000 Sections 43 and 44 refer to exemptions for confidential and commercially sensitive information.

16.2. The Procurement Team must ensure all contracts awarded above £25k (or below if involved or appointed via a Framework Agreement Call-off) have a contract record created in the Central Contract Database and where applicable, a Contract Notice published.

16.3. **Evaluation**

16.3.1. Bids must be evaluated and awarded in accordance with the evaluation and award criteria defined in the procurement documents by a minimum of two officers who have the technical ability to evaluate the submission. The Procurement Team are able to advise on the process but shall not undertake the award criteria (quality) assessment unless there is a justifiable reason approved by the Procurement Service Manager and/or Assistant Director – Democracy and Governance for their involvement in the evaluation process. The Procurement Team will however review the pass/fail criteria, conditions of participation and pricing documentation. During this process, officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily. If any particularly low bids are received or if there are large discrepancies between the bids received, it is advised to undertake an abnormally low price clarification process. Where a bid is considered to be abnormally low the Procurement Team will follow the process outlined in the regulations.

16.4. **Award**

16.5. Where required by the regulations, before entering into a public contract (awarding), the Council must publish a contract award notice setting out that the Council intends to enter into a contract and observe a Standstill Period. But before publishing a contract award notice, the Council must provide an assessment summary to each supplier that submitted an assessed tender which contains information about the Council's assessment of the tender, and if different, the most advantageous tender submitted in respect of the contract.

16.6. The Contract must be signed by an authorised officer of the Council's Legal Team as per the approved signatory and delegations list, and a copy of the contract must be forwarded to the Procurement Team to update the Central Contract Database. The Legal Team will require the relevant approval and authority in accordance with the Council Constitution in order to sign the Contract for the provision of goods, services and works.

16.7. **Standstill Period**

16.7.1. The Council must not enter into a public contract before the end of the mandatory standstill period, or if later, the end of another standstill period provided for in the contract award notice.

16.7.2. The Council will need to observe the mandatory Standstill Period which is the period of eight working days beginning with the day on which a contract award notice is published in respect of the contract.

16.7.3. Where there is no requirement to observe a mandatory Standstill Period, the Council will (unless approved by the Procurement Service Manager and/or Assistant Director – Democracy and Governance) hold a Voluntary Standstill Period. Like the mandatory Standstill Period, the voluntary Standstill Period must be at least eight working days. A voluntary Standstill Period is not required for tenders or quotes below £125k.

16.7.4. If the award decision is challenged by an unsuccessful tenderer then the contract will not be awarded, the standstill is likely to be extended subject to the reason for the challenge, and advice must be obtained from the Assistant Director – Democracy & Governance and the Procurement Service Manager.

16.7.5. If a supplier requests in writing the reasons for a decision, they must be given the reasons in writing prior to completion of the standstill period or within five (5) working days from receipt of the request if no standstill is being followed. If requested, tenderers who were deselected in any pre-selection stage be given the outcome of the procurement for transparency purposes.

17. PROCEDURE RULE 17: Post Tender Negotiation

17.1. Seeking clarification of an invitation to tender is permitted but must be undertaken via the electronic tender portal. However, if it is in fact deemed negotiation rather than clarification, it must be undertaken in a controlled environment with a clear agenda and minutes of meetings/discussions with at least one member of the Procurement Team in attendance.

17.2. Discussions with bidders after submission of a tender and before the award of a contract with a view to obtaining an adjustment to price, delivery or content must be the exception rather than the rule. It must not be conducted in procurements above the threshold where it might distort competition unless permitted by the regulations. The only exception to this is if the Competitive Flexible Procedure has been used which includes one or more stages of negotiation.

17.3. If post tender negotiations are necessary after a single stage tender or after the second stage of a two stage tender (for instance where prices are significantly higher than the available budget or where no suitable or bids are acceptable without modification), then such negotiations shall only be undertaken as part of the closure of the procurement stage and re-opening of a new stage to ensure all bidders are treated fairly and equally to reduce challenge. A record of the minutes of negotiation meetings shall be kept on file and the changes communicated transparently.

17.4. The Assistant Director – Democracy & Governance must be formally consulted wherever it is proposed to enter into post tender negotiation. Negotiations must be conducted by a team of at least two employees, one of whom must be from the Legal Services Team or Procurement Team.

18. PROCEDURE RULE 18: Records

18.1. The Council and officers must retain documentation and communication as required by the regulations. This includes:

a) all and any records as the Council considers sufficient to explain a material decision made for the purpose of awarding or entering into a public contract;
b) records of any communication between the Council and a supplier that is made in relation to the award or entry into of a public contract, and before the contract is entered into.

18.2. All procurements awarded need to be added to the Central Procurement Database.

18.3. In the event of a legal challenge all communications including e mails, may be requested by a Court as evidence. Therefore, it is essential that all documentation is stored securely and all communications/notes are undertaken in a professional manner.

18.4. All records must be kept for at least three (3) years after the final settlement of the contract, twelve (12) years if the contract is under seal. However, tender documents, which relate to unsuccessful contractors, need only to be kept for a period of 12 months from award of the contract, provided there is no dispute about the award. In some cases it may be desirable to retain documents for a longer period by scanning or using some other suitable method. Where the cost of the contract is to be met in part or in whole, by sources of external funding, the written records shall be retained in accordance with any directions of the external funder.

Section E – Manage

Establish a contract management plan to monitor performance and ensure successful delivery of contractual obligations, exit and contract closure.

19. PROCEDURE RULE 19: Contract Management

19.1. Responsibility of the Principal Contract Officer

19.1.1. A Principal Contract Officer must be nominated for all contracts over £B (£25k). The nominated person will be responsible for the planning, coordination, monitoring and controlling of the contract, and ensuring completion on time, within cost and to the required quality standards. This cannot be a member of the Procurement Team unless the contract is for the Procurement Team (such as the company credit rating solution or e-tendering portal).

19.1.2. The Principal Contract Officer should:-

a) Maintain a risk register during the contract period;
b) Undertake appropriate risk assessments;
c) For each risk identified, ensure that contingency measures are in place;
d) Confirm the financial stability and insurance cover of the contractor at least annually; and
e) Be proactive to ensure the contract is reviewed at least annually (if longer than twelve (12) months) to effectively and efficiently plan for any extension period (if permitted by the contract) and/or begin planning for any new procurement if the contract is an ongoing requirement rather than a one off purchase.

19.1.3. During the life of the contract the following issues must be monitored:-

a) Performance;
b) Compliance with specification and contract;
c) Budget, cost, variations, quality and value for money;

d) User satisfaction and risk management; and
e) Customer complaints.

19.1.4. Principal Contract Officers are advised to hold regular contract meetings with their contracted suppliers at least once a quarter and to hold documentation as evidence of meetings (minutes) as appropriate. These meetings should be used to discuss updates, performance, invoicing, provisionally discuss changes (personnel or contract variations) before formally agreeing and end of contract arrangements (TUPE, providing back to the Council any documentation, keys, equipment etc). These meetings will ensure consistent communication between the parties.

19.2. **Contract Variations**

19.2.1. Following the award of any contract, changes may need to be made for certain reasons such as changes in procedure, legislation, pricing, the terms of the contract and/or specification. A contract may be modified in accordance with this procedure rule and the procurement regulations, but certain criteria must be met to modify a contract. If the proposed variation is not compliant with the criteria, the variation is not permissible.

19.2.2. It is the Principal Contract Officer's responsibility to manage the contract and ensure any variation to a contract is checked prior to agreeing with the supplier, ensuring liaison with the Procurement and Legal Services Team. Any change to a contract must be documented appropriately via a contract variation schedule and signed off by the parties.

19.2.3. A contract can be modified based on the below criteria:

a) Non-substantial
b) Below threshold
c) Provided for in the contract
d) Urgency and the protection of life
e) Genuine unforeseeable circumstances
f) Materialisation of a known risk
g) Additional goods, services or works
h) Transfer on corporate restructuring

a)	Non-substantial	Modification is permitted on this ground if it is not a 'substantial modification as defined in section 74(3), i.e. if it does not: • increase or decrease the term of the contract by more than 10% of the maximum term provided for on award; or • materially change the scope of the contract; or • materially change the economic balance of the contract in favour of the supplier.
b)	Below threshold	Modification is permitted on this ground if it:

		• does not increase or decrease the estimated value of a goods or services contract by more than 10%, or a works contract by more than 15%; and • does not materially change the scope of the contract. • cannot be made on the grounds at Schedule 8 or is not a substantial modification (as set out in section 74(3))
c)	Provided for in the contract	Modification is permitted on this ground if the possibility of the modification is unambiguously provided in: • the contract as awarded; and • the tender or transparency notice for the award of that contract; and • the modification would not change the overall nature of the contract.
d)	Urgency and the protection of life	Modification is permitted on this ground if its purpose: • could, alternatively, be achieved by directly awarding a contract under section 41 (Direct award in special cases); and • such direct award could be made by reference to either extreme and unavoidable urgency (under Schedule 5, paragraph 13) or regulations made under section 42 (Direct award to protect life, etc).
e)	Genuine unforeseeable circumstances	Modification is permitted on this ground if: • the circumstances giving rise to the modification could not reasonably have been foreseen by the contracting authority before the award of the contract; and • it does not change the overall nature of the contract; and • it does not increase the estimated value of the contract by more than 50%. This 50% threshold does not apply if the contract is a utilities contract
f)	Materialisation of a known risk	Modification is permitted on this ground if: • a 'known risk' (as defined in Schedule 8, paragraph 6) has materialised which was not caused by any act or omission of the contracting authority or supplier, and as a result the contract cannot be delivered to the contracting authority's satisfaction; and • it is in the public interest in the circumstances to amend the contract rather than award a new contract; and • it does not increase the estimated value of the contract by more than 50% (unless it is a utilities contract, in which case the 50% cap does not apply); and

		• it was set out in the tender notice or transparency notice for award of the contract that the contract may require amendment due to the identified risk; and • goes no further than necessary to address the known risk. When considering the public interest in relation to this type of modification, the contracting authority: • must consider whether a new contract (rather than a modification) could provide more value for money; and • may consider technical and operational matters.
g)	Additional goods, services or works	Modification is permitted on this ground if: • it is for goods, service or works that are additional to (which would include a repetition of) goods, services or works already provided for in the contract; and • using a different supplier would result in the supply of goods, services or works that are different from, or incompatible with, those already provided for in the contract; and • the contracting authority considers that the difference or incompatibility would result in: ○ disproportionate technical differences in operation or maintenance or other significant inconvenience; and ○ substantial duplication of costs for the authority; and • the modification would not increase the estimated value of the contract by more than 50%. This limit of 50% does not apply if the contract being modified is a utilities contract.
h)	Transfer on corporate restructuring	The novation or assignment of a public contract to another supplier (which would include another contracting authority) is a permitted modification if it is required following a corporate restructuring or similar circumstance. Section 74(9) prohibits a contracting authority from modifying a contract to change a supplier except where this ground applies. The new supplier must not be an excluded supplier.

19.2.4. Where the total cost of any contract is expected to exceed the contract sum and/or budget, this will be escalated in accordance with the virement limits procedure within the Financial Procedure Rules, in consultation with the Chief Financial Officer. The limits are:

a) £5,000 Budget Holder;

b) £10,000 Assistant Director
c) £50,000 Strategic Director;
d) Any increase in excess of £50,000 will require Portfolio Holder and Cabinet approval.

19.3. **Supplier Performance Monitoring**

19.3.1. Further to Procedure Rule 9, the Principal Contract Officer must monitor and measure the suppliers performance against the agreed KPI's.

19.3.2. If the Contract is in scope of the Procurement Regulations and has an estimated value of more than £5 million, the Council will be required to set at least three KPIs in respect of the contract and the three (3) KPI's (unless more than three (3) are set), must be published at least once every twelve (12) months. The intention is to create a contract KPI page via DASH and PowerBi so the Principal Contract Officer is reminded to obtain the KPI data, submit via DASH so that the KPI's can be published by the Procurement Team in accordance with the Procurement Regulations for contracts that exceed £5 million. As per Procedure Rule [7], The obligation to set and publish at least three KPIs does not apply in relation to certain types of public contracts:

a) a framework (although it does apply to call off contracts under frameworks where these are over £5m);
b) a utilities contract awarded by a private utility;
c) a concession contract; or
d) a light touch contract.

20. PROCEDURE RULE 20: Extensions Of Existing Contracts

20.1. Subject to compliance with the regulations, contract extensions can be awarded when:

a) Value for money can be demonstrated for the Council;
b) The option to extend was written into the original contract;
c) The extension period is less than the original contract term; and
d) For Contracts subject to Regulations, the Notice and Award Notice included the option to extend.

20.2. Short term extensions may be permitted if compliant with the criteria included in Procedure Rule 17 (Contract Variations). This must however be the exception rather than the rule. Principal Contract Officers need to be proactive and plan their reviews accordingly to ensure contracts that need to be re-procured are doing so in sufficient time to mitigate risk of a gap in provision.

20.3. The extension must be approved in advance by the Chief Financial Officer or Strategic Director for major contracts and for lower value contracts, the Service Manager and/or Assistant Director in consultation with the Procurement Team. Before approval is given it must be satisfied that:-

a) The total contract value including the extension is less than the threshold or it will be subject to Regulations unless the extension was permitted in the tender or quote and contract;
b) The Council is satisfied the supplier is performing against the contract and delivering the expected outcomes to be achieved when the contract was awarded;
c) That the likely benefit of new competition for a new contract would be outweighed by the administrative cost and/or delay involved; and
d) That the interests of the Council will not be compromised by the negotiation.

Section E – General

Procedure Rules outlined below are not specific to a stage of the Procurement Pathway (Plan, Define, Procure and/or Manage) so have been included in Section E – General as they apply throughout the entire procurement and contract lifecycle.

21. PROCEDURE RULE 21: Conflict of Interest

21.1. Officers and Elected Members must comply with the Code of Conduct and wider legislation surrounding the declaration of any conflict of interest that may be directly or indirectly be linked with a procurement process. Under the Procurement Act, the Council will be required to demonstrate throughout the lifecycle the ongoing assessment and review of potential conflict of interests and where identified, mitigate risk. A conflict of interest arises in a procurement context where there is a conflict between the interests of a person acting in relation to a procurement and those of the procurement itself (this includes any decision maker, whether a senior Officer or Elected Member such as a member of Cabinet or the relevant Portfolio Holder). Therefore, Officers participating in the procurement process will be asked to declare throughout the procurement process any conflict of interest that may impact the procurement process.

21.2. Conflicts of interest need to be managed effectively to ensure that the public can trust contracting authorities to carry out public procurement responsibly and impartially. It also helps to encourage suppliers to participate in procurements, providing confidence that they will be treated fairly and that there will be genuine competition.

21.3. The Procurement Officer will be required to create and maintain a conflicts assessment for each procurement process and to publicly confirm that this has been done and that it has been reviewed and revised as necessary.

21.4. Mitigations will include but not be limited to reassigning staff and/or decision makers, require a suppliers bid team to change and/or in exceptional circumstances where there is no way to remove any conflict of interest, exclude the supplier from the procurement process. Advice must always be sought from the Monitoring Officer and the Procurement Service Manager where a conflict of interest is identified during a procurement process.

21.5. Further information is contained in Chapter 6 (General provision about award and procedures), Part 5 of the Procurement Act (Conflicts of Interest).

21.6. Officers and Elected Members are reminded that the identification of a conflict of interest in connection the procurement process does not negate the requirement to declare the conflict as a Declaration of Interest as specified in the Constitution. If it comes to the attention of a member or employee of the Council that a contract, in which he or she has a financial or non-financial interest, has been or is proposed to be entered into by the Council, he or she must record it in the Interests Register which is maintained by the Monitoring Officer. Where necessary the Monitoring Officer will report such declarations to the relevant Officers and Members. Such written notice is required irrespective of whether the interest is direct or indirect. An indirect interest is distinct from a direct interest in as much as it is not a contract to which the member or employee is directly a party.

21.7. The Monitoring Officer shall ensure that the attention of all members is drawn to the National Code of Local Government Conduct and the local Member Code of Conduct and that all employees are aware of the Employee Code of Conduct.

22. PROCEDURE RULE 22: Gifts and Hospitality (Corruption and Bribery)

22.1. In accordance with the Council's policy on Gifts and Hospitality, no Officer or Elected Member must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the employee to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a criminal offence under the Bribery Act 2010.

22.2. All formal written contracts must include a provision that permits the Council to terminate a contract and to recover loses if the supplier (including its employees, agents or third parties) including anyone acting on behalf of the supplier:

a) Offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the supplier does not know what has been done); or
b) Commit an offence under the Bribery Act 2010 or any other legislation that deals with Bribery and Corruption in force at the time the contract is let; or
c) Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.

23. PROCEDURE RULE 23: Freedom Of Information Act 2000 Exemptions

23.1. Section 43 exempts information where disclosure would be likely to prejudice the commercial interests of any person. It also includes a specific exemption

for trade secrets. It protects not only the commercial interests of the public authority that holds the information.

23.2. In using this exemption, you should bear in mind that the commercial sensitivity, particularly the market sensitivity, of information will usually decrease in time.

23.3. More information and advice can be obtained from the Solicitor to the Council or the Assistant Director – Democracy & Governance.

Section F – Exemptions

The Procedure Rule outlined below is not specific to a stage of the Procurement Pathway (Plan, Define, Procure and/or Manage) but could be required throughout the procurement and contract lifecycle.

24. PROCEDURE RULE 24: Exemptions

24.1. Only under exceptional an/or unavoidable circumstances shall authority be given to waive the Contract Procedure Rules. Generally, an exemption will only be approved if it is because of an unforeseeable emergency involving immediate risk to persons or property, disruption to council services or in the best interest of the service and only where it is not in breach of the Procurement Regulations.

24.2. An Exemption may be permitted to waiver a requirement of the CPR's and advice should always be sought from the Procurement Team and it must be cross checked against the Regulations.

24.3. Examples of a justifiable reason for an exemption include:

a) Direct award to a single supplier below the Procurement Regulation Threshold due to an unforeseen health and safety risk;
b) A waiver to obtain 3 sealed quotes and instead obtain 3 written quotes for a value at £45,000 on the basis value for money can be achieved and the process followed to obtain 3 quotes demonstrates value for money.

24.4. All exemptions must be requested using the Exemption Request Form in HPCM/Dash. Exemptions granted shall be recorded on the Contract Database and must therefore include Procurement Team. Requests for all exemptions and the reasons for accepting or rejecting the request must be in writing (includes e-mail).

24.5. An exemption to these Contract Procedure Rules may only be made:-

a) By the Chief Financial Officer in consultation where required with the Assistant Director – Democracy & Governance and the Procurement Service Manager for contracts estimated to be valued up to £C (£125k) or up to the threshold.
b) If the Chief Financial Officer is applying for an exemption (or the Assistant Director – Democracy & Governance) then he/she must consult with the Chief Executive and Assistant Director – Finance to ensure scrutiny and governance).

24.6. Exemptions cannot be requested if the value of the contract exceeds the threshold. That said, a Direct Award is possible for above threshold procurements if undertaken in accordance with the provisions set out in Part 3 Award of public contracts and procedures Chapter 3 – Direct Award.

24.7. Under the principles of value for money (VFM) the Council should discourage requests for the Council to obtain only one quotation or tender unless there is only one suitable supplier available. Where there is only one suitably qualified supplier such as for education services and embedded software licence renewals, then all reasonable efforts to secure VFM must be made.

Section G – Glossary

‘**Above Threshold**’ a procurement process or contract award that would have a value in excess of the Threshold that applies for that type of contract.

‘**Business Case**’ means a formal document that has been reviewed and agreed providing the justification for the undertaking of a project, programme or portfolio.

‘**Chief Financial Officer**’ means the individual as outlined in Procedure Rule 1.9.

‘**Central Procurement Database**’ means an electronic method of tendering and recording of contract data using electronic equipment for the processing (including digital compression) and storage of data which is transmitted, conveyed and received via a e-tendering system.

‘**Competitive Flexible Procedure**’ means a procurement procedure when above threshold allow the Council the freedom to design its own procedure. The Council may choose to incorporate numerous processes into the procedure, such as negotiation, dialogue or a demonstration stage.

‘**Concession**’ means a contract where the supplier receives at least part of their remuneration from users of the works or services they are providing. As such, suppliers are exposed to a potential loss on their investment due to demand fluctuations.

‘**Constitution**’ means the formal document in place at the Council which underpins all activity by setting out how the council conducts its business, including: who is responsible for making decisions and how decisions are made.

‘**Council**’ means the local authority.

‘**Dynamic Market**’ means a list of qualified suppliers (i.e. suppliers who have met the ‘conditions for membership’ of the dynamic market) who are eligible to participate in future procurements.

‘**DASH**’ refers to the internal case management system at the Council.

‘**Direct Award**’ refers to the process of awarding a contract without competition.

‘**Economic operator**’ or ‘**supplier**’ means any legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of works and/or a work, the supply of products or the provision of services on the market;

‘**Exemption**’ is where a there is a need to seek a waiver to the Contract Procedure Rules to disapply a particular rule.

‘**Forward Plan**’ is a document that sets out information about 'key decisions' that the council will make at the next cabinet meeting or at other bodies/people that may make them.

‘**Framework Agreement**’ is an agreement or arrangement between one or more procurers and one or more suppliers that establishes the requirement and contract conditions that will apply to future orders or tasks (Call off contracts) that the

procurer(s) may enter into during the period for which the framework agreement is established.

‘**Framework Agreement Call Off**’ is a contract awarded via a Framework Agreement.

‘**Horizontal arrangement**’ means the arrangement set out in 14.8.

‘**Key Decision**’ is a decision as defined in the Constitution.

‘**Legal Services Team**’ refers to the in-house Council Legal Team.

‘**Lifetime Contract Value’** means the value of your contract which must account for the full lifetime of your contract (including any possible extension periods), account for any inflationary increases, provisional sums and estimated amount of expenditure via the contract during its term.

In the case of a Concession contract, the Lifetime Contract Value shall account for payments made by the Council and the potential monetary value for the supplier to exploit the works or services during the contract period. Therefore, the value calculation for a concession contract must take into account the full range of potential consideration to be received by the supplier over the length of the contract, including any renewals or extensions.

‘**Lots**’ refers to the process of splitting a larger single procurement into smaller ‘chunks’ which are then procured under separate contracts with different suppliers (some suppliers may be successful in more than one lot and may be awarded more than one contract) via a single procurement process.

‘**Members**’ refers to a Council Councillor who has been chosen by election which can include members of Cabinet as well.

‘**Monitoring Officer**’ refers to one of the statutory roles of a council with a specific duty to ensure the council, its Officers, and its Members, maintain the highest standards in all they do. The role is set out in Council Constitution. The Monitoring Officers' legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.

‘**Officer(s)**’ refers to the Council’s paid employees who support the whole council, not just the cabinet.

‘**Parent company guarantee**’ refers to a form of guaranty whereby a parent, as guarantor, assumes the responsibility for the performance of an action or obligation of its subsidiary by agreeing to compensate the beneficiary in the event of such non-performance.

‘**Procurement Act**’ refers to the Procurement Act 2023 which officially commences 24th February 2025.

‘**Purchasing Cards**’ refers to corporate credit cards that businesses can use to simplify their procurement processes.

‘**Procurement Checklist**’ refers to an internal pre-procurement document used by Officers and the Procurement Team to undertake procurement processes.

‘**Procurement Regulations**’ or ‘**regulations**’ refers to the Procurement legislation in place at the time of the procurement process which is relevant. Further information is contained in 2.4 and 2.5.

‘**Procurement Team**’ refers to the in-house Procurement Team.

‘**Principal Contract Officer**’ refers to the lead officer responsible for the contract and procurement, who manages the contract once awarded.

‘**PowerBi**’ refers to the a data visualisation platform used primarily for business intelligence purposes.

‘**Quotation**’ means an invitation below a certain threshold (see 14.4) for economic operators to submit their bids, outlining how they can fulfil the required specifications, at a specified price or rate.

‘**Senior Leadership Team**’ refers to the senior team made up of the Chief Executive, Strategic Directors and Assistant Directors.

‘**Standstill Period**’ refers to a short pause between the point when the contract award decision is notified to bidders, and the final contract conclusion.

‘**SME / small-to-medium-enterprises’** means an enterprise falling within the category of micro, small and medium-sized enterprises defined by the Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

‘**Specification**’ means a set of documented requirements to be satisfied by a material, design, product, or service.

‘**Social Value**’ means the consideration by a public sector authority to look beyond the financial cost of a contract to consider how the services they commission and procure can improve the economic, social and environmental wellbeing of an area.

‘**Tender**’ means an invitation above a certain threshold (see 14.4) for economic operators to submit their bids, outlining how they can fulfil the required specifications, at a specified price or rate.

‘**Value for money**’ means the most advantageous combination of cost, quality and sustainability to meet requirements.

‘**Vertical arrangement**’ means the arrangement set out in 14.7.

4H EMPLOYMENT PROCEDURE RULES

4H.1 RECRUITMENT AND APPOINTMENT

a) Declarations

i. any candidate for appointment as an officer will be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer of the Council; or of the partner of such persons;

ii. no candidate so related to a Member or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.

b) Seeking Support for Appointment

i. subject to paragraph (iii), any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council will be disqualified. The content of this paragraph will be included in any recruitment information;

ii. subject to paragraph (iii), no Member will seek support for any person for any appointment with the Council; and

iii. nothing in paragraphs (i) and (ii) above will preclude a Member from giving a written reference for a candidate for submission with an application for appointment.

4H.2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

a) draw up a statement specifying:

i. the duties of the officer concerned; and

ii. any qualifications or qualities to be sought in the person to be appointed;

b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

4H.3 APPOINTMENT OF HEAD OF PAID SERVICE

This process will be subject to regulations on Standing Orders.

a) Where a Committee, Sub-Committee (which in either case must include at least one Cabinet Member), or officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the head of the Council's Paid Service, the Council must approve that appointment before an offer of appointment is made to that person.

b) The Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Cabinet.

4H.4 APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

This process will be subject to regs on Standing Orders:

a) Unless delegated to an officer, a Committee or Sub-Committee of Full Council, (which must include at least one Cabinet Member), will appoint Chief Officers and Deputy Chief Officers.

b) An offer of employment as a Chief Officer or Deputy Chief Officer shall only be made where no well-founded objection from any Cabinet Member has been received.

4H.5 OTHER APPOINTMENTS

a) Officers below Deputy Chief Officer. Appointment of officers below Deputy Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members.

b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

4H.6 DISCIPLINARY ACTION

a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and usually last no longer than two months.

b) Members will not be involved in the disciplinary action against any officer below Deputy Chief Officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action.

4H.7 DISMISSAL

Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

a) The dismissal of any Chief Officer or Deputy Chief Officer shall only take place if there is no well-founded objection from any Cabinet Member, in accordance with the Regulations.

b) The Full Council must approve the dismissal of the Head of Paid Service before any notice of dismissal is given.

c) A relevant officer may not be dismissed by the Council unless the following procedure is complied with:

1). The Council must establish an Independent Panel;

2) The Council must invite independent persons to be considered for appointment, with a view to appointing at least two such persons to the Panel;

3) The Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with para 2 in accordance with the following Priority Order:

(i) a relevant independent person who has been appointed by the Council and who is a Local Government elector;

(ii) any other relevant independent person who has been appointed by the Council;

(iii) a relevant independent person who has been appointed by another authority or authorities.

4) The Council must appoint the Panel at least 20 working days before the relevant Council meeting which is to consider the matter;

5) Before the taking of a vote at the relevant Council meeting on whether or not to approve a dismissal, the Council must take into account, in particular:

(i) any advice, views or recommendations of the Panel;

(ii) the conclusions of any investigation into the proposed dismissal;

(iii) any representations from the relevant officer.

d) Where a Committee, Sub-Committee (which in either case must include at least one Cabinet Member), or officer is discharging, on behalf of the Council, the function of the dismissal of a relevant officer the Council must approve that dismissal before notice is given to that person.

e) The dismissal of any relevant officer shall only take place if there is no material or well-founded objection from any Cabinet Member, in accordance with the regulations.

4H.8 MISCELLANEOUS PROVISIONS

Council, at its meeting on 15th May 2024 resolved that the previous "Employment Committee" be abolished, with the Officer Remuneration Panel taking its place, save for the following functions, which are distributed as per the table below:

	Functions Relating to Employment	Proposed Committee/Panel
i.	To approve any policies affecting staff employment, working conditions or conditions of services e.g. the content of the Personnel Handbook and Personnel Strategy. a.	• Cabinet; and/or • Individual Cabinet Member Decision
ii.	To modify any National Joint Council for Local Government Services conditions of service which may, under the Single Status Agreement, be modified by local agreement and approve any local agreements that may be entered into with the recognised trade unions.	• Cabinet
iii.	To approve amendments to the establishment of the Council in respect of Chief Officers of the Council, as defined in Article 11 of the Constitution, in accordance with the Council's agreed budget.	• Cabinet
iv.	To consider recommendations and the minutes from the Members/Trades Unions Joint Consultation and Safety Panel	• Audit and Standards • Cabinet
v.	To appoint an Independent Investigator in relation to disciplinary investigations (including capability) involving the Head of Paid Service and Statutory Officers.	Full Council
vi.	To appoint a sub-committee, at an appropriate time that will: a. undertake disciplinary hearings to receive the evidence of the Independent Investigator and to decide the outcome of such a hearing in accordance with the Officer Employment Procedure Rules; b. appoint or dismiss chief officers (excluding statutory officers) as determined in accordance with the Officer Employment Procedure Rules; c. to recommend to Council the appointment or dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with Council Procedure Rules; d. determine the suspension of a statutory officer and if the suspension continues, to review this decision (or the urgent decision	Full Council

to suspend by the Head of Paid Service or Monitoring Officer) at least every two months; and e. to commission an annual performance review of Head of Paid Service.	

4H.9 **INTERPRETATION**

In these Procedure Rules:

a) "Chief Finance Officer", "disciplinary action", "Head of the Authority's Paid Service" and "Monitoring Officer" have the same meaning as in Reg 2 of the Local Authorities (Standing Orders) (England) Regs 2001;

b) "Independent Person" means a person appointed under section 28(7) of the 2011 Act;

c) "Local Government Elector" means a person registered as a Local Government elector in the Register of Electors in the Authority's area in accordance with the Representation of the People Acts;

d) "The Panel" means a Committee appointed by the Authority under S.102(4) of the Local Government Act 1972(d) for the purposes of advising the Authority on matters relating to the dismissal of relevant officers of the Authority;

e) "Relevant meeting" means a meeting of the Authority to consider whether or not to approve a proposal to dismiss a relevant officer, and

f) "Relevant officer" means the Chief Finance Officer, Head of the Authority's Paid Service or Monitoring Officer, as the case may be.

4I ANTI-FRAUD, CORRUPTION AND BRIBERY STRATEGY

4I.1 INTRODUCTION

1.1. This document sets out the Nuneaton and Bedworth Borough Council's ("the Council") commitment to the prevention, deterrence, detection and investigation of fraud, corruption and bribery. It summarises the responsibilities of members, managers, employees, and others that we deal with and outlines the procedures to be followed where suspicion of an irregularity is raised.

4I.2 POLICY STATEMENT

2.1. The Council is committed to the prevention, deterrence, detection and investigation of all forms of fraud and corruption, whether these are attempted from within or outside the Organisation. The Council operates zero tolerance on fraud and corruption, and all instances will be investigated, and the perpetrator(s) will be dealt with in accordance with established policies. Where necessary, the Council will seek to recover the proceeds of any fraudulent activity from identified offenders.

2.2. Whilst the general principles outlined in this Strategy apply to all areas of the Council's operations, it should be noted that there are specific policy documents in place in respect of the prevention and detection of benefit and housing tenancy fraud.

4I.3 DEFINITIONS

Fraud

3.1. Fraud is defined as:-
"Dishonestly obtaining a benefit or causing a loss by deception, false representation or abuse of position. When trickery is used to gain a dishonest advantage, which is often financial, over another person."

The Fraud Act 2006 creates a general offence of fraud with three ways of committing it:-

i. Fraud by false and dishonest representation to make a gain for themselves or another or to cause or expose the risk of loss to another;
ii. Fraud by failing to disclose information where there is a legal duty to disclose; and intends by failing to disclose make a gain for themselves or another; or to cause or expose the risk of loss to another and
iii. Fraud by abuse of position with the intention of making a gain for themselves or another or to cause or expose the risk of loss to another.

It also created new offences:-

i. obtaining services dishonestly;
ii. possessing, making and supplying articles for use in frauds; and
iii. fraudulent trading applicable to non-corporate traders (extends Companies Acts to sole traders etc.).

Theft

3.2. Under the 1968 Theft Act a person shall be guilty of theft if:-
"they dishonestly appropriate property belonging to another with the intention of permanently depriving another of it".

Possible offences include False Accounting (section 17 Theft Act 1968) and Making off Without Payment (section 3 Theft Act 1978),

3.3. Typical high risk areas for fraud and theft are cash, credit cards, contracts, income, payments, expense claims, housing benefits, loans, investments, payroll and grants.

Corruption

3.4. Corruption is defined as:-
"the offering, giving, soliciting or acceptance of an inducement or reward which may influence a person to act against the interests of the organisation".

3.5. Areas of the Council where corrupt practices might be found include the tendering and award of contracts, settlement of contractors' accounts, prejudicial interests of Members, canvassing for appointments, hospitality, award of licenses, and disposal of assets.

Bribery

3.6. Bribery is defined as:-
"the offering, giving or soliciting of an inducement or reward which may influence a person to perform a function or activity improperly".

3.7. The Bribery Act 2010 introduced a new anti-bribery code, and repeals all previous legislation. It created four new offences:

i. **paying bribes** – it is an offence to offer or give financial or other advantage with the intention of inducing a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such activity or function (S 1);

ii. **receiving bribes** – where a person receives or accepts a financial or other advantage to perform a function or activity improperly. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate benefit (S.2);

iii. **bribery of a foreign official** – this is where a person, directly or through a third party, offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them as a public servant and to obtain or retain business, or any other related advantage in the conduct of business (S.6);

iv. **a corporate offence of failure to prevent bribery** – a commercial organisation could be guilty of bribery where a person associated with the organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation (Section 7).

3.8. Local authorities are explicitly covered by the offences in Sections.1, 2 and 6 but not 7. However, it is the view that as long as the organisation is incorporated it doesn't matter whether it only pursues charitable, educational or purely public functions, and the Act also applies to any incorporated body in which the Council has a significant interest, such as an arm's length trading company.

Money Laundering

3.9. Money laundering is defined as:-

"the process by which criminals attempt to conceal the true origin and ownership of the proceeds of criminal activities. If successful, the money can lose its criminal identity and appear legitimate."

3.10. The Council has a Anti Money Laundering Framework which is contained in part 4J of the Constitution.

Cyber-Crime

3.11. Cyber-crime is any criminal act dealing with computers and networks (called hacking). Additionally, cyber-crime also includes traditional crimes conducted through the Internet.

4I.4 CULTURE

4.1. The Council is committed to create an environment that is based on the prevention and detection of fraud, corruption and bribery. This is achieved by promoting a culture of openness and honesty in all Council activities. All employees work to values that require us to stay within the law and to act fairly and with integrity in all we do. These values are:

i. Service to our customers;
ii. Integrity in our actions;
iii. Accountability for our performance;
iv. Co-operation with Councillors, colleagues and partners;
v. Objectivity in our decisions;
vi. Efficiency to keep overall costs down; and
vii. Confidence to try things out.

4.2. The Council's Members, employees and partners play an important role in creating and maintaining this culture, and they are expected to be aware of the Standards of Conduct and the procedures in place to reduce the risk of fraud, corruption and bribery occurring.

4.3. The Confidential Reporting Code positively encourages them to raise concerns regarding fraud, corruption and bribery, immaterial of seniority, rank or status, in the knowledge that such concerns will be investigated, and wherever possible will be treated in confidence. Suppliers and contractors to the Council and the public also have a part to play in this process, and should inform the Council if they feel that fraud, corruption or bribery may have occurred.

4.4. The Council will ensure that all reported allegations will be taken seriously and investigated in an appropriate manner.

4.5. The Confidential Reporting Code is contained in Part 5I of the Constitution.

4I.5 PREVENTION

5.1. The Role of Members

5.1.1. As elected representatives, all Members have a duty to the citizens of the Borough to protect the Council and public money from acts of fraud, corruption and bribery. This is reflected through the adoption of this Anti-Fraud, Corruption and Bribery Strategy and compliance with the Council's Code of Conduct for Members, the Council's Procedure Rules and Financial Procedure Rules, and relevant legislation.

5.1.2. Elected Members undertake to observe the Code of Conduct when they take office to ensure that they undertake their duties in a transparent manner, with consistency and free from allegation of impropriety.

5.1.3. Members are required by law to disclose interests and keep that information up to date. In addition, members are required to disclose their interests at all committee meetings and where the interest is prejudicial, (i.e. it would affect the member's judgment of the public interest) the member is required to withdraw from the room while the matter is discussed.

5.1.4. Any gifts or hospitality received, with an estimated value of at least £20, which is in any way related to the Members duties in relation to the Council must be recorded in the gifts and hospitality register, which is maintained by the Monitoring Officer. The register is disclosed on the Council's website.

5.2. The Role of Managers

5.2.1. Managers are responsible for the communication and implementation of this Strategy within their work area. They are also responsible for ensuring

that adequate systems of internal control exist within their areas of responsibility, and that these controls continue to operate effectively so as to prevent and detect fraud, corruption and bribery. When a fraud has taken place managers, in consultation with the Audit and Governance Manager, will be expected to implement new controls to reduce the risk of a similar fraud occurring again.

5.2.2. Managers are responsible for ensuring that employees are aware of the Employee Code of Conduct, Human Resources Policies and procedures, Contract Procedure Rules, Financial Procedure Rules and Standing Orders, and the Fraud Response Plan, and that the requirements of each are being met in their everyday business activities.

5.2.3. Managers are expected to create an environment in which their employees, contractors and other partners feel able to approach them with any concerns they may have about suspected irregularities. They should refer to the procedures in the Council's Confidential Reporting Code (Whistle Blowing Policy).

5.2.4. Special arrangements may apply where employees are responsible for cash handling or in charge of systems that generate payments, and managers should ensure that written procedures are made available, that relevant training is provided, and that a training record is maintained.

5.2.5. The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts, and agency employees. The Council's recruitment procedures contain appropriate safeguards in the form of identity checks, written references, verification of qualifications, and employment history.

As in other public bodies, Disclosure and Barring Service (DBS) checks are undertaken for employees carrying out a regulated activity. The Council's Disclosure and Barring Policy provides managers with advice and guidance on when and how to do this.

5.3. Responsibilities Of Employees

5.3.1. Employees are responsible for ensuring that they follow the instructions given to them by managers particularly in relation to the safekeeping of the Council's assets.

5.3.2. We have an Employee Code of Conduct, which sets out minimum standards of conduct. The Code gives clear guidance for all employees regarding:

i. accountability;
ii. political neutrality
iii. relationships;
iv. stewardship;

v. personal interests;
vi. whistleblowing;
vii. treatment of information;
viii. appointment of staff
ix. monitoring officer investigations, and
x. contractors and partnership agreements.

The Code is available in the Council's Constitution on its website.

5.3.3. Employees who have access to Housing and Council Tax Benefit information are required to sign a "Benefits Register of Interest". The purpose of this is to act as a safeguard against benefit fraud and to protect the integrity of employees from malicious accusations.

5.3.4. Employees who hold professional, trade or other appropriate qualification are expected to comply with the Codes of Conduct issued by the organisation of which they are members. All Council staff must declare any offers of gifts or hospitality in accordance with the Policy and any relevant pecuniary interests, which if known publicly could be perceived to interfere with their independent judgment. The Register is disclosed on the Council's website.

5.4. Role Of Internal Audit

5.4.1. Internal Audit plays a vital preventative role in ensuring that satisfactory control arrangements exist and are working as management intended. The Finance Procedure Rules state that Internal Audit has authority to:-

i. Have direct access to the Head of Paid Service, the Monitoring Officer, Members, the Chair of Audit and Standards Committee, Strategic Directors, Assistant Directors and Service Managers.

ii. Have full, free and unrestricted access to all services and functions, premises, assets, employees, Members, suppliers and contractors, records and other documentation that the Chief Auditor considers necessary to enable the Internal Audit service to fulfil its responsibilities.

iii. Have authority to access all relevant computer data as part of their work, including that registered under the Data Protection Act.

iv. Obtain the information and explanations they consider necessary from any employees, partners or agents of the Council to fulfil their objectives and responsibilities.

v. Managers must ensure that Internal Audit access is considered when preparing partnership agreements or contracts for the purchase or supply of goods and services.

5.4.2. The National Fraud Initiative (NFI) is led by the Cabinet Office. NFI seeks to identify fraud and error by comparing data sets across a

large number of public bodies. The Assistant Director – Democracy and Governance and Corporate Fraud Officer co-ordinates the Council's NFI data matching requirements, and ensures compliance with the Data Protection legislation. Secure systems are in place to transfer the data and to receive matches back for review. Matches are reviewed using a risk-based approach within the defined timescales.

5.5. Role Of External Audit

5.5.1. Independent external audit is an essential safeguard to the stewardship of public money. The Local Audit and Accountability Act 2014 makes the Comptroller and Auditor General responsible for the preparation, publication and maintenance of the Code of Audit Practice. The Code sets out what local auditors are required to do to fulfil their statutory responsibilities under the Act.

5.6. Role Of Contractors, Suppliers, Voluntary Bodies, Agencies And The Public

5.6.1. The Council is committed to the highest possible standards of openness, probity and accountability, and encourages those that we deal with who have any concerns about any aspect of the Council's work to come forward and voice those concerns. The process for raising concerns is set out in the Council's Confidential Reporting Code ("Whistleblowing Policy").

4I.6 DETERRENCE

6.1. Disciplinary Procedures

6.1.1. Theft, fraud, corruption and bribery are serious offences, and employees will face disciplinary action if there is evidence that they have been involved in these activities. The Council has a Dismissal and Disciplinary Policy, which is available on the intranet. In relation to employees, disciplinary action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case.

6.1.2. Members could face appropriate action if they are found to have been involved in fraud, corruption or bribery. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case. If the matter is a potential breach of the Code of Conduct for Members then the matter shall be referred to the Monitoring Officer.

6.2. Gifts And Hospitality Policy

6.2.1. The Council has adopted a Gifts and Hospitality Policy, which applies to Members and officers. This makes it clear that gifts and hospitality must not be accepted unless the person concerned is sure that the nature and value will not attract public criticism. All offers of gifts and hospitality must be recorded in the Register held by the Monitoring Officer, which is available on the Council's website.

4I.7 DETECTION AND INVESTIGATION

7.1. There are numerous systems and management controls in place to deter fraud, corruption and bribery, but it is often the vigilance of employees, members, partners, suppliers, contractors and the public that aids detection. Frauds are often discovered by chance or “tip-off,” and arrangements are in place to enable such information to be properly dealt with.

7.2. Depending upon the nature of the allegation, Central Midlands Audit Partnership in conjunction with the Statutory Officers will work with Directors and Service Managers to decide on the most appropriate course of action. Any decision to bring in the Police because of the nature of an allegation will be taken by the Head of Paid Service, Section 141 Officer, Monitoring Officer and Strategic Director, in consultation with the Chief Auditor. If the Police are involved, any disciplinary investigation will be suspended and will only continue with the permission of the Police.

7.3. Any control weaknesses identified during the course of an investigation must be reported to the relevant manager and, in consultation with the Statutory Officer Group, improvements will be made to ensure that there is no opportunity for further fraud, corruption or bribery.

7.4. The Fraud Response Plan reinforces the Council’s robust approach by setting out the ways in which concerns about suspected fraud, corruption or bribery should be reported and how they will be dealt with.

7.5. The Confidential Reporting Code encourages employees who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. It is recognised and accepted that these will be investigated in a confidential manner.

7.6. The Council will always seek to recover any losses incurred as a result of fraud, corruption or bribery, wherever this is practical, including the use of civic law if appropriate.

4I.8 TRAINING

8.1.A lack of procedural guidance and training for managers and auditors in prevention, detection and investigation of fraud can lead to inefficient handling of fraud issues. Fraud awareness training for managers and employees involved in internal control systems is an effective measure in establishing an anti-fraud culture. This can be linked with training and awareness of other key documents such as the Confidential Reporting Code and Anti-Money Laundering Procedures.

8.2. The Council recognises that the success of this Strategy and its general credibility will depend largely on the effectiveness of communication,

programmed training and responsiveness of employees throughout the Authority, combined with a commitment from the Council.

4I.9 CONCLUSION

9.1. The Council has in place a clear network of systems and procedures to assist in dealing with fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

9.2. If Members, managers or employees are unsure of the appropriate action to take in relation to the information contained within this Strategy they should contact the Monitoring Officer and the
Chief Auditor for guidance.

4J ANTI MONEY LAUNDERING FRAMEWORK

POLICY STATEMENT

Nuneaton and Bedworth Borough Council will do all it can to: -

- prevent, wherever possible, the organisation, its employees and Members being exposed to money laundering;

- identify the potential areas where money laundering may occur, and take appropriate action to minimise the risk; and

- comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.

Every employee and Member also has a personal responsibility to be vigilant.

4J.1 INTRODUCTION

a) The requirements of the UK anti-money laundering regime are set out below:

- The Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017
- The Proceeds of Crime Act 2002 (as amended by the Crime and Courts Act 2013 and the Serious Crime Act 2015)
- The Money Laundering Regulations 2007
- The Terrorism Act 2000 (as amended by the Anti-Terrorism, Crime and Security Act 2001, the Terrorism Act 2006 and the Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment(Regulations 2007)

b) Local authorities and their staff are subject to the full provisions of the Terrorism Act and may commit most of the principal offences under the Proceeds of Crime Act 2002 (the POCA). Public authorities are not, however, legally obliged to apply the provisions of the Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017 and the Money Laundering Regulations 2007. Nevertheless, as responsible public bodies, they have a responsibility for the proper conduct of public business so should embrace and adopt the underlying principles of the money laundering legislation and regulations.

4J.2 SCOPE OF THE FRAMEWORK

a) This Policy applies to all Members and employees of the Council and aims to maintain the high standards of conduct, which currently exist within the Council by preventing criminal activity through money laundering.

4J.3 WHAT IS MONEY LAUNDERING?

a) Money laundering is any activity used to conceal or disguise the nature, source, location, ownership or control of currency or assets. It is most often an attempt to hide the proceeds of dishonest or criminal activity and to try to give the impression that the income is from a legitimate source so that it can be used.

b) It is often associated with large scale crime such as drug trafficking, terrorist funding and financial crimes involving fraud but the UK legislation also applies to any level of activity used to conceal the source of income to the benefit of the individual. This can be anything from the proceeds of petty theft or from hiding income to commit benefit fraud up to larger corporate crimes which can involve complex and well planned linked transactions.

c) The Council is at risk of being used in money laundering activity as many of our activities could appear attractive to someone looking to launder money. For example we collect many sources of income including rents (housing and commercial) business rates and council tax. These could be deliberately overpaid, possibly in cash, and then a refund requested which would generate a cheque or BACS payment from the Council and provide a legitimate source for the income. Other areas at risk include property deals, either right to buy transactions or larger regeneration/development schemes, partnerships with private sector firms, and treasury management activities.

d) The primary money laundering offences and thus prohibited activities under the POCA are:

i. **concealing, disguising, converting, transferring criminal property or removing it from the UK (section 327 of POCA).** This covers hiding an item or its source, removing serial numbers, or changing an item for something else. For example, an unexplained large cash payment claimed to be from the death of a relative or a lottery win, a person using illegally earned money to buy a house or piece of land; or

ii. **entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person (section 328 of POCA).** This is the actual involvement in helping to cover up an act, e.g. a Housing Officer becoming suspicious that a tenant on benefits is buying valuable items when they are on limited income and failing to report this; or

iii. **acquiring, using or possessing criminal property (section 329 of POCA) [accepting stolen items knowingly or knowingly taking advantage of them, or accepting items paid for by the proceeds of crime.)** This could be paying significantly less than the value of an item with the suspicion or knowledge that it may be stolen; or

iv. **becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer to nominees or any other retention or control of terrorism property (section 18 of the Terrorist**

Act 2000). This is about hiding income or other items which are being used to fund or carry out terrorist activities.

e) Criminal Property is defined in Section 340 (3) of the POCA as "property"[1] that is or represents the person's benefit from illegal actions in whole or part and the person knows or suspects that it is the proceeds of a criminal act.

f) Potentially, any employee could be caught by the money laundering provisions if he/she knows or suspects money laundering and either becomes involved with it in some way, and/or does nothing about it. This procedure sets out how any concerns should be raised.

4J.4 NOMINATED OFFICER OR MONEY LAUNDERING REPORTING OFFICER (MLRO)

a) The Council is not obliged to appoint a MLRO, however, it is considered to be best practice to nominate one or more officers to become responsible for their organisation's anti-money laundering activities. The officer appointed for Nuneaton and Bedworth Borough Council is the Assistant Director – Finance (the Deputy Section 151 Officer).

b) Section 332 of POCA concerns the offence of failing to disclose by nominated officers outside of the regulated sector. However, as the above officers have not been formally appointed as MLRO's under the provisions of sections 337 or 338 of POCA, they cannot commit this offence.

c) The role of the MLRO is to be aware of any suspicious activity that might be linked to money laundering, and report it. They're responsible for:

- Receiving reports of suspicious activity from any employee;
- Considering all reports and evaluating whether there is, or seems to be, any evidence of money laundering;
- Report any suspicious activity or transaction to the National Crime Agency (NCA) by completing a Suspicious Activity Report (SAR);
- Asking the NCA for a defence to a money laundering offence in relation to the transactions they've reported, and making sure that no transactions are continued illegally;
- Putting in place and operating anti money laundering controls and procedures, particularly in areas of high risk;
- Training staff in preventing money laundering and keeping a written record of those employees who have attended the course.

1 Defined by Section 340 (9) of POCA - "Property is all property wherever situated and includes-
(a) money;
(b) all forms of property, real or personal, heritable or moveable;
(c) things in action and other intangible or incorporeal property."

4J.5 DISCLOSURE PROCEDURE

Reporting to MLRO

a) Where you know or suspect that money laundering activity is taking/has taken place, or you become concerned that your involvement in a matter which may amount to a prohibited activity under POCA, as defined in paragraph 4J.3 (d) above, you must disclose this as soon as possible to the MLRO or Deputy MLRO.

b) Your disclosure should be made verbally initially and then followed up by e-mail and the report must include as much detail as possible. As a basic guide try to answer the following six basic questions to make the SAR as useful as possible:

- Who?
- What?
- Where?
- When?
- Why?
- How?

Avoid the use of acronyms or jargon as they may not be understood and may be open to misinterpretation.

c) Examples of the information that should be provided to the MLRO include:

i. full details of the people involved (including yourself, if relevant), e.g. name, Full details of the people involved (including yourself, if relevant), i.e. name, date of birth, nationality, address(es), including postcode;
ii. Status of the address i.e. current, previous, home, business and other known property;
iii. Subject details, such as National Insurance Numbers, vehicle registration, driving licence, passport, phone numbers (clearly marked home, business, mobile etc.), website addresses;
iv. Full details of bank accounts or other financial details (including account numbers etc);
v. Type of transaction e.g. cash, debit/credit card, cheque, on-line payment etc.;
vi. Occupation and name and address of employer;
vii. Company details, including full legal name and designation (e.g. Limited or plc), VAT number or tax reference number if available, registered number, business/trading address, phone number, email address, website address;
viii. Trust details including full name, address, nature and type of trust;
ix. The type(s) of money laundering activity involved; The dates of such activities, including whether the transactions have happened, are ongoing or are imminent;
x. Where they took place or will take place;
xi. How they will take place or has taken place; and
xii. The (likely) amount of money/assets involved.

All available information needs to be given to the MLRO to enable him/her to complete a Suspicious Activity Report (SAR) and report it to the NCA. Once a SAR has been submitted, all employees must remember our obligations not to make any disclosures which might constitute an offence of 'tipping off'. This comes under section 333A of POCA and section 21D of the Terrorism Act.

Full details of the nature of your involvement and if you are concerned that this would amount to a prohibited act under the POCA (see section 3.4 above for details), then you will need consent from the National Crime Agency (NCA), via the MLRO, to take any further part in the transaction. You should therefore make it clear as to whether there are any deadlines for giving such consent e.g. a completion date or court deadline;

d) Once you have reported the matter to the MLRO you must follow any directions he/she may give you. You must not make any further enquiries into the matter yourself or raise your concerns with the suspect, even if NCA has given consent to any particular transaction proceeding. Any necessary investigation will be undertaken by the NCA, and all employees will be required to co-operate with them during any subsequent money laundering investigation.

e) Do not make any reference on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, under Data Protection or Freedom of Information Act, then such a note will obviously tip them off to the report having been made.

Disclosing to the NCA

a) The MLRO will consider the report and any other available internal information, e.g.:

- other transaction patterns and volumes;
- the length of any business relationship involved;
- the number of any one-off transactions and linked transactions, and
- any identification evidence held,

and will then make any other reasonable enquiries as appropriate in order to ensure that all available information is taken into account in deciding whether a report to NCA is required.

b) Once the MLRO has evaluated all of the information available, he/she must make a timely determination as to whether:

- there is actual or suspected money laundering taking place; or
- there are reasonable grounds to know or suspect that is the case; and
- whether he/she needs to seek consent from NCA for a particular transaction to proceed.

c) Where the MLRO concludes a referral is needed then he/she must disclose the matter as soon as practicable to NCA electronically via SAR online unless he/she has a reasonable excuse for non-disclosure, for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information. After disclosure has been made no further action should be taken without guidance from NCA.

d) Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then he/she must note the report accordingly; he/she can then give their consent in writing for any ongoing or imminent transactions to proceed. In cases where legal professional privilege may apply, MLRO must liaise with the Strategic Director – Corporate Resources and the Assistant Director – Democracy and Governance to decide whether there is a reasonable excuse for not reporting the matter to NCA.

e) Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until NCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from NCA.

f) All information referred to the MLRO and reports made to NCA must be retained by the MLRO for a minimum of five years.

4J.6 CASH RECEIPTS

Cash sums in excess of £1,000 for any one transaction shall not normally be accepted. Only in exceptional circumstances shall payments in excess of £1,000 be accepted, for example, to secure the tenancy of a property. Cash is defined as including notes, coins or travellers cheques in any currency.

4J.7 CUSTOMER DUE DILIGENCE CHECKS

a) Where funds flow through to the Council from a source which it is unfamiliar with, or a new business relationship is being formed, or a one-off significant transaction is being considered, satisfactory evidence of the identity of the prospective client must be obtained. This applies to existing clients as well as new ones, and regular monitoring throughout the life of any ongoing arrangement is also needed to ensure that the identification information remains up-to-date, and the section's knowledge of the customer remains current.

b) Where necessary, the following evidence should be obtained:

i. **Individuals** – the proof of identity for an individual should be the best available in the circumstances to identify that they are who they claim to be. They should identify their name, permanent address, as well as date and place of birth. (e.g. passports, driving licence, utility bills, etc).

ii. **Businesses** – check the identity of companies, partnerships and sole trader businesses by establishing the identity of the entity itself and then the people who are behind it – owners, directors, partners etc. The identity of these individuals should be established as outlined above. The Assistant

Director – Democracy and Governance can provide details of known directors and group structures for limited companies by requesting a financial report).

iii. **Agents –** where a person purports to act on behalf of the customer, confirmation that they are authorised to act on behalf of the customer and verification of their identity must be obtained from a reliable source which is independent of both the customer and the agent.

c) The evidence should be retained for at least five years from the end of the business relationship or transaction(s).

d) If satisfactory evidence of identity is not obtained at the outset of the matter then the business relationship or one off transaction(s) cannot proceed any further.

e) This client identification procedure does not apply to transactions with credit or financial institutions or any other bodies who are subject to the requirements of the money laundering directives or where the customer is a public authority in the United Kingdom.



Member Code of Conduct

CONSTITUTION

Part 5

Part 5 - RULES OF PROCEDURE

5A MEMBER CODE OF CONDUCT COMPLAINT PROCESS

5A.1 Nuneaton & Bedworth Borough Council Member Complaint Process

Filter Stage

1. As a matter of principle, the preferred option for resolving complaints shall be through informal resolution whenever possible. Upon receipt of a complaint, the Monitoring Officer or Deputy Monitoring Officer shall review the complaint and acknowledge its receipt. In doing so, they will set out the process to the Complainant. For the avoidance of doubt, at this stage, the complaint has not been accepted or rejected as a valid complaint.

2. The Monitoring Officer or Deputy Monitoring Officer will then consult with the Chair of the Audit and Standards Committee to confirm if the complaint meets the criteria and is therefore a valid complaint for consideration.. This should take place within 5 working days of a complaint being received, noting officer annual leave.

3. If the Chair and the Monitoring Officer agree that the complaint does not meet the criteria for a complaint to be considered, the Complainant will be notified and the complaint closed. In deciding whether the complaint meets the criteria to be considered as a valid complaint, the Chair and Monitoring Officer (or Deputy Monitoring Officer) will consider the criteria set out in paragraph 9. Where a decision is made to reject a complaint, it does not preclude the Monitoring Officer's general statutory duty to uphold standards of behaviour, governance and decision-making at the Council. The Monitoring Officer and/or the Deputy Monitoring Officer may at any time remind an elected member(s) of their obligations under the Code of Conduct.

4. If the Chair and Monitoring Officer (or Deputy Monitoring Officer) agree that the complaint is a valid complaint for consideration, the Subject Member will be contacted to provide their comment(s). The Subject Member will have 10-working days to respond to provide their view. The Subject Member will also receive a copy of the complaint process for reference. The Subject Member may request an extension to the 10-working day timescale which shall be approved by the Monitoring Officer (or Deputy Monitoring Officer) in extenuating circumstances only. In the meantime, the Complainant will be contacted to establish whether informal resolution is achievable/acceptable. Where appropriate the Monitoring Officer or the Deputy Monitoring Officer may also consult an independent person at any time.

5. The complaint will be submitted to the Audit and Standards Assessment Sub-committee for consideration together with the Subject Member comment(s). A copy of the report will be sent to the Subject Member at that time. The report will be submitted as an exempt item, but the Subject

Member may attend the meeting and make representations as to whether the complaint should be heard in public, subject to the Sub-committee's consideration of the Public Interest test.

6. Where the allegation or complaint may amount to a criminal offence the Monitoring Officer should also consult with the Police on whether the matter should be referred to them.

Options

7. Options available at the filter stage are:

   A. No further action in accordance with paragraph 9 and/or where the complaint does not justify investigation and there is no informal resolution, therefore the complaint is rejected and closed.
   B. Allegations of criminal matters if appropriate referred to Police.
   C. Complaint resolved by informal action acceptable to both the Subject Member and Complainant.
   D. Referral for investigation if criteria are met.

8. We will only refer a complaint for investigation if the following criteria are met:

   i. the conduct complained occurred within 6 months of the date the complaint was received; and
   ii. it is serious enough, if proven, to justify the costs of an investigation; or

   it is part of a continuing pattern of less serious misconduct that is unreasonably, disrupting the business of the Council and there is no other avenue left to deal with it.

Complaint Criteria

9. We will not normally refer complaints for investigation and can deem the complaint outside of the Code, where they fall within one or more of the following categories

   - we believe it to be malicious, relatively minor, or tit-for-tat.
   - the same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained.
   - the complaint concerns acts carried out in the member's private life, when they are not carrying out the work of the authority or have not misused their position as a member.
   - it appears that the complaint is really about dissatisfaction with a council decision.
   - there is not enough information currently available to justify a decision to refer the matter for investigation.

Referral for investigation

The complaint may be investigated by an Investigator appointed by the Monitoring Officer, at the Monitoring Officer discretion. Estimated timescales for investigation to be agreed between Investigator and Monitoring Officer in consultation with the Chair of Audit and Standards Committee on a case-by-case basis.

Before finalising the investigation report, the Monitoring Officer may seek the views of an independent person.

Report Stage

The Monitoring Officer will arrange for the investigation report recommendations to be reported to Audit and Standards Sub-Assessment Committee and decide what should happen to the report next. A copy of the report will be sent to the subject Member at that time. The options are: no further action; or referral for a hearing. The options are:

- no further action; or
- referral for a hearing.

Hearing Stage

The Hearing Sub-committee will consider the investigation report, take account of the views of any independent person consulted in relation to the matter, hear representations from the member concerned and the Monitoring Officer or Deputy Monitoring Officer. Other people may be heard at the discretion of the Chair.

If the Sub-committee finds there is no failure to comply with the Code of Conduct the matter will end there. At that point, the Subject Member will be given the option of requesting a public notification of the outcome.

If the Sub-committee finds that there is a failure to comply with the Code of Conduct it will consider what action if any should be taken, this may or may not include the imposition of sanctions on the member concerned

Imposition of Sanctions

The Audit & Standards Committee has delegated to the Hearings Sub-committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Sub-committee may:

a. Censure or reprimand the Member
b. Publish its findings in respect of the Member's conduct;
c. Report its findings for information;
d. Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to or to Committees) that he/she be removed from any or all Committees or Sub-Committees;
e. Recommend to the Leader that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
f. Instruct the Monitoring Officer to arrange training for the Member;

g. Remove from all outside appointments to which he/she has been appointed or nominated by the Council;
h. Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and internet access, or
i. Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Panel's Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the Member, or to withdraw Members' or special responsibility allowances.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal Decision Notice in consultation with the Chair of the Hearings Sub-committee, and send a copy to the Complainant, to the Subject Member, and make that Decision Notice available for public inspection, and report the decision to the next convenient meeting of the Council.

Assessment & Hearing Sub-committees

Composition

Any three elected members of the Audit & Standards Committee to sit as and when required. The Sub-committees shall be politically balanced and where possible will include representation from at least one of the opposition political groups, represented on the Council. The selection of members to form a sub-committee to deal with a particular matter or matters shall be made by the Chief Executive or his/her nominated deputy.

Terms of Reference

To consider complaints about members in relation to the Code of Conduct and determine whether or not there has been a failure to comply with the Code of Conduct

Guidance

The Monitoring Officer, Chair and Assessment & Hearing Sub-Committee shall at all times be able to consider best practice outlined in the Local Government Association guidance available online relating to Member Model Code of Conduct Complaints Handling - Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association. But, for the avoidance of doubt, Nuneaton & Bedworth Borough Council Member Complaint Process shall take precedence.

Glossary

'Code of Conduct' refers to the Members Code of Conduct contained in Part 5AA of the Council Constitution.

'Complainant' means the party who has submitted the complaint.

‘Decision Notice’ means a formal, written communication that informs a recipient about a decision made.

‘Deputy Monitoring Officer’ means the appointed and designated officer appointed by the Monitoring Officer to act in their capacity in their absence and/or if instructed by the Monitoring Officer.

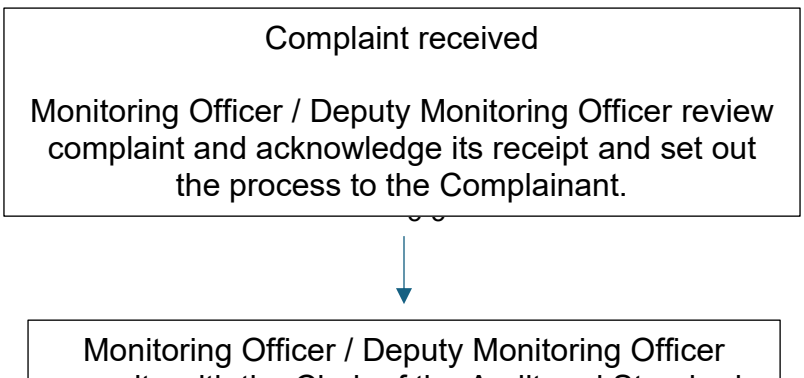
‘Monitoring Officer’ means the appointed and designated Monitoring Officer at the Council pursuant to Section 5 of the Local Government and Housing Act 1989.

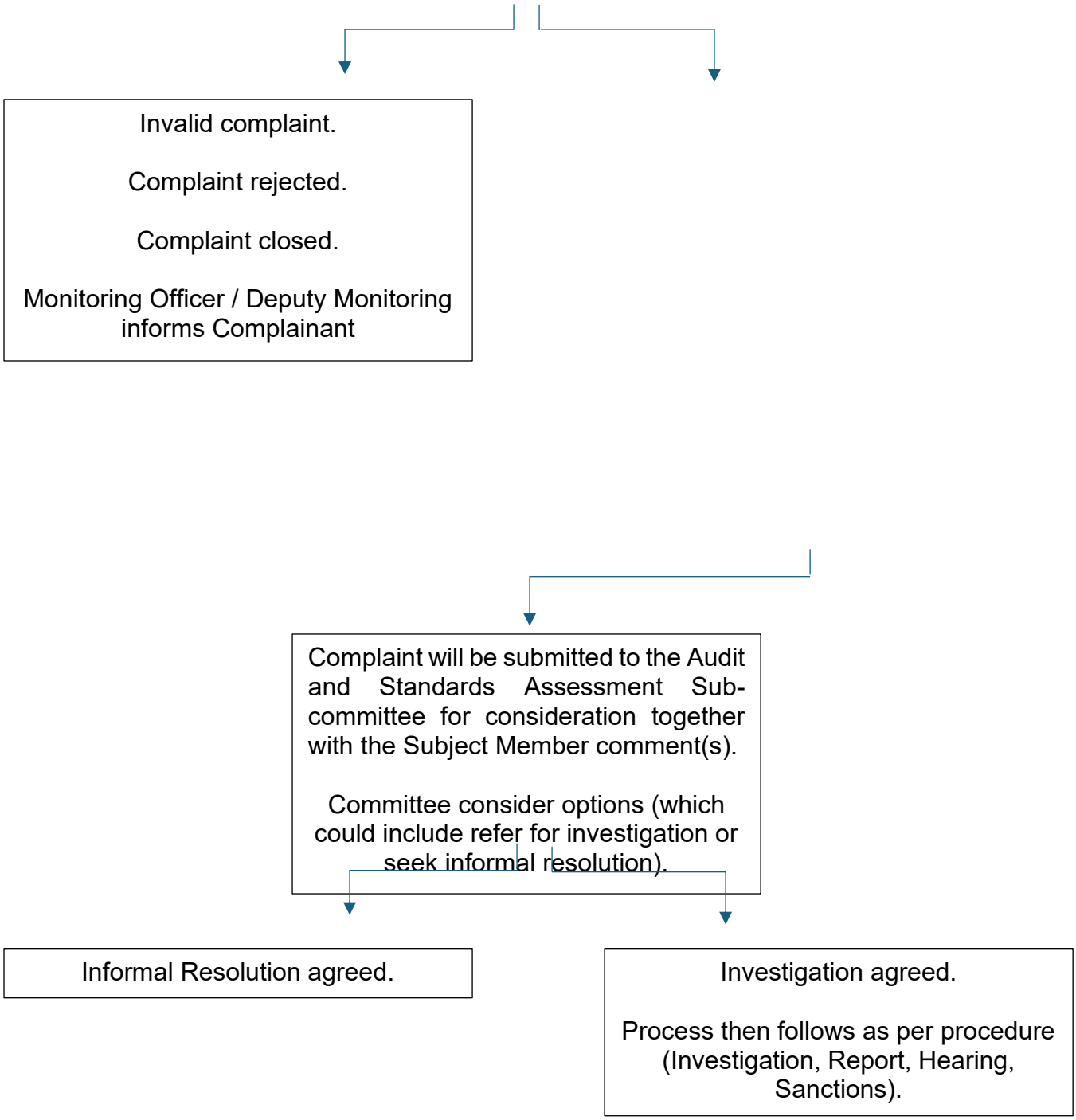
‘Public Interest test’ refers to a process to determine whether or not to withhold information from the public. It involves weighing the public interest in disclosing information against the public interest in maintaining the exemption or withholding the information.

‘Subject Member’ means the elected member who the complaint is made against.

Continued…

Flowchart (for reference)




Invalid complaint.
Complaint rejected.
Complaint closed.
Monitoring Officer / Deputy Monitoring informs Complainant
Complaint will be submitted to the Audit and Standards Assessment Sub-committee for consideration together with the Subject Member comment(s).
Committee consider options (which could include refer for investigation or seek informal resolution).
Informal Resolution agreed.
Investigation agreed.
Process then follows as per procedure (Investigation, Report, Hearing, Sanctions).

Note – flowchart does not include instances where a complaint may need to be referred to the Police.

5AA MEMBERS' CODE OF CONDUCT

Part 1: Member Code of Conduct 2022

This Code applies to all elected and co-opted members of the Nuneaton & Bedworth Borough Council. The term 'councillor' in this Code means both elected and co-opted members. This Code of Conduct applies when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

As a Councillor:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the Council, any other body to which I am appointed by the Council and the office of councillor:

a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.

b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.

c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits

d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.

e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.

f. **HONESTY:** I will be truthful and I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.

g. **LEADERSHIP:** I will promote and support these principles by leadership and example

3. **As a Councillor** I will act in accordance with the principles in paragraph 2 and in particular, I will

a. Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.

b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

c. Not bully, harass or unlawfully discriminate against anyone or seek to compromise the impartiality of officers of the Council

d. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Council in a proper manner.

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

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

g. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.

h. Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other councillors to account.

i. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.

j. Not disclose confidential information (be that confidential by virtue of legislation or otherwise) without express authority and/ or unless the law requires it.

k. Not prevent people gaining access to information to which they are lawfully entitled.

l. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

m. Always treat people with respect, including the organisations and the public I engage with, fellow members and those I work alongside.

n. Undertake Code of Conduct training provided by my local authority, cooperate with any Code of Conduct investigation and/or determination.

o. Not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

p. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the Monitoring Officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.

5. I will register any gifts and hospitality I am offered (even if declined) with an estimated value of [£20] or more within 28 days of receipt with the Monitoring Officer as set out in Part 2.

Part 2: Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

"**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your

Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which ***affects*** –
    a. your own financial interest or well-being;
    b. a financial interest or well-being of a relative, close associate; or
    c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

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

that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

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

* ‘director’ includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

a) any body of which you are in general control or management and to which you are nominated or appointed by your authority

b) any body
   (i) exercising functions of a public nature
   (ii) any body directed to charitable purposes or
   (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Part 3 Hearing Procedure

PRELIMINARIES

Introductions
Appointment of Chair
Declarations of Interest
Preliminary Applications, i.e. Decision whether to proceed or adjourn in the absence of the Member or any other relevant party.

HEARING OF THE ALLEGATION

a) Monitoring Officer (or his/her representative) presents the report and evidence of disputed facts, calling witnesses allowed by the Panel.

b) Monitoring Officer/representative makes any further representations from the Complainant to the Panel.

c) Subject Member asks questions via the Panel to the Monitoring Office/representative (and witnesses).

d) The Panel (who may ask questions at any time) put their questions to the Monitoring Officer/Witnesses.

e) Subject member presents their case as to why he/she believes they have not breached the code and call evidence of disputed facts, calling witnesses allowed by the Panel.

f) The Monitoring Officer/rep may ask questions via the Panel to put to the Subject Member (and witnesses).

g) The Panel (who may ask questions at any time) may ask questions addressed to the Subject Member/Witnesses.

h) Monitoring Officer/representative makes final representations as to why it is believed the Code of Conduct has been broken.

i) Member makes any final representations as to why they believe the Code of Conduct has not been broken.

j) When the Chair and the Panel is satisfied that all necessary information has been obtained and the parties have been given a reasonable opportunity to put their case, the Panel and Legal Advisor will consider the matter in private, following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972.

k) The Panel will then proceed to adjudicate on the complaint. The Panel may recall the parties to clarify any point of uncertainty. If recall is necessary, all parties will return (other than witnesses who do not need to be present).

l) Once a decision has been made the Panel will recall the parties and the Chair will announce its decision.

m) If the decision is that the Panel has determined that there was a breach of the Code and that they are minded to impose a sanction, the Monitoring Officer/representative and Member will be invited to make any oral or written representations of mitigation as to whether a penalty should be set and what form it should take.

n) The Panel will consider what sanction (if any) to impose in private, following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972, and may be accompanied by the Legal Advisor.

o) The Panel will recall the parties and the Chair will announce its decision.

p) The Hearing Panel may then consider in open session whether there are any recommendations which the Authority should make arising from consideration of the allegation. For example, for rectifying any deficiency in the Authority's decision making procedures, or for preventing or deterring any further breaches of the Code of Conduct.

5A.1 GUIDANCE FOR MEMBERS ON THE USE OF SOCIAL MEDIA

Blogging and social networking are effective methods for Councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

Whilst the Council support's the use of such media and encourages Councillors to get online, Members should think about what they say and how they say it, in just the same way as they would when making statements in person or in writing. The former Standards Board and the LGA have provided good practice notes for Members use of Social Media / Blogging which are reflected within this guide.

Members will also need to think about whether they are seen to be, or give the impression that they are acting in their official capacity as a Councillor. For example if they can be identified as a Councillor when they are using social media, either by their account name or how they describe themselves and by what they comment upon and how they comment, the requirements of the Code of Conduct may apply

To make sure Members comply with the Code of Conduct (the Code) and to ensure their use of online media is well received the following general hints are suggested:

Do

- ✓ set privacy settings for your blog or networking site – especially if you have a private, non-political blog
- ✓ keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- ✓ Be aware that the higher your profile as a Councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- ✓ Ensure you use council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity.
- ✓ be aware that publishing any information that you could not have accessed without your position as a Councillor you will be seen as acting in you official capacity
- ✓ make political points, but be careful about being too specific or personal if referring to individuals, an attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespectful
- ✓ Show respect for others - do not use social media to be rude or disrespectful
- ✓ Abide by the laws of equality – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti faith even as a joke

Don't

- ○ Blog in haste

- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs
- disclose confidential information about people or the Council
- bully or intimidate others - repeated negative comments about or to individuals could be interpreted as bullying or intimidation
- try to secure a benefit for yourself or a disadvantage for others

You should also keep in mind :

Predetermination - As a Councillor, when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you have heard all the relevant information. Anything relevant you might have said about a particular issue on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information and lead to a decision being challenged.

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

Data Protection - It is illegal to publish personal data about individuals unless they have given you their permission. This might apply to your constituents or service users. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act (such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator. This can also apply to publishing images. If found liable to another person, you could be ordered to pay large sums of money as damages.

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not

be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections.

When the Code may apply

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code.

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

It is difficult to give definitive advice on the application of the Code as each blog and social networking page is different and each will be interpreted on the individual facts and circumstances. The content of a blog and the circumstances surrounding its creation and how you have identified yourself and conducted yourself on it will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. Members are encouraged to respect the ***General Principles of Public Life***

Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership – Holders of public office should promote and support these principles by leadership and example. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and the Authority.

5B CODE OF CONDUCT FOR EMPLOYEES

5B.1 PURPOSE OF THE POLICY

Nuneaton and Bedworth Borough Council ("the Council/Borough") is accountable to the people of the Borough and, the public expects the highest standards of conduct from its employees. The Council is publicly accountable and works in partnership with a variety of organisations, both in the public and private sector. As such, all employees are expected to conduct themselves professionally and in a manner that fosters trust, showing no bias, no matter what their personal views may be.

This Code of Conduct for Employees ("the Code") sets out standards of conduct expected from all employees of the Council. The Code is designed to help all employees understand the working relationship between themselves, their line managers, colleagues. Elected members, and above all members of the public to whom the Council provides a service. Employees must conduct themselves in a way that ensures a high standard of service is provided and, the reputation of the Council is protected.

An Employee for the purpose of this policy is defined as anyone employed on a permanent, temporary, fixed term or casual basis. It also extends to those working on our behalf via an agency or on a consultancy basis. Where an Employee is not a direct employee of the Council, this policy shall be read and construed as applying to them as modified and suitable.

The Code is intended as a reference guide for employees with greater detail provided in the range of policies and procedures, set both departmentally and by HR. As such the Code should be read in conjunction with other relevant documents and policies, including those that form part of the Constitution such as the Council's Contract Procedure Rules, Member/Officer Protocol, Anti-Fraud and Corruption and the Confidential Reporting Code. The Code briefly outlines existing legislation, regulations and local conditions of service that will provide a useful and practical guide to employees in undertaking their day to day work.

This code has been written for the wellbeing and protection of employees and for the effective operation of Council business and is in no way intended to reflect any lack of confidence in the honesty and integrity of employees. However, failure to act in accordance with the Code and in conjunction with other relevant policies and legislation at the time, may result in disciplinary action.

Contents of the Code are as follows:

5B.2 – Employee Responsibilities
5B.3 – Management Responsibilities
5B.4 – Standards of Service to the Public
5B.5 – Party Political Impartiality and Politically Restricted Posts
5B.6 – Relationships
5B.7 – Conflicts of Interests

5B.8 – Council Equipment
5B.9 – Information obtained during the Course of Employment
- Whistleblowing
- Investigations by Monitoring Officers

5B.10 – Compliance with this Code

5B.2 Employees Responsibilities

a. Employees are accountable, and owe a duty to the Council they work for and, this Code must be complied with as it forms part of the terms and conditions of their employment/terms of their engagement.

b. Employees are expected to read this Code in conjunction with and adhere to, all other policies/legislation approved by the Council.

Employees are expected to use their knowledge and expertise to give the highest standard of service to the public, and, where it is part of their duties, to provide appropriate advice to councilors and fellow employees with impartiality.

Although the Nolan Committee on Standards in Public Life established its seven principles primarily with elected members in mind, they apply equally to employees in the public service. All employees are therefore expected to conduct themselves in accordance with those principles. The principles are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership. Employees are expected to maintain conduct of the highest standards so that public confidence in their integrity is sustained. These principles should guide decision-making, behaviour, and interactions with colleagues, Members and the public.

It is the responsibility of all employees to familiarize themselves periodically with the latest version of the Code and for complying with it at all times. In upholding the principles in this code, it is expected that employees will bring to the attention of their line manager or HR any breach of this code and will do so without any fear of recrimination.

To articulate and support the Nolan Principles the Council has also developed for staff the following core values:

- Service for our customers
- Integrity in our actions
- Accountability for our performance
- Co-operation with councilors, colleagues and partners
- Objectivity in our decisions
- Efficiency: to keep overall costs down
- Confidence to try things out

5B.3 Management Responsibilities

Managers must ensure this Code is adhered to by all employees. They must

- ensure standards within this Code are established and communicated in the workplace;
- clarify where required to assist in employee understanding of the Code;
    - are responsible for ensuring concerns raised under this Code are dealt with promptly, fairly and consistently.

5B.4 Standards of Service to the Public

Employees are expected to give the highest possible standard of service to the Council and the public, performing their duties with honesty, integrity , impartiality and objectivity. This includes treating the public, councillors and colleagues fairly and in line with Council policies and procedures. Furthermore, employees should not allow their personal or political opinions to interfere with or influence their work. Employees must ensure service delivery remains consistent even where personal beliefs differ from those of service users.

Employees are expected to use Council resources responsibly and lawfully, considering value for money in decision making. Employees should be aware that they are accountable to the Council as their employer and should at all times act in accordance with the trust that the public are entitled to place in them.

Employees must be courteous, efficient and impartial in providing services to all within the community. Aggressive or antagonistic behavior will not be acceptable. If the employees work with customers that behave aggressively, they must familiarize themselves with the appropriate codes/polices on violence/aggression.

Employees should ensure they are familiar with all relevant Council policies and procedures which apply to their role, and act in line with these. This includes Contract Procedure Rules, Financial Procedure Rules, and any other legislative frameworks in force at the time.

5B.5 Party Political Impartiality and Politically Restricted Posts

Employees serve the Council as a whole and must follow every lawful decision and policy of the Council.

Employees must serve all Members and not just those of the controlling group. Individual rights of all councilors must be respected at all times. Employees must not allow their own personal or political opinions to interfere with their work when working with members, colleagues or the public.

Whilst engaged in council business, employees must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used for council business.

Certain posts will be designated as “politically restricted” under the provisions of the Local Government and Housing Act 1989. Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they

must comply with any statutory restrictions on political activities which they will be advised of upon appointment.

Employees on occasions, may be invited to attend political group meetings to give information. Their conduct at such venues must not compromise their political neutrality. Employees have a right, without fear of recrimination, to decline to attend a political group meeting.

5B.6 Relationships

For the purposes of defining a close personal relationship, this will include a relative by both immediate or extended family, e.g. spouse, partner, parent, sibling, child, grandparents/children and in laws. This definition will also extend to the spouse/partner of such relatives.

a. Councillors

Employees and Members must comply with the Council's Protocol on Member/Employee Relations.

Mutual respect between employees and Councillors is essential to provide a high standard of local government services. Close personal familiarity between employees and councilors should be avoided as this could prove embarrassing to other employees and Councillors.

Employees are accountable to council members through their Chief Officer. Employees may be required to give advice to Councillors in the course of their duties. All employees must declare any personal relations with a Councillor. Where the relationship could present a conflict of interest, the line manager will need to consider how effectively this can be managed,

In general, employees and Councillors should consider the way others may view the potential conflicts arising from social connections, in particularly concerning confidentiality and bias.

b. Other Employees

All employees must treat each other with courtesy and respect and must comply with the standards set out in this Code and all other relevant polices of the Council.

Employees who are partners or if they have a family relationship may at some time work together. It is the council expectation that the relationship will not affect performance. Employees must declare any personal relationship with another employee, where the relationship may affect, or could be perceived to affect the employee's or the employee's colleagues' performance. Where there are situations when personal relationships between employees become a management concern and, they may unintentionally impair operational efficiency or affect service delivery, this will be addressed by the line manager.

The Council reserves the right (without breach of contract), in any situation where employees in a personal relationship work in close proximity, to require one or both employees to change their roles or duties. This is intended to avoid the employees in a relationship finding themselves in a potentially difficult situation. It will also avoid perceptions of unfairness or undue influence (whether real or imagined).

c. Relationships with Applicants

Employees of the Council, when involved in the recruitment and appointment of staff, must ensure that appointments are made on the basis of merit.

Employees making appointments must be aware of the equality opportunities legislation. It would be unlawful for an employee, to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. The relevant procedures are detailed in the council's Recruitment and Selection Policy and/or the Change Management Policy.

In order to avoid any accusation of bias, if an applicant is related to, or is in a close personal relationship with, an employee involved in the recruitment decision, the employee must inform the relevant Chief Officer of the relationship. The method of recruitment must then be agreed by the Chief Officer, and must not allow the employee to have a role in the decision-making where unfairness could occur.

While an employee may be involved in the day to day management of the relative or someone with whom they have a close personal relationship, decision making must be consistent and fair in accordance with Council policies and procedures and they must not take formal decisions about that person or seek to unduly influence such decisions. Such decisions must be taken by a different employee who has been appointed for the purpose by the relevant Chief Officer. Such decisions include but are not limited to discipline, grievances, promotion or pay and conditions.

d. Relationships with Others

Special favours must not be shown to partners, relatives, and friends or to current or former employees or job applicants. Employees must therefore, disclose to their Director all relevant relationships, whether of a private or business nature, which may have a potential to bring about a conflict with the Council's interests.

e. Contractors

If employees are privy to confidential information on tenders or costs for internal or external contractors, employees must not disclose that information to any unauthorized party or organization.

All orders and contracts must be awarded on merit, by fair competition against other bids, quotations, and tenders and, in accordance with Contract Standing Orders. During any contractual process, employees must disclose all relationships with current or potential contractors and, must be aware of the need for accountability and openness.

No favoritism must be shown nor should any community be discriminated against. If there is possibility of a conflict between an employees' duties to the Council and their relationship with the contractor, lessee etc., then that employee must report that relationship to their line manager. If employees have any doubt on the relevance of a particular relationship, they are advised to disclose it in accordance with Paragraph 5B.7 below.

f. The Media

- All communications with the media relating to the activities of the Council or Council employees, are handled by the Communications Team. If employees are contacted by the media they should report details of the communications to their line manager.
- Employees must not use social media in an official capacity without the authority of their Director.
- Employees personal accounts on social media should not be used for official business and personal views of employees will not be the views of the Council.
- Employees should be aware that posts on social media sites can be accessible to a very wide audience and can remain available for a very long period of time. As such, employees should therefore take great care not to post anything that may be considered as bringing the Council into disrepute or posting anything of an offensive, disrespectful or discriminatory nature towards the Council, managers, staff, clients or associated people such as partner organisations or contractors. This may include 'liking' or replying to posts that aim to do the same. It will not be an acceptable excuse to claim that such postings are private i.e. even if it can be shown that they have been made from a personal device and in your own time. Furthermore, Council devices must not be used to post to personal social media accounts. You must not disclose or post any personal information about customers or employees i.e. details of their customer/employee record. This will be considered as a data breach and dealt with accordingly.

5B.7 Conflicts of Interests

5B7.1 Private Interest v Public Duty

a. Employees must not put themselves in a position where there is a conflict of interests between their private life and public duties. For example, if an employee is a member of a secret society which may cause a conflict of interest, such as the Freemasons, the employee must declare their membership to the their line manager and complete a declaration form which must be submitted to the Council's Monitoring Officer. The Council will hold and maintain a record of all Employee Declarations with proper confidentiality and will publish Employee Declarations on the Council's website at Head of Service level or above.

b. The Council will reserve the right to take legal or (any) other appropriate action against employees where their conduct outside of their workplace conflicts

with public duties. i.e. where the employees conduct outside of work could undermine the Council's reputation or hinder public confidence.

c. There will be an obligation for employees to inform the Council of any cautions, charges or convictions of a criminal offence outside work. This will include all motoring offences other than those dealt solely by fixed penalty notices. An assessment will be undertaken by the employee line manager, in conjunction with Human Resources, as to whether any further action needs to be taken in respect of their employment.

d. Employees working in departments such as planning, must not be involved with the granting of permissions i.e. taking part in considering any application made by themselves, relative, friend or neighbour.

5B7.2 commitments Outside of work

a. Where an employee has any secondary employment outside the Council, this must not conflict with the Council's interests, or bring it into disrepute. Secondary employment is not permitted during the employees working hours, nor is the use of council property, equipment or associated communications or documents.

b. Employees may be required to disclose their total working hours of the secondary employment, to enable the council to monitor the hours worked comply with Working Time Regulations.

c. All secondary employment must be declared to the Monitoring Officer and the details recorded on a declaration form. Under the Working Time Regulations, an employee must not work more than 48 hours a week on average over a 17 week period. The 48 hour maximum applies to the working time of that one employee, irrespective of how many jobs that employee has. Ordinarily, it is the employee's responsibility to ensure they adhere to this restriction. However, if the Council is the secondary employer, it is expected that the respective line managers should monitor the overall working hours. It is accepted that at times, such as where there is a need for overtime, this working week limit may be exceeded but this should not be for an extended period. It is an employee's choice to opt out of this restriction and if they choose to do so, a copy of this opt out, whether permanent or temporary, must be shared with the line manager. At no time should the Council insist on any such opt outs.

The declaration of the secondary employment, does not remove the right of the Council to take action if, it is deemed to be detrimental to the interests or reputation of the council, or where it affects the employees' performance at work. As such Employees must not be involved in any outside activity or work that could cause a conflict of interest with their duties and responsibilities in the course of their employment with the Council, nor should such activities make use of the knowledge of information an employee has access to because of their employment with the Council.

d. Employees may undertake for example, secondary employment in the Council, or work on a voluntary basis within the Council as well as secondary employment within the Council.

e. Unless express consent has been given by a Director, an employee may not become a trustee or board member of any organisation which may receive any form of funding from the Council.

f. Employees must declare any financial interest whether it be direct or indirect, in any existing or proposed contracts, transactions they are involved in at the Council. The interest must be declared in writing on a declaration form and submitted to the Monitoring Officer.

g. Employees must declare in writing to the line manager, any interest or association with any Council activity, which could cause a potential conflict of interest.

5B7.3 Contracts and Partners

a. In agreeing contracts/agreements with contractors, partners or voluntary bodies and, if employees engage or supervise contractors, or have a working relationship with existing or potential contractors, or have had or have a relationship in a private capacity (with the director or the contractors employee), they must declare that relationship to their line manager, complete a declaration form and submit the form to the Council's Monitoring Officer. No special favour is to be shown to current or former partners, close relatives, friends or associates in awarding contracts to businesses run by them or employing them.

b. In working with all contractors and partners there must be full compliance with this Code and, all other relevant council policies and procedures, in particular the procurement guidelines.

5B8 Council Equipment and Resources

a. Where the equipment of the Council is no longer required it may be offered for employees to acquire them for personal use. Depending on the value of the items the employee may be required to make a financial contribution to the Council, in line with related council polices.

b. If a member of the public wishes to access property, facilities, or equipment which may be provided by the Council on a commercial basis, an employee must not gain advantage due to their employment with the Council. Where there may be a perception of conflict, the employee must advise their line manager in order to take the appropriate action.

c. All Council owned equipment such as laptops, mobile phones, bags, jackets must be returned on termination of employment. Council-owned or supplied data on computers must be deleted. The employees access to systems used will be terminated permanently. Where equipment is not returned on

termination of employment, the Council reserves the right to levy a charge to the exiting employee for replacement of said items.

d. Equipment must only be used for Council business unless any other type of use is expressly authorised.

5B9 Information obtained during the Course of Employment

Any information obtained by an employee in the course of their employment must not be used for the employee's personal gain or benefit, nor should it be passed to others who might use it in such a way. Employees must not disclose to any third party confidential information, which could be prejudicial to the Council's interests.

The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Employees must be aware of which information in the Council's possession is classed as confidential and which is not and act accordingly. If there is doubt about whether information can be released, the employee should consult their line manager or the Council's Monitoring Officer.

Whistleblowing / Confidential Reporting Code

a. Where an employee becomes aware of activities which that the employee believes to be illegal, improper, unethical or otherwise inconsistent with the model Code of Conduct for employees, the employee should report the matter in accordance with Council's Confidential Reporting Code (Whistleblowing policy).

b. The Council will not tolerate any form of malpractice. Although it is often difficult for employees to report legitimate concerns through fear of reprisal or victimisation, employees need to be assured that in raising concerns they will be supported.

Investigations by Monitoring Officers

Where a Monitoring Officer is undertaking an investigation in accordance with a complaint against an elected member under the Localism Act 2011 and associated Regulations, employees must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

5B10 Compliance with this Code

a. This code is part of an employee's contract of employment and, failure to comply with any of the provisions of this Code may, result in disciplinary action being taken under the Disciplinary policy, or legal action if necessary.

b. Employees are responsible for ensuring that they keep their line manager informed of any change of circumstance that gives rise to a need to update their declarations.

c. Declarations must be made in writing to the Council's Monitoring Officer. Employees are responsible for completing or renewing declarations annually or when circumstances change.

d. The Council will hold and maintain a record of all Employee Declarations with proper confidentiality and will publish Employee Declarations on the Council's website at Head of Service level and above.

This policy provides you with an overview of the purpose of this policy and your responsibilities as an employee. Failure to act in accordance with the Code and in conjunction with other relevant policies of the Council and legislation at the time, may result in disciplinary action. Other documents which provide further details and helpful guidance that should be read in conjunction with this policy, can be found on the council's website.

5C PROTOCOL FOR MEMBER/EMPLOYEE RELATIONS

5C.1 INTRODUCTION

a) The purpose of this Protocol is to guide Members and employees of the Council in their relations with one another. References below to Committees include Sub-Committees, Working Parties, Panels and Select Committees.

b) This Protocol supplements and expands the requirements in the Members and Officers' Codes of Conduct about acceptable behaviour. A breach of this Protocol will be regarded as a failure to observe the relevant provision in the Code of Conduct and could lead to action being taken through the Audit and Standards Committee (for Members) or disciplinary action (for officers).

c) Members are accountable to the electorate. The Chief Executive is responsible for implementing corporate strategy and ensuring co-ordination and communication between service units. The Directors/Heads of Service are responsible for service delivery.

d) This Protocol reflects the principles of the respective Codes of Conduct which apply to Members and to employees. The common aim of these Codes is to enhance and maintain the integrity (real and perceived) of Local Government. Therefore, very high standards of personal conduct are demanded.

e) A relevant extract from the Council's Code of Conduct for Members is reproduced below: -

*"**As a Councillor** I will act in accordance with the principles in paragraph 2 and in particular, I will*

a. Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.

c. Not bully, harass or unlawfully discriminate against anyone or seek to compromise the impartiality of officers of the Council

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

ii. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.

l. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

m. Always treat people with respect, including the organisations and the public I engage with, fellow members and those I work alongside.

o. Not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings."

f) Because of the above it is important that any dealings between Members and employees should observe high standards of courtesy and that neither party should seek to take advantage of their position. In particular, Members should recognise that Council employees work for the Council and not a particular party or individual Member. By definition, employees should seek to remain impartial and not be drawn into political discussions with elected Members. For their part, employees should undertake their duties in accordance with the wishes of the Council and, in particular, comply with all Council policies. The current Employee Code of Conduct clearly states:

"5B.5 Party Political Impartiality and Politically Restricted Posts

Employees serve the Council as a whole and must follow every lawful decision and policy of the Council.

Employees must serve all Members and not just those of the controlling group. Individual rights of all councillors must be respected at all times. Employees must not allow their own personal or political opinions to interfere with their work when working with members.

Whilst engaged in council business, employees must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used for council business.

Where employees are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on political activities which they will be advised of upon appointment.

Strategic & Assistant Directors and Officers on occasions, may be invited to attend political group meetings to give information. Their conduct at such venues must not compromise their political neutrality. Employees have a right, without fear of recrimination, to decline to attend a political group meeting."

5C.2 **Employee Advice to Party Groups**

a) There is statutory recognition for Party Groups. It is common practice for such Groups to consider matters of Council business before debate by Cabinet or Full Council. Party Groups may properly call upon employees to support and contribute to such deliberations. However the requirements of the Code of Conduct for Employees referred to above must be complied with at all times.

b) The support provided by employees can take many forms, ranging from a briefing session prior to Cabinet to a presentation before a full Party Group meeting. Such support is available to all Party Groups, although it is likely that demand will be greatest from the controlling Group.

c) However, all Members and employees must clearly understand the following: -

i. Employee support in these circumstances must not extend beyond providing factual information and procedural advice in relation to matters of Council business. Employees must not advise on Party business. Thus employees shall not be present at parts of Group meetings when Party business is discussed.

ii. Party Group meetings are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that Members do not interpret them as such. Furthermore, Members must not expect officers to act upon such discussions unless and until those decisions have been formally approved by the appropriate decision-making body.

iii. Similarly, where employees attend Group meetings on Council business, this cannot act as a substitute for providing all necessary information and procedural advice to the relevant decision making body when the matter in question is considered.

d) Special care is needed when employees attend to give factual or procedural advice at a Party Group meeting which includes persons who are not Members of the Council. Such persons will not be bound by this Council's Members Code of Conduct (in particular, the provisions concerning confidentiality). Employees must not be required to provide factual information or procedural advice in such circumstances where the officer considers that to do, so may prejudice the interests of the Council as a whole.

e) Employees must respect the confidentiality of any Party Group discussions at which they are present in the sense that they would not relay the content of any such discussion to another Party Group.

f) Any particular cases of difficulty or uncertainty about employees attending Party Groups should be raised by the employee with the Chief Executive who will discuss them with the relevant Group Leader.

5C.3 Support Services to Members and Party Groups

a) The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members is to assist them in carrying out their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with Party political or campaigning activity, or for private purposes.

b) Where an employee has any concerns in connection with any request from a Member to use Council resources for purposes that might appear to be outside the scope of para 3.1 above, they should raise their concerns with their Director. If the Director considers the request to be outside the scope of 3.1 above, the Member should be advised accordingly. If the Member wishes to pursue the matter, it shall be escalated to the Chief Executive for determination. The Chief Executive's decision shall be final and reasons will be given to the member concerned and the appropriate Group Leader.

5C.4 Relationships between Employees and Cabinet and Committee Members

a) It is important for a Cabinet Member and a Chair of a Committee to have a close working relationship with the Chief Executive, Strategic Director or Assistant Directors and other senior employees who report to Cabinet or Committees. However, such relationships should never become (or appear) so close as to bring into question the employee's ability to deal impartially with those or other Members and all Party Groups.

b) Save in cases of emergency, a Member:-

i. should respect an employee's normal hours of work and seek to schedule meetings (of reasonable length) at mutually convenient hours.

ii. should not telephone an employee at home.

The Chief Executive's guidance can be sought in conjunction with the Council Leader if this creates difficulties. Similarly, an employee should respect Members' work and other commitments and act as far as possible to minimise inconvenience to the Member.

c) Whilst the appropriate Member will be routinely consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that the Chief Executive or other statutory officer will be under a duty to submit a report on a particular matter. The Chief Executive or other statutory officer is fully responsible for the content of any report

submitted in his/her name. Any issues arising between a Cabinet Member or Chair and the Chief Executive or other statutory officer should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council. It is the responsibility of the Assistant Directors to ensure the Chair and Vice-Chair are appropriately briefed on agenda items before meetings.

d) Council resolutions sometimes authorise named employees to take action in consultation with a Member. It is the employee, rather than the Member, who takes the action, and the employee who is accountable for it.

e) In seeking advice and support, Members should have due regard to the seniority of the employee with whom they are dealing and recognise that employees are accountable to their line managers and the Chief Executive and not to any individual Member. Whilst employees should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Assistant Director. For this reason, Members must not give direct instructions to staff, unless they are duly authorised to do so by the Council's constitutional arrangements (i.e. only Members of the Cabinet with regard to their particular areas of Executive responsibility). If so authorised, instructions should, under normal circumstances, be given to the relevant Assistant Director and not to a more junior employee. Members must not place themselves in the position of an operational manager with employees, the public or contractors.

f) Members must, in particular, guard against putting pressure on junior officers and must ensure that all communication between them (including electronic verbal and written) does not cause any embarrassment to the officer, bully or harass the officer, or lead to the breakdown of mutual trust, respect and courtesy in the Member/employee relation, nor should it bring the Council into disrepute.

g) Reports for Cabinet or Committees shall be balanced, honest and impartial. Members must not place any pressure on any employee designed to influence the employee's professional viewpoint in the report.

h) When dealing with the media, employees shall consider what information may more appropriately be given by a Member. In general, matters of policy and opinion shall emanate from Members, and matters of fact or professional judgement from employees. When drafting press releases, authors must consult the appropriate Member on high profile issues.

i) The Council's Press Protocol sets out responsibilities for dealing with the press and other media organisations on behalf of the Council. It is important, therefore, that all official communication relating to the Council is dealt with in accordance with this Protocol, so as to ensure the proactive, effective and efficient management of the Council's public image, relations and interface.

j) Mutual respect and courtesy between Members and officers is expected at all times. Personal remarks or criticism of named officers (or where an officer can easily be identified) will be a breach of this Protocol. Bullying or harassment by a Member could potentially expose the Council to a claim for constructive dismissal and the member to a complaint under the Code of Conduct. Equally Officers must not criticise Members and should respect their rights under this Protocol.

k) Members must not raise matters relating to the conduct or capability of an employee (or of employees, collectively) at meetings held in public or before the press and vice versa. Employees have no means of responding to the same in public. If any Member feels that he/she has not been treated with the proper mutual trust, respect, or courtesy or has any concern about the conduct or capability of an employee, he/she should raise the matter, in private, with the relevant employee, and if necessary, the Assistant Director of the department concerned. Any concerns with regard to an Assistant Director should be discussed, in private, with the Chief Executive and/or the Leader of the relevant Political Group. Any concerns as to the Chief Executive should be discussed in private with the Leader of the relevant Political Group.

5C.5 EXPECTATIONS FROM MEMBERS AND OFFICERS

a) Officers service the whole Council and must be politically neutral at work. Members must respect officers' rights to private political opinions. These must not be used against an officer who remains neutral at work and observes the relevant Codes. Any questions about neutrality must be raised with the Chief Executive or Monitoring Officer before any public accusation.

b) Close personal relationships between Members and officers are to be avoided.

c) Disputes between officers and Members should first be raised with the relevant Director. If no resolution can be achieved the matter should be reported to the Monitoring Officer who may advise the parties as to what steps are considered necessary to deal with the situation.

d) Members and Officers also need to be familiar with the provisions of the "Confidential Reporting Code" under which they can raise concerns about serious issues within the Council without fear of harassment or reprisals.

e) Members should avoid becoming unduly involved in individual cases and operational detail. Involvement in insurance claims, disputes that may involve legal proceedings and audit investigations carry a danger of prejudicing a case which can lead to financial liabilities for the Council.

f) Members' Expectations from Officers;-

i. a commitment to the Authority as a whole and not to any political group;

ii. reasonable and timely responses to enquiries and complaints;

iii. professional advice not influenced by political views or preference;

iv. respect and courtesy;

v. relevant training and development in order to carry out their roles effectively;

vi. compliance with the relevant Code of Conduct; and

vii. an understanding of and support for, the respective roles, workloads and pressure.

g) Officers' Expectations from Members;-

i. political leadership and direction;

ii. not to be subject to undue pressure, harassment or bullying;

iii. respect and courtesy;

iv. relevant training and development in order to carry out their roles effectively;

v. compliance with the relevant Code of Conduct; and

vi. an understanding of and support for the respective roles, workloads and pressure.

5C.6 **CORRESPONDENCE**

a) Correspondence (paper copy or email) between an individual Member and an employee should not normally be copied (by the employee) to any other Member without the first Member's consent. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "blind copies" should not normally be employed.

b) Official letters on behalf of the Council should be sent out over the name of the appropriate employee, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

c) If an employee corresponds with a Member regarding a query raised through the Leader or Chair at Cabinet or Committee, the correspondence should usually be copied to the Leader or Chair of the Committee, as the case may be.

d) Cabinet Members and Chairs, Chief Executive and Strategic & Assistant Directors should (if online) ensure that they check their inbox for emails at least once in any 48 hour period (Mon - Fri), or else set up an automated message accordingly.

e) Correspondence should be dealt with in accordance with agreements from time to time in force. Currently these include:

i. employees shall respond to (acknowledge) a Member's email within 48 hours (Mon - Fri)
ii. employees shall return a member's telephone call within 24 hours (Mon - Fri)
iii. employees shall acknowledge a member's letter within two/three working days and shall respond within 10 working days, thereafter.

Members shall endeavour to meet the above Standards, but employees must recognise that Members may have commitments in addition to their Council duty.

5C.7 PROVISION OF INFORMATION TO MEMBERS AND THE DUTY OF CONFIDENTIALITY

a) Each Member has a right to the information reasonably required to perform his or her role as a Member. They are not entitled to information "out of curiosity" or where they are on a "phishing expedition". In addition, they may not be entitled to information where the information is primarily required for a non-Council purpose, or where there is a conflict of interest or where there is an overriding right to confidentiality, for example personal information relating to a licensing or employment matter.

b) Requests for information should be made to the relevant Manager rather than a junior officer and any relevant interests or non-Council purpose should be declared at the time. If dissatisfied with a refusal the relevant Assistant Director should be approached. If still dissatisfied, the Monitoring Officer or Chief Executive may be asked to determine entitlement.

c) Where a Member requests information from a Manager that is in the public domain, the officer shall supply the Member with it or indicate in which documents it can be found. Where a Member requests information from an officer that must be calculated or derived from information in the public domain, the officer shall supply the Member with it and copy it to the Assistant Director.

d) Members must respect the status of confidential information and need to be familiar with the provisions of the Code of Conduct which deal with the duty to maintain confidentiality. Members should ask the Monitoring Officer for advice whenever they consider "going public" with information that is confidential.

e) All Members are provided with access to the Council's internet and email systems. Members are required to sign up to the Policy on the use of ICT equipment.

5C.8 INVOLVEMENT OF WARD MEMBERS

a) Whenever a public meeting is organised by the Council to consider a local issue, all Members representing any affected Ward should, as a matter of course, be invited to attend the meeting and where possible, provisional dates should be agreed with Ward Members. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, Ward Members should be notified at the outset of the exercise.

b) At public meetings, employees are professionally responsible for information they provide. Likewise Members must ensure the information they give is accurate and true.

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

5D.1 INTRODUCTION

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

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

c) Many minor applications are dealt with by officers under Delegated Authority, as provided for under the Constitution.

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

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

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

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

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

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

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

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

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

5D.2 TRAINING

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

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

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

5D.3 REGISTRATION AND DECLARATION OF INTERESTS

a) Registration of Interests

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

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

b) Declaration of Interests

i. Disclosable Pecuniary Interests

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

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

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

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

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

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

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

ii. **Other Interests**

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

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

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

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

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

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

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

5D.4 **BIAS AND PREDETERMINATION**

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

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

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

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

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

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

ii. they make it clear to the consultee:

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

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

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

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

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

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

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

iii. ensure that their actions are recorded.

5D.6 PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE

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

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

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

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

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

5D.7 PLANNING APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND DEVELOPMENT BY THE COUNCIL

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

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

c) All personal planning applications by Members or Officers will be designated as such on the face of the agenda, including Officer's job titles.

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

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

5D.8 LOBBYING

a) Lobbying, or seeking to influence a decision, is a normal part of the political process. Members should, however, be aware that any attempt to influence their decision by way of lobbying could call their impartiality into question. Members should at all times follow the guidelines set out below. There is always a clear need for Members of the Planning Applications Committee to declare at the appropriate meeting when lobbying or an attempt at lobbying has taken place on an item.

The following points are offered as guidance:

b) **Lobbying of Members**

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

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

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

iv. Do copy or pass on any lobbying correspondence you receive to the Assistant Director at the earliest opportunity.

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

c) **Lobbying of Members**

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

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

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

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

5D.9 PRE-APPLICATION DISCUSSIONS

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

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

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

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

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

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

5D.10 **OFFICERS' REPORTS AND RECOMMENDATIONS TO COMMITTEES**

Because the Officer recommendation is not binding on the Committee, it is necessary for the decision to be taken in accordance with the normal Council Procedure Rules which apply to Planning Applications Committee. This means that before the matter can be debated, a motion has to be moved and seconded. The debate can then ensue upon the motion, as moved. In moving a motion, the Committee is not bound to move the recommendation of the Assistant Director.

a) It is important for the Council to be able to demonstrate in its decision making that there has been adequate consideration of all the relevant issues, consistency and clear reasoning leading to the decision. Officers' reports to Committee will, therefore;-

i. be in writing

ii. be accurate, give details of the consultations carried out and cover the substance of objections of those who have been consulted;

iii. provide clear explanation, where necessary, of submitted plans;

iv. contain clear references to the Development Plan, Supplementary Planning documents, site and related history and any other material considerations;

v. have clear recommendation for approval with reasons and if appropriate conditions or a refusal with reasons; and

vi. in any recommendation for a departure from the Development Plan will set out the material considerations which justify this.

5D.11 **DECISION MAKING – MATERIAL PLANNING CONSIDERATIONS**

a) Members should only consider the planning merits of an application as set out before the Planning Applications Committee in determining whether or not to grant planning permission. Members are not to give weight to non-planning related matters that may be raised by members of the public.

b) Further, an applicant or objector may not raise any substantial new information at a meeting (including by way of correspondence, other documents, photographs or models) at the Planning Applications Committee without due notice at least 24 hours before the Committee meeting or the consent of the Committee

c) Any attempts by applicants or objectors (or their agents) to introduce such information in breach of this Code must be taken into consideration by Members in arriving at their final decision.

d) Planning applications are considered with regard to the policies within the Development Plan and Supplementary Planning documents. Applications must be determined in accordance with Policy, unless

Supplementary Planning documents and material considerations indicate otherwise. Material considerations include matters such as the site history and appeal decisions. All these policies and factors must be weighed together before a decision at Committee is made.

e) If a decision of a Committee appears to be made other than on Planning grounds it could be open to legal challenge. If it is appealed, and a Planning Inspector or the Court decides the decision to be flawed, it may be overturned. This could have serious cost implications for the Council.

f) If the majority of Members on a Planning Applications Committee make a decision which is contrary to the Assistant Director's recommendations, reasons for the decision need to be given. Officers will at this point outline to Members the implications of the decision they are making.

5D.12 **VOTING DECISIONS CONTRARY TO OFFICERS' RECOMMENDATION**

a) A recommendation in a report to Planning Applications Committee is a recommendation from the Assistant Director based upon his or her understanding of the merits of an application when assessed against the prevailing Development Plan and any other relevant material considerations.

b) Notwithstanding the recommendation from the Assistant Director, it is for the Planning Applications Committee itself to determine the merits of the application and to form a view as to whether the application is acceptable in planning terms or not. The report of the Assistant Director is not binding on the Committee, which has to come to its own view on the matter, guided by the Officer Report and any subsequent oral advice given at the meeting.

c) If a Member wishes to propose a motion be taken contrary to an Officer Report, that Member must make clear his/her planning reasons for doing so at the time of making the proposal. Those reasons will form the basis for the Committee's decision and shall be noted in the minutes of the meeting.

d) Where a motion is contrary to an Officer Report the Chairman will allow the Senior Planning Officer present at the meeting to consider the merits of the reasons given, and respond. Members must consider the officer advice given and, in particular, whether the reasons given by the mover of the motion can be sustained at appeal.

e) Where the mover and seconder of a motion move a reason for approval or refusal relating to technical matters (such as an objection to a proposal on highways or drainage grounds) and the Chair is of the opinion that there is broad support from the Committee with that motion, the Chair shall ask the Committee to signal whether they are minded to support the motion and, if a majority of the members so indicate, the Assistant Director (or their representative) may request that the item be deferred

in order to consult further with the statutory consultee(s) on the merits of the reason or reasons given. The Chair will seek a proposer and seconder to this request and the Committee will consider its merits as though a procedural motion pursuant to Council Procedure Rule 13.11 (c) has been moved and seconded. If approved, the motion to defer will be put to the vote and if that is approved, the motion to approve or refuse the application will stand deferred to the next meeting of the Committee as uncompleted business in accordance with Council Procedure Rule 13.11 (c)(ii).

f) The Assistant Director will present a further report to the Planning Applications Committee containing the motion as moved and seconded, together with the reasons given at the earlier meeting and the comments from the statutory consultees as to the merits of those reasons and any additional advice from the Assistant Director. The Committee may then determine to deal with the matter as it sees fit having regard to the motion then before it or such other motion as may be moved by members in accordance with the Council Procedure Rules.

g) In the event that a Planning Appeal is received following the resolution of Planning Applications Committee to refuse an application, the Assistant Director – Planning will consider whether the reason(s) for refusal are defensible. In the event that the reason(s) for refusal are not considered to be defensible, the Assistant Director – Planning may present a further report to the Planning Applications Committee setting out why the reason(s) for refusal are not considered to be defensible together with the implications of this and options available for the Council. These options may include asking Planning Applications Committee to not defend the reason(s) for refusal. Planning Applications Committee may then be asked vote on their preferred option.

5D.13 **COMMITTEE SITE VISITS**

a) The purpose of a visit to an application site is to clarify and gather information on planning issues relating to the site. It is a meeting of the Council to which the Member Code of Conduct applies. However, it is not to provide a forum for debate and discussion on the merits of the application, at that time. Therefore, Committee site visits will be conducted subject to the following criteria:

i. a site visit is for the purpose of viewing the site and ascertaining facts. They will take place only if authorised by the Committee where the Committee considers it is unable to determine an application on the basis of the Officers' report to the Committee alone;

ii. authorised attendance at a site visit shall be limited to Members of the Planning Applications Committee and appropriate Officers;

iii. there shall be no discussion of the merits of any application during the site visit. Such discussion will only take place at a meeting of the Committee;

iv. applicants or their representative and the occupiers of any properties adjoining the site that Members have indicated they wish to visit shall be notified of the visit, but shall not be permitted to make representations to Members of the Committee during a site visit. They may, however, give any purely factual information which is requested by Members through the representative of the Assistant Director and which cannot be ascertained by viewing alone;

v. At the start of the site visit the Chairman of the Planning Applications Committee or the representative of the Assistant Director shall make reference to the Code of Conduct for Committee Site Visits as set out in the Agenda papers to explain and make clear to all those attending the Code's requirements for the conduct of site visits.

5D.14 **REGULAR REVIEW OF DECISIONS**

a) Members shall on an annual basis receive a written report and visit a sample of implemented planning permissions to assess the quality of the decisions. The aim of this will be to monitor and improve the quality and consistency of decision-making, thereby strengthening public confidence, and can help with reviews of Planning Policy.

b) On a periodic basis there shall be a review of a broad range of categories. For example, major and minor development, permitted departures, upheld appeals, listed buildings works and enforcement cases. The Review will be conducted by a person or organisation independent of the Planning Applications Committee and the Development Control Department. The Planning Applications Committee will formally consider the Review and decide whether it gives rise to the need to review any policies or practices.

5D.15 **BREACHES OF THIS CODE OF PRACTICE**

a) Failure to comply with this Code of Practice may be a breach of the Member Code of Conduct and could lead to a complaint being made to the Audit and Standards Committee. Failure of an officer to comply with the Code of Practice may lead to disciplinary proceedings.

b) Breach of this Code may also put the Council at risk of proceedings on the legality or maladministration of the related decision.

5E ROLE DESCRIPTION FOR BOROUGH COUNCILLORS

5E.1 VISION, VALUES AND PRIORITIES

"We will provide high quality services for the local community, within available resources, which compare with the best in the country. We will work with everyone who wants a better future for our Borough. Our actions will be driven by the concerns of the local people, whom we represent.

Working under the Council's Constitution and Code of Conduct for Members, and in line with accepted standards, policies, and procedures, we will participate constructively and effectively in the good governance of the Council, the Borough as a whole, and our own Ward."

a) Key Objectives

To oversee the work of the Council, and ensure high quality services are provided to local people.

To represent the people of the area you are elected to serve.

b) Duties

May include:-

i. representation;

ii. policy making;

iii. policy review;

iv. regulation of services;

v. scrutiny of services;

vi. partnership working; and

vii. consultation.

Will include:-

i. being an advocate for your ward;

ii. helping electors in your ward by attending to casework;

iii. attending community events and meetings;

iv. attending Council meetings;

v. helping decide Council service priorities, including budget decisions;

vi. developing and/or scrutinising Council decisions;

vii. monitoring Council performance; and

viii. maintaining the highest standards of conduct and ethics.

5E.2 POLICY MAKING AND PERFORMANCE MONITORING

a) Monitoring Council Performance

Overview & Scrutiny Panels have been set up to look at the work of a Council, and the policies that it may be implementing. You might be involved in Best Value Reviews of the Council from time to time.

b) Partnership Working

Increasingly, Councils and Members work with the private, public and voluntary sectors in the area. There are partnerships to deliver regeneration programmes, to co-ordinate facilities in a town centre, to promote economic development, or to develop a vision and strategy for the area. Some Members will represent the Council on these bodies.

c) Official Council Meetings

Read reports, attend and participate in Council meetings (including Extraordinary and Special Annual meetings), assigned Committees (e.g. OSPs, Planning, Licensing, etc.), meetings of outside bodies (as assigned), any other Council/outside meetings (as necessary); and

Be prepared to take well informed and sometimes difficult decisions for the benefit of the Borough as a whole.

d) Training and Support

Upon becoming a Councillor you will receive an initial NBBC orientation for the post. To undertake knowledge/skill development training, as the requirements of new legislation dictate, or take-up of additional responsibilities which may be required (i.e. roles such as Leader of the Council, Opposition Party Leader, Cabinet Member, or Chair of a Committee).

e) **Support for your Role**

Members must:

i. comply with Council procedures;

ii. complete a declaration and register of Members' interests;

iii. Take personal responsibility for your own development, participating fully in the training and development programme in order to build understanding, knowledge and skills that you need to undertake your role effectively;

iv. learn more about Local Government issues;

v. identify and work with local stakeholders;

vi. develop communication skills;

vii. comply with the Member's Code of Conduct and Protocol for Member/Employee relations.

Also:-

viii. be aware of Council Policy.

5F MONITORING OFFICER PROTOCOL

5F.1 INTRODUCTION TO STATUTORY RESPONSIBILITIES

a) The Monitoring Officer is a statutory appointment under S5 of the Local Government and Housing Act 1989.

b) The current responsibilities of the Monitoring Officer at Nuneaton & Bedworth Borough Council require the discharge of his/her statutory responsibilities with determination, impartiality and in a manner which will enhance the reputation of the Council.

c) The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making and promoting good governance and high ethical standards within the Council.

d) The Monitoring Officer's ability to discharge these responsibilities and duties will depend on excellent working relations with colleagues and Members but also a speedy flow of relevant information and access to debate, particularly at early stages of any decision making of the Council. This will assist in fulfilling those responsibilities and;

i. complying with the law including any relevant Regulations, Codes of Conduct, general guidance, practice codes, and Codes or Protocols issued from time to time by the Council and the Monitoring Officer;

ii. making lawful and proportionate decisions, and

iii. generally, not taking any action that would bring the Council, their offices or professions into disrepute.

5F.2 DUTIES OF THE MONITORING OFFICER

Duties of the Monitoring Officer

This protocol describes the principal functions of the Monitoring Officer and the manner in which the Council expects him/her to discharge those functions.

The principal functions of the Monitoring Officer shall be:

a) to report to the Council and to the Cabinet in any case where he/she is of the opinion that any proposal, or decision of the Authority in respect of any reportable incident (being any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under S5 and 5A of the Local Government and Housing Act 1989).

b) to investigate any matter referred by the Audit and Standards Committee (or one of its Sub-Committees) which may constitute a failure to observe the Authority's Code of Conduct of Members;

c) to act as the principal adviser to the Authority's Audit and Standards Committee (or equivalent);

d) to maintain the Register of the Members' Interests;

e) to consult on a regular basis with the Head of Paid Service, the Audit & Governance Manager, and the Chief Finance Officer to identify areas where the probity of the Authority can be improved or better protected, and to take appropriate actions;

f) a power to investigate and be responsible for investigations, any application for a dispensation and to report and recommend to the appropriate Committee or Council;

g) to ensure and secure that Members and Officers of the Authority are fully aware of their obligations in relation to probity;

h) to report to the Cabinet and to the Council on the resources which he/she may require for the discharge of his functions;

i) to regularly report to the appropriate Committee or Council on the performance of his/her functions and to make any recommendations which would better enable those functions to be performed.

5F.3 DISCHARGE OF FUNCTIONS

Discharge of Functions

a) The Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and Members of the Authority should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes.

b) The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality, etc, or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, Members and officers of the Authority may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or Member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer.

c) Where the Monitoring Officer receives a complaint or a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter

amicably, by securing that any illegality, breach of the Code or failure of process is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such import that a statutory report is the only appropriate response.

d) In appropriate cases, the Monitoring Officer may rely upon existing processes with the Authority, for example, internal procedures or insurance arrangements, to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

e) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his written advice to the report of any other officer of the Authority.

f) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Head of Paid Service and Chief Finance Officer, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.

g) Where the Monitoring Officer becomes aware of facts which, if substantiated, would indicate a failure by one or more Members of the Authority to observe the Code of Conduct for Members, the Monitoring Officer shall conduct, or arrange for the conduct of preliminary investigations.

h) Where, upon preliminary investigation, the Monitoring Officer is of the opinion that there is substantive evidence to suggest that a Member of the Authority has failed to observe the Code of Conduct he/she shall consider whether the matter is capable of local resolution. If so, he/she may;-

   i. take such action as is necessary to seek to resolve the matter, which may include interviewing the Member concerned, the Member's Group Leader and any person who has suffered detriment as a result of such a failure; or

   ii. report the matter to the Audit and Standards Committee for action.

5F.4 **WORKING ARRANGEMENTS**

The following arrangements and understandings between the Monitoring Officer, colleagues and members are designed to help ensure the effective discharge of their functions:

a) the Monitoring Officer will have advance notice of all formal Council meetings and agenda and reports, and the right to attend and speak;

b) advance notice of meetings, whether formal or informal, between Directors and Members of the Cabinet or Committee Chairs will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise;

c) Strategic Directors will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues;

d) the Monitoring Officer or his/her Deputy will have copies of all reports to members;

e) the Monitoring Officer is expected to develop good liaison and working relations with the External Auditor and the Ombudsman, including the giving and receiving of relevant information whether confidential or otherwise;

f) the Monitoring Officer will have a close working relationship with the Leader and Chairs of Overview & Scrutiny Panels and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues;

g) the Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity;

h) in carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer or his/her Deputy will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions;

i) the Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the appropriate Committee or Council;

j) the Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation, in particular with the Head of Paid Service and Chief Financial Officer;

k) in consultation with the Chair of the appropriate Committee or Council and Standards for England, the Monitoring Officer may defer the making of a formal report under S5 LGHA 1989 where another investigative body is involved;

l) the Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources required to discharge his or her functions; and

m) the Monitoring Officer will appoint a Deputy and keep him/her briefed on emerging issues.

5F.5 RESOURCES

The following resources will be provided for the Monitoring Officer to carry to his/her functions:

a) the right of access to all information and documents held by or on behalf of the Council. This includes any information and documents held by any officer or Member of the Authority. However, this right will not extend to documents and information held by or on behalf of any Political Party represented on the Council;

b) the right of access to any meetings of Officers or Member (or both) of the Council, whether or not such meetings include any other persons. However, this right does not extend to any meetings held by or on behalf of any Political Party represented on the Council;

c) the right to require any Officer, Member of the Council or any contractor of the Council, to provide any explanation of any matter under investigation;

d) the right to request assistance of any officer of the Council in carrying out an investigation and to delegate to that officer(s) any of the powers of the post of Monitoring Officer;

e) a right to report to the Council, the appropriate committee and to the Executive including a right to present a written report and to attend and advise verbally;

f) a power to agree a local resolution to any complaint of maladministration or of breach of the Council's Code, in consultation with the Head of Paid Service and the Chief Financial Officer;

g) the right of access to the Head of the Paid Service and to the Chief Financial Officer;

h) the right, after consultation with the Head of Paid Service and the Chief Financial Officer, to notify the Police and/or relevant bodies, the Council's auditors and other regulatory agencies of his concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions; and

i) the right to obtain, at the Council's expense, legal advice internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

5F.6 INDEMNITY AND INSURANCE

a) The Council will indemnify the Monitoring Officer in respect of any costs, claims and liabilities which he/she may incur in the course of the conduct of his/her functions, except in so far as such costs, claims and liabilities may arise from any criminal action by the Monitoring Officer; and

b) The Council shall arrange and maintain appropriate insurance cover in respect of its liability under such indemnity.

c) On behalf of the Council, the Monitoring Officer notes the resolution made by Full Council 29th April 2026 in that the Indemnity Resolution was approved providing the officer acting in his/her capacity as Registration Officer and Returning Officer (Chief Executive), and any appointed Deputy Returning Officer(s), the reasonable costs which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings to which he/she is subject and; any costs awarded against him/her by any court following the presentation of an election petition.

5F.7 **CONFLICTS**

Where the Monitoring Officer is in receipt of a complaint, or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the Authority, he/she shall consult the Head of Paid Service who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Head of Paid Service, or request a neighbouring Authority to make their Monitoring Officer available to the Authority to investigate the matter and report to the Head of Paid Service and/or the Council, as appropriate.

5G PUBLICITY PROTOCOL GUIDANCE

In the Period Leading up to an Election/By-Election/ Referendum/ Petitions

5G.1 The Law

Publicity material produced by the Council is governed by the provisions of the Local Government Act 1986, and the revised Code of Recommended Practice on Local Government Publicity, which came into effect in April 2011. The Act defines publicity as "any communication in whatever form, addressed to the public at large or a section of the public".

The Publicity Code provides guidance on the content, style, distribution and cost of Local Authority publicity. Local Authorities are required by S4(1) of the Act to have regard to the contents of this Code in coming to any decision on publicity.

5G.2 Principles

Publicity by local authorities should:

a) be lawful;

b) be cost effective;

c) be objective;

d) be even-handed;

e) be appropriate;

f) have regard to equality and diversity; and

g) be issued with care during periods of heightened sensitivity.

5G.3 What is 'Purdah'?

The Pre-Election period (often known as "purdah") runs from the date of publication of the Notice of Election through to and including the date of Election. There are extra restrictions placed on the nature of publicity local councils may issue under the Publicity Code during this time, and all serving Members and Council Officers must be fully aware of the statutory requirements relating to publicity at this time.

5G.4 **The Code ('the Code')**

The general principle set out in the Code is that a Local Authority must not at any time publish any material that in whole or in part appears to be designed to affect support for a Political Party.

Publicity not only includes press releases issued to print, broadcast and social media, but also;

a) most printed materials, which are sent to a wide audience

b) newsletters

c) information added to websites during the period

d) posters and leaflets

e) badges, t-shirts and other 'giveaways'

f) advertising

g) exhibitions

h) conferences

i) consultation.

5G.5 **Elections, Referendums and Petitions**

The relevant sections in the Code state:

a) Section 125 of the Political Parties, Elections and Referendums Act 2000 places a specific restriction on the publication by a Local Authority of material relating to a referendum under Part 7 of that Act, during the period of 28 days immediately before the Referendum is held.

b) Reg 5 of the Local Authorities (Conduct of Referendums) (England) Regs 2007 (S.I. 2007/2089) prohibits local authorities from publishing material in the 28 days immediately before a Referendum which expresses support for, or opposition to a particular answer to a Referendum question relating to the constitutional arrangements of the Authority.

c) Reg 15 of the Local Authorities (Referendums, Petitions, Directions) (England) Regulations 2000 (S.I. 2000/2852) prohibits local authorities from incurring expenditure to publish material which appears designed to influence people in deciding whether or not to sign a petition relating to the constitutional arrangements of the Authority, or to assist others to publish such material.

d) The Code goes on to outline some key principles which local authorities should adhere to during the period of heightened sensitivity before elections and referendums.

i. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions;

ii. During the period between the Notice of Election and the Election itself, the Council should not publish any publicity on controversial issues, or report views or proposals in such a way that identifies them with any individual Members or Groups of Members;

iii. Publicity relating to individuals involved directly in the Election should not be published by local authorities during this period unless expressly authorised by or under statute;

iv. It is permissible for local authorities to publish factual information which identifies the names, Wards and parties of candidates at Elections.

v. In general, the local authorities should not issue any publicity which seeks to influence voters. However, this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support, or oppose a question put at a Referendum.

vi. It is acceptable to publish material relating to the subject matter of a Referendum, for example, to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject to the vote.

5G.6 PUBLICITY PROTOCOL

a) This Protocol takes effect from the announcement date through to the day after the Polling Day.

b) After the announcement date, restrictions on proactive publicity will apply in line with the Code and will remain until 0001 on the day after the Polling Day.

5G.7 ADVICE FOR OFFICERS

a) **Maintain Business as Usual** - but remember to exercise extra caution when planning any publicity or events that may usually involve Members or elected officials.

b) **Supporting Political Parties -** Council staff must always be careful not to give the impression of supporting a Political Party, set of policies or a candidate.

c) **Publicity** - Officers involved in publicising Council services need to take extra care not to influence the outcome of the Election in any way. Care

needs to be taken to ensure that publicity could not be perceived as seeking to influence public opinion or to promote the public image of a particular candidate or group of candidates.

d) **Activities where Political Candidates are Present** - Staff should exercise caution if involved in activities at which political candidates or agents are present: for example, appearing in photographs with candidates should be avoided.

e) **Staff must not engage in political activity during working hours or by using Council facilities**. Some staff hold "politically restricted posts" which limit the political activity they can be involved in outside work.

f) **This Protocol applies to Publicity about all Members' who are "involved directly in the election"** whether as candidates or in some other capacity. Publicity relating to individuals involved directly in the election will not be published during this period unless expressly authorised.

g) **Controversial Matters/Views on Policies** - Publicity should not be issued which deals with controversial matters or which reports views on policies, in a way that identifies them with individual Members or groups of Members.

h) **If an Issue is a Matter that is Politically Sensitive** - the Communications Team will recommend that this should be held until after the Election protocol period, unless the activity is particularly time-sensitive.

i) **Events Attracting Public/Media Interests** - Do not invite Members who are standing for Election to events or invite them to be involved in any publicity/scheduled events, attracting significant public and media interest at which Members may be present, where it could be construed that the event was being used for political purposes.

j) **Press Releases -** issued to the media cannot include any quotations from Members' involved in the Election, if quotes are necessary they can be attributed to an officer. It is common practice to avoid quoting any Members unless in an emergency/crisis situation when the relevant Portfolio Holder or Leader will be quoted (unless they are up for Election). To be on the safe side, avoid references to, and quotes from, all other Members.

k) **Re-Election -** The Communications Team must avoid mentioning any Member who is seeking re-election. If this cannot be avoided the advice is to balance this with reference to Members from opposing Parties.

l) **If a Council Event cannot be Postponed until after the Election** - it is vital it is organised in such a way to minimise the likelihood of criticism arising that the real purpose of the event is to publicise one particular Party. For example, if a candidate or representative from one Party is to attend, then representatives of other Parties should also be invited, and all should be asked not to use the event for political purposes.

m) **It is Permissible to Publicise Factual Information -** identifying names, Wards and Parties of candidates at Elections.

5G.8 **ADVICE FOR MEMBERS**

a) **This Guidance applies to Publicity about all Members** - involved directly in the Election whether as candidates or in some other capacity.

b) **The Word "Publicity" has the Widest possible Meaning -** and the restrictions apply to events organised by the Council that attract significant numbers of the public, or media interest. Members who are standing as candidates, or acting as agents, should not be involved in such events at all. Other Members who are involved in the Election should not use such events to publicise themselves, their parties, or the policies or candidates they support.

c) **Members can attend Events** - organised by the Authority or other organisations but they won't be quoted or featured in any Council publicity.

d) **With the Exception of the Mayor/Deputy Mayor -** when acting in a Civic capacity, Members must not take part in any Council arranged events that will have publicity attached to them, e.g. photo calls/launches during purdah. This is because many initiatives will have involved Elected Members at some point in their development and they are likely to want to be quoted or help to publicise such projects: doing so during the pre-Election period could be construed as using your launch to obtain a political advantage. If the launch needs to proceed for operational reasons and cannot be brought forward or delayed until after, then Members who are directly involved in the Election should not be involved in any activity. Other Members should not use such events to publicise themselves, their parties, or the policies or candidates they support

e) **It may be Necessary to Suspend** - the hosting of material produced by third parties or to close public forums during this period to avoid breaching any legal restrictions.

f) **Speaking with the Press** - Members can talk to the press and media during this period and generate their own publicity. The restrictions only apply to official Council-organised publicity, including press releases or events. The rules in the Member and Officer Protocols about use of Council facilities must be observed. Members should also be aware that purdah guidelines do not apply to the media so they are under no obligation to adapt their coverage or avoid asking for comment from candidates, agents or others directly involved in the Election.

g) **If you Want to Visit a Council Service during the Purdah Period** requests will be judged on a case by case basis, looking at the potential disruption that may be caused by any visit and any security or confidentiality concerns that may exist. If it is feasible for a candidate to visit the Service, they should be asked not to use the event for political purposes. For example, it would be appropriate to ask visitors to ensure that no photographs are taken of Council Officers or Service users, that no quotes are sought from staff and that nobody is encouraged to do anything which could be construed as 'political' or in support of a particular candidate's campaign.

h) **No Political Posters or Leaflets** - must be displayed on Council premises (including street furniture and the like) or vehicles.

5G.9 REACTIVE PUBLICITY

a) Under the Code it is acceptable for Members holding key political or civic positions to comment in an emergency or in response to a major news event outside the Council's control. In such an instance it would be acceptable for a relevant Member to be quoted reacting to this event, unless they were personally up for election in which case another Senior Member would be quoted.

b) Members involved in the Election may not be quoted in a proactive news release issue.

c) It is better to avoid proactively scheduling PR events and photo opportunities during this period if possible.

5G.10 PRESS RELEASES/MEDIA ENQUIRIES

a) The Communications Team will be responsible for agreeing and issuing ALL press releases – no matter how seemingly insignificant, with the relevant Director before they are issued including press releases requested by individuals or other organisations, e.g. schools and Members.

b) All media enquiries must be referred to the Communications Team who will respond to the enquiries in line with the Council's Media Protocol, taking special care to avoid controversial issues or promoting individual Members.

c) The normal practice of commissioning photographs of Members at major events and activities where they would be expected to play a lead role for PR/media purposes must also be avoided during this period. Where possible it should be arranged outside the Election protocol period. Where this is not possible, advice should be sought from the Senior Communications & Events Officer/or equivalent or the Monitoring Officer.

d) Staff and Members must contact the Chief Executive for more information about what Council premises are permitted for use by candidates during the purdah period.

5H INDIVIDUAL CABINET MEMBER DECISION PROTOCOL

5H.1 INTRODUCTION

Each individual Cabinet Member is entitled to make decisions on behalf of the Cabinet which concern functions falling within their portfolio. It follows that decisions presented to an individual Portfolio-Holder must fall entirely within that Portfolio. If the decision falls into more than one portfolio then the matter must be referred to full Cabinet, at which time the relevant decisions can be taken.

Because proposals submitted to individual Cabinet Members are not normally included in the Council's Forward Plan, it is recommended that "key decisions" be taken by full Cabinet in the normal way.

5H.2 CRITERIA

The intention behind Individual Cabinet Member Decisions is to speed up the decision-making process, without compromising open, accountable and transparent decision-making. To ensure that this is maintained consistently, the following criteria is recommended for when seeking a Single Member decision. An Individual Member may take any decision which:

a) is required to implement a Policy that is part of the framework, provided the decision is:

   i. within budget, and does not amend either the Policy Framework or the Budget;

   ii. wholly within the remit of the SDPs or services for which the Member is responsible; and

   iii. not a key decision.

b) is to adopt a new Policy or procedure to deliver the SDPs or services for which the Member is responsible, provided that the decision:

   i. does not amend or alter any Policy that is part of the Policy Framework (without the prior approval of Council);

   ii. does not amend or alter the budget nor requires the budget to be amended; and

   iii. falls entirely within his/her portfolio.

Where a decision is to adopt a new Policy or procedure to deliver the SDPs or services for which the Member is responsible AND it does not fall entirely within his/her portfolio then the decision must be taken jointly with the other portfolio holder(s) affected.

5H.3 **PROCEDURE**

The main procedural requirement will be that no decision can be taken unless and until the Cabinet Member has been provided with and has considered a written report covering the issue. The report should set out the options available to the decision-maker, the reasons for recommending a particular option over any other and any reasons for rejecting any option plus a note of consultations undertaken. In addition, if another Member of the Cabinet is consulted, it is necessary to record whether that Member has declared any interest in the matter.

This will not only enable full details of the decision making process to be recorded, but will also provide important protection for the Council and the Cabinet Member and ensure compliance with access to information requirements. The Cabinet Member will be required to sign a FORM prepared by the relevant Officer (the Officer present when decision is made) giving details of the decision made.

5H.4 **PROCESS**

a) DRAFT report prepared for approval by relevant Director.

b) There should have been adequate inter-service consultation prior to the production of the draft but DRAFT reports must be shown to Legal Services and the Assistant Director - Finance (and where appropriate Human Resources) at least five working days before the report is sent to the relevant Cabinet Member to ensure compliance with relevant requirements.

c) As indicated in para. 2 above a note of "Consultations Undertaken" should be included in the report. This should be on the front sheet after the Corporate Plan Ref: e.g.

Consultations Undertaken`	Ward Members Other Cabinet Members Chief Executive Strategic & Assistant Directors Legal Services Finance Human Resources, etc.

d) FINAL report submitted by Service officer to relevant Cabinet Member and Committee Services (hard copy to the Cabinet Member and an e-mailed copy to the Committee Services inbox at least seven working days before a decision is to be made.

e) Committee Services will prepare a Notice of Decisions to be made (AGENDA) and post the Notice and reports onto the Committee Management System (CMS).

f) Agenda/Reports (a hard copy and an e-mailed copy to be circulated to those who receive Cabinet Reports).

g) Print Room will retain one copy of the Agenda/Report for the Report Book.

h) After a decision is made a Record of the Decision should be prepared on the attached FORM I and submitted to the Committee Services. The decision will be recorded in writing (Minute) and published. It will include a statement of the reasons for the decision and alternative options considered and rejected, together with the publication date and the date the decision comes into force (this is for the Call-In process).

i) Each decision (Minute) will be numbered and given the next minute number in the sequence and will also be posted onto the CMS.

j) A hard copy of the report and the decision will be kept in the Committee Services Office.

5H.5 Service Managers are responsible for ensuring that Officers within their Service Unit understand and follow these procedures.

5H.6 **VENUE**

a) Individual Cabinet Member Decisions are to be held in the Town Hall interview rooms or if unavailable, another venue which is easily accessible by the public.

b) Once the Officer has arranged the date and time of the meeting with the Portfolio Holder, Committee Services will liaise with the Customer Services Team to confirm the venue and distribute the Agenda.

Form 1

INDIVIDUAL CABINET MEMBER DECISION

Member - Member
Cabinet Member for -
Report by -

SUBJECT -
Date decision made -
Place -
Officers present -

DECISION

REASONS FOR THE DECISION

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Signed:

For Completion by the Committee Section:

PUBLICATION DATE :

DECISION(S) COMES INTO FORCE :

5I CONFIDENTIAL REPORTING CODE

Introduction

1.1 The Council is committed to fostering an open and transparent culture where employees feel empowered to raise issues internally as they arise. In turn, the Council will ensure that all issues raised are treated seriously and investigated appropriately in line with the relevant policy.

1.2 The Council recognises that employees are often the first to realise that there may be something wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.3 This policy provides a framework and guidance on raising issues, commonly known as ‘blowing the whistle’ or ‘whistle-blowing’, and how they will be dealt with. It also details the legal responsibilities that the Council will adhere to when dealing with certain issues.

1.4 As individual circumstances cannot always be accounted for within a written procedure, there may be other circumstances that arise that are not covered by this policy. In these cases, advice should be sought from the Whistle Blowing Officer or a member of Human Resources. Complaints that don’t count as ‘whistle blowing’ are personal grievances e.g. bullying, harassment or discrimination. These should be reported using the Council’s grievance policy.

1.5 This policy has been discussed at local level with Unison, Unite and GMB by the Monitoring Officer and has their support.

1.6 This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Scope

2.1 This policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

3. Policy Remit and Aims

3.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, it encourages employees and others that we deal with, who have serious concerns about any aspect of the Councils work, to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis. This Code makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or "blowing the whistle" outside. The nominated "Whistle-blowing Officer" is the Council's Assistant Director – Democracy & Governance

3.2 This policy aims to:

- encourage you to feel confident in raising serious concerns through the Whistle-blowing Officer and to question and act upon concerns about working practices;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied, although it should be noted that anonymous whistle blowers will not ordinarily be able to receive feedback; and
- re-assure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

4. Roles and Responsibilities

4.1 It is expected that all employees and those working on behalf of the Council will work in line with the spirit and intention set out in the core values.

4.2 <u>Managers</u>

Managers have a general responsibility to ensure that they are conversant with all relevant policies and that their employees are set clear guidelines in line with these.

Managers are also responsible for encouraging a culture where members of their team feel able to raise any issues as they occur, with the knowledge that such issues will be dealt with appropriately.

4.3 Employees

All employees and those working for or on behalf of the Council have a responsibility to make themselves aware of relevant policies and procedures and report any concerns as soon as possible.

Any serious concerns that you have about any aspect of service provision or the conduct of officers of the Council or others acting on behalf of the Council can be reported under this Confidential Reporting Code. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribe to; or
- is not in keeping with the Council's constitution and internal policies and procedures; or
- falls below established standards of practice; or
- amounts to improper conduct.

4.4 Whistle-Blowing Officer

The Whistle-Blowing Officer is a point of contact for concerns raised under this policy and is responsible for ensuring issues are dealt with appropriately. They will also monitor and report on concerns raised under this policy and liaise with the Council's Monitoring Officer for complex issues or reviews of this policy. Details of the Council's Whistle-blowing Officer and other useful contacts are at Appendix A.

4.5 Monitoring Officer

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes, but in a form which does not endanger your confidentiality, and will report as necessary to the Council.

4.6 Trade Unions

Trade Unions also have a responsible to raise concerns and issues as they arise. They are also able to offer advice and support to employees.

5. Legal Requirements and Definition

5.1 The law affords certain protections to disclosures that fall in line with the legislation noted below. However, in adhering to our values, the Council aims to encourage all employees and workers to raise any concerns and efforts will be made to extend the same principals to all.

5.2 Part IVA of the Employment Rights Act 1996 makes specific provision to protect workers who make a "protected disclosure". To be protected by the provisions of this legislation it is not sufficient for a worker to merely make allegations but there must also be a disclosure of information. The distinction between these is complex but generally information will contain specific facts and not simply raising a concern.

5.3 Workers

For the purposes of the Act, a "Worker" is defined as those directly employed by the Council. However, it may also apply to agency workers and those employed by contractors for the Council. Such workers will be afforded the protection given under the Act. That said, all those that are either employed or carry out work on behalf of the Council, including members, are encouraged to raise concerns in line with this policy. In return, every effort will be made to ensure the principals of the Act are applied to all issues raised.

5.4 Protected Disclosures

A protected disclosure is a disclosure for reasons set out in section 43B of the Act as follows:

Disclosure which, in the reasonable belief of the worker making the disclosure (the "Whistle blower"), is made in the public interest and tends to show one or more of the following—

- that a criminal offence has been committed, is being committed or is likely to be committed,
- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- that a miscarriage of justice has occurred, is occurring or is likely to occur,
- that the health or safety of any individual has been, is being or is likely to be endangered,
- that the environment has been, is being or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

The following are not "protected disclosures" for the purposes of the Act:

- where the person making the disclosure commits an offence by making it; or
- the disclosure is of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings if made

by a person to whom the information had been disclosed in the course of obtaining legal advice.

6. How to Raise a Concern

6.1 As a first step, you should normally raise concerns with your immediate manager or their superior who may wish to then raise the issue with the Whistle-blowing Officer. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Whistle-blowing Officer directly or, in their absence, the Monitoring Officer.

6.2 Concerns may be raised verbally or in writing by using the form at Appendix B. Employees who wish to make a written report are invited to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. Although you are not expected to prove beyond doubt the truth of an allegation you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

6.3 The earlier you express the concern the easier it is to take action.

6.4 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two or more of you who have had the same experience or concerns

6.5 You may invite your trade union or professional association to raise a matter on your behalf.

7. How the Council will Respond

7.1 Once you have raised your concern, the Whistle-blowing Officer will carry out an initial assessment to determine the scope of any investigation. All concerns raised will be treated seriously and consistently. The Whistle-blowing Officer will then respond to your concerns giving an indication of the action proposed.

7.2 Where appropriate, the matters raised may:

- be investigated internally by the Whistle-blowing Officer, internal audit or through the disciplinary process;
- be referred to the Police if there is evidence of criminal activity;
- be referred to the External Auditor; or
- form the subject of an independent enquiry.

7.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is

appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.

7.4 Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required this will be taken before any investigation is conducted.

As soon as is practically possible but certainly within ten working days of a concern being raised, the person dealing with your concern or the Whistle-blowing Officer will write to you:

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- regular updates will be provided if it is a prolonged investigation;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms e.g. mentoring, advice and counselling; and
- telling you whether further investigations will take place and, if not, why not.

All responses shall be in writing either to your home address or by email as agreed in advance.

7.5 The amount of contact between the officers considering the issues and you will depend upon the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

7.6 When any meeting is arranged, you can be accompanied by a union representative or a work colleague.

7.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice about the procedure.

7.8 The Council accepts that you need to be assured that the matter has been properly addressed. Therefore, where possible and subject to legal or other constraints, we will inform you of the outcome of any investigation.

8. How the Matter can be Taken Further

8.1 This policy is intended to provide you with an avenue to raise concerns within the Council and the Council hopes that you will be satisfied with any action taken. If you are not happy with the way in which your concern has been handled, you can raise it with one of the other contacts in paragraph 6.1.Alternatively you may contact the chairman of the Audit and Standards Committee; **OR** our external auditors. Contact details are set out at the end of this policy at Appendix A.

9. Safeguards

9.1 Harassment or Victimisation

9.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

9.1.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. Employees must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistle-blowing Officer immediately. If the matter is not remedied employees can raise it formally using our Grievance Procedure other workers e.g. agency staff, can raise it using the Complaints Procedure.

9.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

9.1.5 Employees must not threaten or retaliate against colleagues making disclosures in any way. Such conduct may be subject to disciplinary action. In some cases the Whistle-blower could have a right to sue the perpetrator personally for compensation in an employment tribunal.

9.2 Confidentiality

9.2.1 All concerns will be treated in a confidential and sensitive manner and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you

9.3 Anonymous Allegations

9.3.1 This policy encourages you to put your name to your allegation whenever possible.

9.3.2 Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

9.3.3 In exercising the discretion, the factors to be taken into account will include:

- the seriousness of the issues raised:
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

9.4 Untrue Allegations

9.4.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

10. External disclosures

10.1 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body, such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.

10.2 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a contractor, supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first.

USEFUL CONTACTS

Whistle-blowing officer	Matthew Wallbank

	Assistant Director – Democracy and Governance Telephone: 7637 6258 monitoring.officer@nuneatonandbedworth.gov.uk.
Monitoring Officer	Matthew Wallbank Assistant Director – Democracy and Governance Telephone: 7637 6258 monitoring.officer@nuneatonandbedworth.gov.uk.
Chairman of the Audit and Standards Committee	Audit and Standards Committee | Cabinet and committees | Nuneaton and Bedworth Borough Council
External auditors	Azets Holdings Ltd 2nd Floor, Regis House 45 King William Street London EC4R 9AN https://www.azets.co.uk/
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: whistle@pcaw.co.uk Website: www.pcaw.co.uk

CONFIDENTIAL REPORTING FORM	
Name (s) of complainant:	
Service Unit:	
Line Manager:	
Description of concern, including dates, incidents, names and reasons for concern (please continue on separate sheet if necessary):	
Signed:	Date:

Office Use:

Date complaint received:	
Action to be Taken:	
Name of Investigation Officer is applicable:	
Date assigned:	

5J **PROTOCOL FOR COUNCILLOR CALL FOR ACTION**

5J.1 WHAT IS A COUNCILLOR CALL FOR ACTION (CCFA)?

It is a process that puts the Ward Member, at the forefront of dealing with issues of concern in local communities. It gives Members a central role in calling to account the work of Council services and other agencies at a local level.

When concerns are identified Members should be able to trigger a response from service providers and help to ensure the concerns are dealt with accordingly. However, as a **last resort**, when a problem cannot be solved, the CCfA can enable Members to trigger a local scrutiny review.

What distinguishes the CCfA from a more general request for scrutiny is that:-

a) The focus is on a neighbourhood or locality issue, usually relating to the quality of public service provision;

b) It is a genuine local community concern; and

c) It is a persistent problem which the Ward Member has been unable to resolve through local action and discussion with the Cabinet or relevant services and agencies.

5J.2 WHAT A CCFA IS NOT?

a) It is not appropriate for dealing with individual complaints which can be dealt with through the complaints procedures.

b) It is not for dealing with issues relating to “quasi-judicial” issues where statutory appeals processes exist (e.g.: Planning and Licensing) or Council Tax and non-domestic rates.

c) It is not for dealing with an issue which is vexatious or discriminatory.

d) It is not for dealing with an issue which can reasonably be included on an OSP agenda.

5J.3 CCfA GUIDANCE FOR MEMBERS

Ward Members deal with issues of concern on behalf of their constituents as part of everyday business. The CCfA is not intended to add additional bureaucracy to these, which should continue to be dealt with in the same way. It is intended that CCfA should provide greater emphasis to the vital work undertaken by Members in communities as community advocates and champions, and to further increase the accountability of public service providers to local communities.

If uncertain at all about whether a request might be an appropriate issue for a CCfA, Committee Services can provide advice and assistance to Members and the public.

a) **Initial Checklist**

i. are the concerns individual complaints?

ii. do the concerns relate to “quasi-judicial” decisions (e.g.: planning, licensing) or to Council Tax and non-domestic rates?

iii. do the concerns relate to the quality of public service provision at a local level?

iv. is the focus of concern on a neighbourhood or locality issue?

v. is the issue a genuine local concern?

b) **Championing a CCfA**

It is a matter of judgement which community requests Members agree to champion, and Ward Members are accountable to their local community for these judgements. Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with Council services, the Cabinet and/or outside partners and agencies.

c) **Championing Checklist**

i. Has an explanation or assurances not satisfied public concern?

ii. The Ward Member should have:-

1. discussed the issue with relevant officers of the Council and/or other agencies;
2. raised and facilitated informal discussion at an appropriate local community forum;
3. raised the issue with appropriate partners e.g.: Police, PCT, LTB, WCC

d) **Referring CCfAs to Scrutiny**

The expectation is that only the most persistent issues, which the Ward Member has not been able to resolve, will be referred to Scrutiny. When the Member feels that everything within their power has been done to remedy a community concern, they have exhausted all mechanisms and have tried to resolve the problem with the help of other relevant agencies, but have been unsuccessful in finding an adequate solution. Then, as a last resort, the Member is able to refer the issue to Scrutiny.

The referral will be made to the relevant OSP Chair using the CCfA form.

The referral must include;-

i. the Member’s name;

ii. the Ward name;

iii. a summary of the issue being raised and why;

iv. any action taken to resolve the matter;

v. identify witnesses and stakeholders to be invited; and

vi. identify what outcome is sought from the hearing.

The Ward Member;-

i. must provide supporting information or evidence;

ii. to indicate the level of local concern and/or support for the CCfA; and

iii. any previous action already taken to try to resolve the matter.

f) **Consideration of Referral by Scrutiny**

The completed CCfA referral form and above information will be considered by the Chair and Vice Chair of the appropriate OSP, together with the Ward Member in attendance, within 28 days. In considering the referral they will want to be assured that the Ward Member has made every effort to try to find a local solution already.

In making their decision they will consider:-

i. are they satisfied that all reasonable attempts at resolution have been made by the Ward Member and/or Cabinet;

ii. has any Committee considered a similar issue recently;

iii. are there any projects, audits, reviews, inspections on the matter underway;

iv. have the relevant services and/or partners been informed, but not responded;

v. is there a more complex/strategic issue at the centre of the issue that could not be resolved at the lower level; and

vi. is it an isolated case or is it a wider service or Policy issue.

If for any reason, agreement cannot be reached as to whether or not the matter is a CCfA then it will be considered by the relevant OSP.

If the Chair and Vice Chair reject the matter, the Ward Member will be notified (in writing) who in turn, will notify the public.

If the Chair and Vice Chair accept that the matter is a CCfA then it will be referred to the OSP for consideration, notifying partners/stakeholders' witnesses as appropriate.

The Chair and Vice Chair will also consider, at this time, whether the issue should be heard at the next available OSP meeting or at an additional single item meeting and the most appropriate venue/location for the meeting.

Consideration of CCfA at OSP

The relevant OSP is required to consider the CCfA issue and decide on what further action it wishes to take. For example it may require further information, may establish a Working Group and/or make recommendations to resolve the issue.

The OSP shall:-

i. have regard to any information provided by the Ward Member as to why it should investigate the issue;

ii. have regard to any other information or evidence provided;

iii. invite the portfolio holder to attend the meeting, and

iv. invite other local stakeholders to the meeting.

Any report and recommendations arising from the OSP meeting will be made available and sent to all agencies/stakeholders involved with the CCfA within ten working days.

The responses to the report and recommendations will be reported back to the next OSP meeting.

The OSP will monitor the implementation of the recommendations as appropriate.

The CCfA data will be reported annually at year end to the relevant OSP and will include the number of requests received, accepted, rejected and the reasons given for rejection.

5K PETITIONS SCHEME

5K.1 PETITIONS

Nuneaton & Bedworth Borough Council welcomes petitions and recognises that petitions are one way in which people are able to let us know their concerns.

5K.2 WHAT IS A PETITION?

We will treat as a petition any communication that is signed by or sent to us on behalf of 25 people. Less than 25 signatures will be considered a complaint and dealt with under the Council's Complaints Procedure.

5K.2.1 Types of Petitions

There are different types of petition, as set out below.

a) Petitions between 0 – 24 signatures will be dealt with as a Complaint.

b) Ordinary Petitions – requiring 25 – 749 signatures will either be dealt with by the appropriate Service Unit at the Council or referred to the relevant Overview & Scrutiny Panel. To determine how the petition is to be handled, the Petitions Officer will consult with the chair of the appropriate OSP and agree whether the matter should be referred to the Panel.

c) Petitions for Debate – Petitions of 750 or more will be referred to a meeting of the Council.

5K.2.2 What should a petition contain?

A petition should include:–

a) A clear statement covering the subject of the petition and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Public Authority, we will redirect the petition to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation of that decision;

b) The full name and contact details of the "petition-organiser" must be provided. Contact details must be a full postal address where the signatory lives. If a petition does not identify a petition organiser, we will contact the first or second signatories to the petition to agree who should act as the petition organiser. If no signatory can be identified from the petition and hence no petition organiser can be contacted, the Council will consider the petition to be frivolous or vexatious and deal with it accordingly within the terms of this Scheme.

c) Each signatory to a petition must state their full name, full postal address and signature.

d) The Petitions Officer shall consider any petition over 25 signatures and determine (a) its validity and (b) the process to be followed in dealing with the petition having regard to the criterion in this Scheme. If the Petitions Officer considers a petition to be frivolous or vexatious, abusive, unlawful or otherwise inappropriate, it will be rejected.

In the period immediately before an Election or Referendum a petition will be dealt with differently. This is to comply with the Code of Practice on Local Authority Publicity used by the Secretary of State under S. 2 of the Local Government Act 1986.

5K.2.3 **What will the Petitions Officer do when he or she receives your petition?**

The response to a petition will depend on what a petition seeks and how many people have signed it. The range of possible outcomes are;-

a) taking the action requested

b) considering the petition at a Council meeting

c) holding an inquiry into the matter

d) holding a public meeting

e) commissioning research

f) Referring the petition to an Overview & Scrutiny Committee

g) rejecting the petition.

Petitions will be acknowledged within 10 working days. The Petitions Officer will let the petition organiser know what will be happening with the petition and when he or she can expect to hear from the Petitions Officer again. That notification will be published on the website unless the Petitions Officer considers that in all the circumstances it would be inappropriate to do so.

If the outcome requested in a petition can be undertaken immediately, the acknowledgement may confirm this and the petition will be closed.

In some cases, the Petitions Officer may seek to resolve the request directly, by getting the relevant Cabinet Member or officer to take appropriate action.

Unless the matter has been resolved immediately the Petitions Officer will provide a substantive response to the petition organiser setting out how the petition is to be handled. This substantive response will be provided as quickly as possible and no later than 15 working days after the date the petition is acknowledged.

At the same time as providing a substantive response to the petition organiser, the Petitions Officer will inform Group Leaders and relevant Ward Members (if appropriate) of receipt of the petition.

Within five working days of acknowledging a petition, the Petitions Officer will publish details of the petition on the Council's website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will be included.

The Petitions Officer will ensure that the website is kept up to date to ensure that petitioners can track progress of their petition.

5K.2.4 **The role of Ward Members**

When a petition is received which particularly affects a specific Ward, the Petitions Officer will send a copy of the petition to each relevant Ward Member at the same time as providing a substantive response to the Petitions Organiser.

5K.2.5 **What happens to Petitions for Debate at Council?**

Petitions for Council debate will be reported to the next convenient Ordinary Meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.

The Petition Organiser will be invited to address the meeting for up to three minutes on the subject of the petition.

5K.2.6.**What happens to a Petition at an OSP?**

Petitions will be reported to the next convenient meeting of the relevant Overview & Scrutiny Panel. An officer, identified either by name or by post title either in the petition or as nominated by the Petitions Officer, will be required to answer questions on the conduct of a particular matter at the Panel.

In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions that he/she would like put to the officer at the meeting. These questions will be provided to the Chair of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Panel for a maximum of three minutes. The relevant officer will report to the Panel in relation to the petition. Members of the Panel may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer. After the relevant person has attended before the Overview & Scrutiny Panel, the Panel will make recommendations to the Council and a copy of the minutes will be sent to the petition organiser.

5K.2.7.**What happens to an Ordinary Petition?**

The Petitions Officer will arrange for each Ordinary petition to be considered by the relevant Director in consultation with the relevant Portfolio Holder. Where a formal decision is required, the relevant Director will be responsible for ensuring that an item is placed on the next appropriate Cabinet Agenda; or Single Member Decision (as appropriate).

The petition organiser will be invited to the meeting at which the decision is to be considered and given the opportunity to address the decision maker for three minutes. The Chair may then ask questions of the petition organiser. Where appropriate. Ward Members present may also address the Chair on the matter for up to three minutes (each).

Cabinet/Single Members will ask the relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Cabinet Member, he/she will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council or Cabinet.

Within five working days of the consideration of the petition, the Petitions Officer will notify the petition organiser of the decision and advise him/her that if he/she is not satisfied with that decision, he/she may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Panel for review. The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

Upon review, if required, the Panel can refer the issue to the Cabinet for further consideration together with the Panel's recommendations upon how the matter should be determined. Cabinet shall consider the matter afresh, having regard to any recommendations from the Panel. Cabinet is free to make any decision that it feels is appropriate, including accepting the Panel's recommendations; confirming the original decision that led to the review, or substituting a different decision. For the avoidance of doubt, there is no further right of review of Cabinet's decision and the decision shall be considered final. At this stage the petition shall be treated as disposed of and the website amended to reflect this.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

5K.2.8.**The role of the Petition Organiser**

The petitions organiser will maintain contact details with the Petitions Officer whilst the petition is being considered.

Where the petition is not accepted for consideration, the petition organiser will be advised by the Petitions Officer of the rejection, and the grounds for rejection.

The petition organiser may nominate another person to address any meeting and to answer any questions on the matter.

The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

5K.2.9. **Petitions, which will not be accepted or published**

a) Frivolous or vexatious petitions or timewasting;

b) Rude or abusive;

c) Unlawful Petitions - Any petition which, in the opinion of the Council's Monitoring Officer would require the Council to do something that is or is likely to be unlawful if carried out;

d) Otherwise inappropriate;

e) Defamatory;

f) Petitions that do not affect the functions of the Council or the Borough;

g) Decisions about regulatory matters, e.g. Individual decisions of Planning or Licensing matters; or

h) Employee related matters.

The Petitions Officer will inform the petitions organiser for the non-acceptance in the Council's acknowledgement of the petition.

5K.2.10. **Duplicate Petitions**

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

5K2.10. **Repeat Petitions**

Where a petition will not normally be considered where they are received within six months of another petition being considered by the Council on the same matter.

5K 2.11. Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time wasting, or do not relate to something which is the responsibility of the Authority, or over which the Authority has some influence.

5K 2.12. Who should you send a petition to?

The Petitions Officer shall be the Head of Paid Services, who is responsible for receiving, managing and reporting petitions received by the Council. Please address petitions to –

The Petitions Officer
Nuneaton & Bedworth Borough Council
Coton Road
Nuneaton
CV11 5AA

Or to petitions@nuneatonandbedworth.gov.uk

The Council accepts e-petitions from the NBBC scheme available on the Council's website at:

https://www.nuneatonandbedworth.gov.uk/petition

5K.2.13 **What can you do if you feel your petition has not been dealt with properly?**

If you feel that your petition has not been dealt with properly, the petition organiser has the right to request that the relevant Overview & Scrutiny Panel reviews the steps taken in response to the petition. The Panel will endeavour to consider your request at its next Ordinary Meeting or the following meeting. Should the Panel determine that your petition has not been dealt with adequately, it may use any of its powers to deal with the matter.

These powers include instigating an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered, the petition organiser will be informed of the results. The results of the Review will also be published on the website.

5L POLICY ON GIFTS & HOSPITALITY

1. Policy

1.1 You must only accept offers of hospitality and gifts if there is a genuine need to impart information or represent the Council through the particular engagement. Offers to attend purely social or sporting functions must be accepted only when these are for the benefit of the Council. All gifts and hospitality received must be properly recorded in the Register of Gifts and Hospitality which shall be maintained by the Monitoring Officer **and made publicly available for inspection on the Council's website.**

1.2 Gifts and hospitality must not be accepted unless you are sure that the nature of value is such that it will not attract public criticism. If in doubt, Officers must consult with their Assistant Director in the first instance and Members must contact the Monitoring Officer before responding to any offer.

1.3 Local Governments Member's and Officer's actions are totally open to public scrutiny and therefore you must ensure that any actions would not embarrass you if you were required to explain them.

1.4 For Councillors, registration of Gifts and/or Hospitality should be made on the form attached to this policy at Annex A. For officers, an internal online form is available in "NBBC Processes":

https://nuneaton-dash.achieveservice.com/MyServices

2. Individuals Affected

2.1 All Members and Officers at Nuneaton and Bedworth Borough Council.

3. General Rules

3.1 Meaning of Gifts and Hospitality

3.1.1 A 'gift' is defined here as any item, cash or goods, or any service which is offered for personal benefit at a cost, or no cost, that is less than its commercial value; and

3.1.2 'Hospitality' is defined here as any generous or material welcome or reception that is more than an incidental kind, such as a beverage or light refreshment.

3.2 The following general rules should apply:

3.2.1 Always refuse where you think there may be an ulterior motive.

3.2.2 Be sensitive to the possibility that the giver may consider that even small gifts or humble hospitality will elicit prompt service or preferential treatment.

3.2.3 Never accept gifts or hospitality from anyone who is or may be in the foreseeable future, tendering for a contract with the Council.

3.2.4 Never accept gifts of hospitality from anyone who is or may be in the foreseeable future, seeking planning consent from the Council.

3.2.5 Never accept gifts or hospitality from anyone who is in conflict with the Council.

3.2.6 Always refuse expensive gifts. Small items, such as diaries, pens etc where these are inexpensive and given freely to a variety of customers are acceptable, providing they do not conflict with the **other** rules stated under section 3 of this policy.

3.2.7 The continued acceptance of gifts of an inexpensive or small nature may cumulatively become inappropriate.

Summary of Hospitality Rules

Type of Hospitality	Rules	Required Action	Notify for Register
Conventional Hospitality such as Lunches / Dinners	Normally acceptable if in the interests of the Council.	Record reason for attendance in advance and seek prior approval of line manager. Should be used to promote the Council's business or as a learning exercise from host.	YES
Attendance at supplier or industry conferences and seminars at the invitation of current or prospective supplier	Acceptable if in the interests of the Council. These events can be of particular value where they support the establishment of relationships with strategic suppliers to the Council or enhance the Council's knowledge or understanding of a particular area. For such events, the hospitality element should be incidental to the event and relevant business information is expected to be gained through attendance.	Record reason for attendance in advance and seek prior approval from the Chief Executive,. Should be used to promote the Council's business or as a learning exercise from the event.	YES
Other Hospitality (particularly sporting and cultural events, and invitations overseas)	Acceptable only if the interests of the Council can be clearly demonstrated. Because of the external construction that is likely to be put on acceptance of invitations to sporting and cultural events, authorisation will be given only in compelling and exceptional circumstances.	Record reason for attendance in advance and seek prior approval from the Chief Executive. Should be used to promote the Council's business or as a learning exercise.	YES

Travel and accommodation, holidays and the use of vehicles.	Not acceptable.	Record refusal in Register.	YES

4. Receiving hospitality

4.1 The basic rule is that no hospitality should be accepted, there are of course certain exceptions to this.

4.2 All hospitality that is received must be recorded in the Register of Gifts and Hospitality. Failure to register any gift or hospitality in the Register may result in disciplinary action. The Register is to be reviewed at least once a year by the Audit and Standards Committee. The Register will also be published on the Council's web site.

4.3 The Chief Executive, Strategic or Assistant Directors may not approve their own hospitality and should record any items in the Register.

4.4 Hospitality should only be accepted where:-

- it is offered in the genuine course of business (to gain or impart information). It must not be allowed to compromise purchasing or other decision of the Council (either in reality or in the perception of the public);
- the Council would offer similar levels of hospitality in similar circumstances;
- It is a working lunch or dinner;
- Where you are joining other guests at cultural/sporting events or public performances as a representative of the Council. This would depend on the appropriateness of the invitation in terms of the level of hospitality and status of the member of staff.

4.5 It is not appropriate for a Member or Officer to accept hospitality to attend any form of social function or sporting event (even if in their own time) unless such events are directly related to the host's business and the matter in hand with the Council.

4.6 It has been deemed that the cost of visits to potential suppliers may be met by the supplier as long as they are relevant and reasonable.

4.7 Acceptance by Members or Officers of hospitality whilst in attendance at conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.

5 Receiving Gifts

5.1 Small gifts of promotional material such as stationery and calendars may be accepted. All other offers are to be refused. Any firm or individual who wishes to make some gesture of goodwill to the Council should be directed to the Mayor's Office.

5.2 Gifts of a value of over £20, that are delivered should either be returned or passed on to a suitable charity – the Mayor's Office would seem the most appropriate in these circumstances. The sender should be advised of the course of action taken and the facts recorded in the Hospitality Register.

5.3 The Localism Act 2011 introduced a requirement for all Councillors to register Designated Pecuniary Interests and other interests required under the Code of Conduct, e.g. any property they own, any shares and business interests, their employment details and any other public bodies on which they sit. In addition, Members and Officers are required to register separately any gifts or hospitality over £20 that they have received. A register will be compiled and will be available online and a copy kept in the Office.

5.4 Paid holidays or concessionary travel rates would not be considered acceptable. Where you have any misgiving over the appropriateness of the offer, this must be referred in the first instance to your Assistant Director in the case of an Officer and the Monitoring Officer in the case of a Member.

Summary of Gifts Rules Type of Gift	**Rules**	**Required Action**	**Notify for Register**
Trivial Gift (up to £20)	Acceptable if occasional.	Complete notification form	YES
Non-trivial gifts (over £20)	Cannot be accepted by an individual. Decline or if this is inadvisable or impossible, to be surrendered to the Chief Executive	Complete notification form	YES

6 Giving Gifts/Hospitality

6.1 All Gifts and Hospitality given must also be recorded in the Register of Gifts and Hospitality for Members and Officers. Failure to register any gift or hospitality in the Register may result in disciplinary action being taken against the Officer and the relevant action in the case of a Member.

6.2 Gifts and Hospitality should only be given where an expected demonstrable benefit to the Council has been proven to and authorised by an Assistant Director. In offering hospitality, Members and Officers need to bear in mind that the money is coming from the public purse and needs to be spent carefully.

6.3 Members and Officers are reminded that unless previously sanctioned by the Chief Executive, the provision of any gifts and hospitality by themselves is not reclaimable.

Annex 1

It is important that the following principles are read by Members alongside this Code:

The Seven Principles of Public Life Outlined in 'Spending Public Money: Governance and Audit Issues', (Cm 3179), March 1996.

The following seven principles of public life were set out by the Committee on Standards in Public Life (the Nolan Committee) for the benefit of all who serve the public.

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

BRIBERY ACT 2010

Under the provisions of the Bribery Act 2010 ('The Act'), the inappropriate acceptance of gifts or hospitality may leave individuals open to charges of bribery. The Act makes it an offence to request, agree to receive or accept a bribe.

The four offences created by the Act are:

1. Bribery of another person - it is an offence to offer or give financial or other advantage with the intention of inducing a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such activity or function.

2. Accepting a bribe - where a person receives or accepts a financial or other advantage to perform a function or activity improperly. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate benefit.

3. Bribery of a foreign official – this is where a person, directly or through a third party, offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them as a public servant and to obtain or retain business, or any other related advantage in the conduct of business.

4. Failing to prevent a bribe - a commercial organisation could be guilty of bribery where a person associated with an organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation.

Members and Officers are advised to treat with extreme caution any offer or gift or hospitality that is made personally to them. The person or organisation making the offer may be doing business or seeking to do business with the Council or may be applying to the Council for some sort of decision in respect of which it is imperative that the Member's or Officer's independence should not be compromised, e.g. planning applications/approval.

The Council's Anti-Fraud, Corruption and Bribery Strategy provides more information

Appendix A – Internal Form for use by elected Members

Subject: Gift / Hospitality Received

Would you please note in the Register of Gifts and Hospitality that:

I …….. (insert name)

Received from: …… *(Donor)*

Nature of Gift / Hospitality:

……

……

On: ……*(insert date received)*

Reason for Gift/Hospitality:……

……

……

Signed: ……

The completed form should be returned to Member & Committee Services.

5M GUIDANCE FOR SPEAKERS AT MEETINGS

5.1 This guidance is intended for use at all Cabinet, Panel and Committee meetings with the exception of Council, Planning Applications and Licensing Committees (which have their own prescribed arrangements).

Note: Urgent items: The Chair will announce at the start of the meeting whether there are any urgent items.

5.2 Members of the public may attend Committee meetings of the Council and speak on a particular agenda item, having notified the appropriate officer they wish to do so before the start of the meeting.

5.3 The Chair shall invite the appropriate officer or, in the case of Cabinet, the Portfolio Holder, to introduce the report and outline its proposals and recommendations. Once the report has been introduced, the Chair shall move to the public participation stage and the Chair will inform speakers of the right to object to being filmed.

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

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

5.6 The speaker can address the Committee from the allocated speaker's chair or, if preferred, they can stand or remain seated and speak from their seat. When finished, or the three minutes are up, questions of clarification may be asked of the speaker by any member of the Committee or Cabinet to help clarify any points made.

5.7 The Chair will then invite members of the Committee or Cabinet to debate the matter, once it has been proposed and seconded. Speakers will not be permitted to speak further on the item and cannot participate in the debate on the item.

5N Overview and Scrutiny Guide

1.0 Introduction

The purpose of this Guide is to provide information and guidance on Nuneaton and Bedworth Borough Council's overview and scrutiny arrangements. It contains practical guidance for Members, Officers and others who want information on the scrutiny process and should be read with reference to the Council's Constitution**2**.

Scrutiny helps ensure that the Council delivers its objectives, by creating an open, transparent mechanism for Councillors to shape, question, evaluate and challenge its policies, decisions and performance. Scrutiny's role is distinct from the role of the Cabinet but not in opposition to it, its role is that of a 'critical friend'.

Overview and Scrutiny Panels carry out the functions of overview and scrutiny in Nuneaton and Bedworth Borough Council. Scrutiny Members are the elected Councillors who are not members of the Cabinet, although in some cases the membership may be supplemented by the other non-voting representatives. (Section 2 – page 10)

The Overview and Scrutiny Panels have the power to review and scrutinise:

- the priorities and objectives of the Council;
- the policies the Council adopts to meet those objectives;
- the Council's performance in meeting its objectives;
- the decisions taken by the Cabinet, Committees and Officers;
- Services, bodies or issues which affect the well-being of people in the Borough.

In addition to the role of scrutinising decisions and actions taken by Cabinet, overview and scrutiny can play a role in developing and proposing new policies. It can help to monitor and make recommendations to improve existing policies and it may also draw to the attention of the Council, the Cabinet or Officers particular issues or make recommendations to them, but it cannot take decisions on policy or service issues.

2 See https://www.nuneatonandbedworth.gov.uk/info/20061/committee_structure_and_constitution/277/council_constitution

1.1 What is Scrutiny?

Scrutiny is about open, transparent decision making in local government. It acts as a counterbalance and complements the decision making powers of the Cabinet.

Scrutiny is a common-sense approach to reviewing decisions and policies and considering whether they are right for the Borough, helping to ensure continuous service improvements and value for money. It also influences the decisions that the Cabinet takes through comments, recommendations and holds it to account for the policies it implements.

The Scrutiny process provides an opportunity for Councillors and, in some cases, external representatives, to examine various functions of the Council, to ask questions about how decisions have been made and to consider whether service improvements can be put in place. It provides an opportunity for them to champion issues of public concern and to participate in the development of new policies.

Scrutiny facilitates debate about the Council's priorities, budgets and strategies and its vision for the Borough.

Scrutiny reinforces the Local Authority's leadership role in promoting the well- being of the local community as it can enable reviews of services, provided by other organisations, to be carried out.

Scrutiny is a positive activity and should contribute to the delivery of efficient and effective services that meet the needs and aspirations of local communities.

Scrutiny should not shy away from the need to challenge and question decisions and make constructive criticism but should avoid unnecessary conflict and confrontation.

1.2 What Scrutiny is Not

Scrutiny is not a process for dealing with individual complaints or concerns.

The Council has a separate corporate complaints procedure as well as systems within each department to deal with concerns and

queries about individual cases.

1.3 National Legislation and Council Constitution

1.3.1 Local Government Act 2000

The powers of Scrutiny Committees are set out in the Local Government Act 2000**3**, particularly Section 21**4** and the central government guidance on the Act. The Act received Royal Assent in July 2000.

The four principal purposes of the Local Government Act 2000 are:

- to give powers to local authorities to promote economic, social and environmental well-being within their boundaries;
- to require local authorities to shift from their traditional committee-based system of decision-making to an executive model, possibly with a directly elected Mayor (subject to approval by referendum), and with a Cabinet of ruling party group members;
- to create a consequent separation of functions within local authorities, with non-executive Councillors fulfilling an overview and scrutiny role; and
- to introduce a revised ethical framework for local authorities, requiring the adoption of Codes of Conduct for elected Members and Standards Committees to implement the Codes of Conduct; the introduction of a national Standards Board and Adjudication Panel to deal with complaints and to oversee disciplinary issues. **This element of the framework has now been removed and there is no longer a requirement to have a Standards Committee. NBBC however has retained one.**

The Act brought in new arrangements that clearly defined a scrutiny role for elected Members in holding executives of councils to account, and in scrutinising the work of other agencies providing local services. There is now a clear distinction between the Executive's role in proposing and implementing policies, and the role of non-executive Members in reviewing policy and scrutinising executive decisions. **The Council's Overview and Scrutiny Panels have the power to summon Members of the Executive and Officers of the Authority before it to answer questions, and are able to invite other persons to attend meetings to give their views or submit evidence.**

On 7th May, 2019 the Ministries of Housing, Communities and Local Government released new Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities**5**. It included a number

3 See https://www.legislation.gov.uk/ukpga/2000/22/contents
4 See https://www.legislation.gov.uk/ukpga/2000/22/section/21
5 See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

1.3.2 Council Constitution

Nuneaton and Bedworth Borough Council has agreed a Constitution[6] which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to decide.

The Constitution specifies the formalities of how scrutiny operates in Nuneaton and Bedworth Borough Council. The most important sections relating to Scrutiny are the Terms of Reference in **Part 2 Article 6 P11-14** and the **Overview Scrutiny Procedure Rules set out in Part 4E.**

1.4 The Aims of Overview and Scrutiny

Overview and scrutiny at Nuneaton and Bedworth Borough Council aims to provide a 'critical friend' challenge to the Cabinet as well as external authorities and agencies by:-

- constructive, robust and purposeful challenge to ensure considered policy development and decision making;
- holding decision makers to account;
- encouraging a partnership approach and positively influencing the work of external agencies;
- focused and proactive policy development and review in collaboration with Cabinet Executive colleagues; and
- co-ordinated workload planning integrated into corporate processes.

Overview and scrutiny aims to reflect the voice and concerns of the public and communities by:

- ensuring an on-going dialogue with the public and communities;
- taking a community leadership role by focusing on issues of community concern; and
- providing open and transparent processes with public access to information, participation and feedback where appropriate.

6 See https://www.nuneatonandbedworth.gov.uk/info/20061/committee_structure_and_constitution/277/council_constitution

Overview and scrutiny Members are able to take the lead in scrutiny by:

- maintaining independence from the Cabinet;
- working in constructive partnerships with professional officers and advisers to support scrutiny by lay people;
- developing an independent work programme informed by the Council's priorities and the interests and concerns of the public; and
- supporting the development of services that benefit the public.

Overview and scrutiny makes an impact on the delivery of public services by:

- promoting community well-being and improving the quality of life;
- scrutinising policies, plans and budgets;
- carrying out reviews of policy and service performance in line with strategic objectives;
- monitoring service performance against key indicators; and
- contributing significantly to the continuous improvement of public services.

1.4.1 Bringing Added Value

Overview and scrutiny adds value to the work of the Council by playing an important role in:-

- raising the quality of debate
- improving decisions
- teasing out complex issues
- engaging with the local community and stakeholders
- strengthening accountability
- developing new ideas
- supporting Policy development
- monitoring and improving performance

Those involved in overview and scrutiny should be aware that the Council has set up its scrutiny structure to complement and add value to the work of the Cabinet. It has been put in place to provide an independent process for reviewing Council decisions and policies, it is not intended to be a confrontational or divisive process.

1.5 Scrutiny Meetings

The Overview and Scrutiny Panels meet throughout the year on pre-arranged dates and times as indicated in the Council's Diary of Meetings. In addition, Special or Additional meetings may be called to consider items as necessary. There are also Working Groups and Select Committees that are periodically set up to review services, undertake work programme topics etc., These meet on an informal ad hoc basis. (See Section 4 – page 5 for more meeting information).

Overview and Scrutiny Panel meetings are open to the public and all Members of the Council. They are subject to the same access to information rules as other Council committees. The agenda papers for public meetings are available five working days before the date of the meeting. Copies can be downloaded from the Council's website[7].

1.6 Pre-Decision Scrutiny

Overview and scrutiny regularly review the Cabinet's Forward Plan[8] (timetable of future work), (Section 4 - Page 24) to decide if there are any Key Decisions coming up that it wishes to examine or comment on. Items for further examination will then be placed onto the relevant Overview and Scrutiny Panel agenda. It may question Officers and Executive Members about planned decisions and seek the views of local people or other interested parties.

Cabinet sometimes makes decisions on items prior to the commencement of a study or piece of work, to allocate resources, to give guidance or direction. These decisions provide notice to overview and scrutiny that work is about to be undertaken and that scrutiny involvement or monitoring may be appropriate. If any Scrutiny Member wants to take such an item forward they should raise the matter with an Overview and Scrutiny Chair or at an Overview and Scrutiny Panel meeting.

Overview and scrutiny may also be involved in the development and review of policies and strategies as part of the consultation process, as an additional research resource and as an enquiring and challenging investigator.

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7 See https://www.nuneatonandbedworth.gov.uk/info/20062/meetings_and_minutes/268/overview_and_scrutiny_agenda_reports_and_minutes

8 See https://www.nuneatonandbedworth.gov.uk/meetings/committee/53/forward_plan

In all instances of pre-decision scrutiny the Overview and Scrutiny Panels may refer recommendations or comments onto the Cabinet for consideration when the item is being discussed.

1.7 'Call In'

'Call-in'[9] is the process used as part of the overall checks and balances which have been built into the Council's political management arrangements.

'Call-in' can be used to prevent decisions being implemented until they have been discussed by the relevant Overview and Scrutiny Panel or in some cases Full Council, who can then refer the decision back to Cabinet for reconsideration if it thinks the decision taken is flawed in some way.

It is an important part of the overview and scrutiny function to consider the decisions that have been taken at Cabinet. Scrutiny Members have a responsibility to look at the decisions and consider whether they have been made appropriately, giving regard to the consultation process, evidence and data gathering, Officer direction and whether they are in keeping with the budget and policy framework agreed by the Council.

All decisions of the Cabinet must be in line with the overall budget and policy framework set by the Council. Following each meeting of the Cabinet the minutes will be published and made available to all Scrutiny Members.

Once Cabinet decisions have been published there is a period of 5 clear working days where one Member of the relevant Overview and Scrutiny Panel plus any two non-executive Members can 'Call-in' a decision.

The relevant Overview and Scrutiny Panel or Council are the responsible bodies in respect of 'Call-in' and will hold a Special meeting, to hear 'Call-in' items when required.

To request a 'Call-in' Members should contact the Proper Officer to advise them that they wish to 'Call-in', the decision and the reasons why.

Members should consider the following before Call-in is requested:-

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9 See Constitution 4E.15

1. Can the decision actually be called in? (if the answer to any of questions
1 a) – g) is yes, then the decision CANNOT be called-in.)

a) Does it relate to a non-executive function?

b) Was it a non-key decision taken by an Officer under delegated powers?

c) Was it an urgent decision?

d) Has this issue been called-in in the last six months?

e) Does the decision relate to an existing call-in?

f) Does the decision relate to the formulation of a policy or budget matter

that requires full Council approval?

g) Was it a decision taken by Full Council?

2. Was the decision in accordance with the Council's Policy Framework?

a) What is the relevant policy or strategy?

b) Is the decision contrary to that policy? If yes, how?

3. Was the decision in accordance with the agreed budget or budget procedures?

a) Is there funding for the proposal in an agreed budget/capital programme?

b) If not, have the rules for virement and supplementary estimates been observed?

4. Was the decision taken in accordance with the principles of good decision
making (Article 12 of the Constitution)?

a) Does the decision comply with the Council's Constitution, i.e.:

- Articles of the Constitution
- Scheme of Delegation
- Rules of Procedure
- Codes and Protocols.

b) Was the decision;

- reasonable within the common meaning of the word i.e.: rational, based on sound judgement
- reasonable within the legal definition of “reasonableness” i.e.: was everything relevant taken into account, and was everything irrelevant discarded
- proportionate to the desired outcome
- taken on the basis of due consultation
- taken on the basis of professional advice from officers?

c) Were human rights respected and/or will the decision give rise to any human rights implications, i.e., without discrimination, the right of an individual to:

- liberty and security;
- the enjoyment of their property
- a fair trial
- respect for private and family life
- freedom of thought, conscience and religion
- freedom of expression, and
- freedom of assembly and association etc.?

d) When the decision was taken, was there a presumption in favour of openness?

5. Has the decision been well explained, i.e.: do you need more information?

a) Was it clear;

- what the reasons for the decision were
- what the desired outcomes were
- what alternative options (if any) were considered, and
- why the alternative options were not chosen?

b) Do you need any more information/clarification?

It is **the Chief Executive who will determine whether the item is valid for 'Call-in'** and call a meeting of the relevant Overview and Scrutiny Panel or Council as appropriate within ten days. The full 'Call-in' procedure is available at Section 4 Fig.3.

It is important that the Call-in process is not abused, nor causes unreasonable delay. The main tools of the Overview and Scrutiny Panels to improve the delivery of policies and services should be through monitoring and review at meetings and through working group activity.

1.8 Scrutiny, Overview and Monitoring

The Overview and Scrutiny Panels may request items or conduct reviews to gather evidence and information or to explore issues in more detail. The selection of these topics can be in response to poor performance, the challenges presented by new legislation, an intention to develop new policy or to review existing Policy or service areas.

Items can be referred for consideration by Scrutiny Members or they may be suggested by the Cabinet, Full Council, the public, or other partner organisations.

The Overview and Scrutiny Panels may also consider decisions to identify if there are any lessons to be learned. This may lead to recommendations being made that help to improve the decision-making process. They can monitor and review decisions to see whether intended outcomes are being achieved.

More in-depth reviews of selected Work Programme topics (see Section 3 – Page 1) are carried out by Overview and Scrutiny Working Groups or Select Committees**10** made up of several Panel Members and where appropriate,
co-opted Members.

1.8.1 Monitoring Performance and Budget Information

The Overview and Scrutiny Panels are provided with performance monitoring information, which details the Council's performance against a variety of indicators. These Performance Indicators are set either nationally, or at a local level for each service area in accordance with Government regulation.

10 See Constitution 4E.19 & 4E.20

By monitoring performance information overview and scrutiny can establish if services are improving and how the Council is performing against similar councils nationally. Where services are under performing, overview and scrutiny can make recommendations to resolve the underlying causes and request the attendance of Officers at its meetings to provide information and answer questions. This should be a co-operative process between Officers and elected Members.

The Overview and Scrutiny Panels consider the budget proposals and make recommendations, as appropriate, to Cabinet for consideration when setting the Council's budget. The Panels receive financial monitoring reports through the year alongside the performance information.

1.8.2 Responding to New Legislation

The Overview and Scrutiny Panels may also play a role in considering the Council's response to new legislation and make recommendations, to the Cabinet, about the impact of new legislation on Council services.

It may also ask Senior Officers to provide progress reports on the action the Council has taken, in response to new legislation, and may comment on or monitor the progress of that work.

1.8.3 Scrutiny of Other Public Bodies

The Council has a general responsibility to promote the economic, social and environmental well-being of the communities. Overview and scrutiny can play a part in this wider role by using the power it has been given to scrutinise and report on matters which are not the direct responsibility of the Council but which affect the Borough or its people.

Overview and scrutiny cannot currently compel partners and other bodies to engage with it or to implement any recommendations it may make. Nevertheless, it does have the ability to look at what other agencies are doing and to seek to influence them.

List of other public bodies open to scrutiny includes:

- Any district council
- Fire & Rescue authority

- National Park authority
- Community safety authorities.
- Passenger Transport authority
- Health services including the NHS and NHS Foundation Trusts
- Local Probation services
- Youth Offending Team
- Arts Council of England
- Sport England
- Environment Agency
- Health & Safety Exec
- Historic Buildings and Monuments Commission
- National Archives
- Natural England
- Highways Agency
- Jobcentre Plus

1.9 Community Engagement

It is widely recognised that engaging communities in the overview and scrutiny process is good practice. It is essential in helping Members understand the needs of local people, which in turn helps them to provide accessible and responsive services and to develop strategies for improving the quality of life for people in the borough of Nuneaton and Bedworth.

Overview and Scrutiny Panels and Scrutiny Select Committees can directly facilitate community involvement in various ways, i.e. to:-

- set up consultation exercises
- arrange site visits
- ask public and other stakeholders to appear as witnesses, and
- encourage work programme items to be submitted.

1.9.1 Councillor Call for Action (CCfA)

New Powers for Ward Councillors, to help them tackle local problems on behalf of their constituents, were brought in from 1 April 2009. These powers are contained within the Local Government and Public Health Act 2007[11], and the Police and Justice Act 2006[12].

11 See https://www.legislation.gov.uk/ukpga/2007/28/pdfs/ukpga_20070028_en.pdf
12 See https://www.legislation.gov.uk/ukpga/2006/48/contents

CCfA[13] is designed as a 'last resort' to be used when all other attempts at resolution have failed. CCfA will become relevant only when a Councillor has exhausted all other steps to resolve an issue in their Ward. It is not designed to provide an immediate solution, but high-profile public discussion of an issue through CCfA. It offers a chance to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.

It is up to local councils to specify how CCfA will work in their Authority and full guidance for Members is available at Section 4 Fig 7.

1.10 Petitions

Nuneaton and Bedworth Borough Council welcomes petitions and recognises that petitions are one way in which people are able to let us know their concerns.

1.10.1 What Is A Petition?

We will treat as a petition[14], any communication that is signed by or sent to us on behalf of 25 people. Less than 25 signatures will be considered a complaint and is dealt with under the Council's Complaints Procedure.

There are different types of petition, as set out below.

a) Petitions between 0-24 signatures will be dealt with as a Complaint.

b) Ordinary Petitions – requiring 25-749signatures will either be dealt with by the appropriate Service Unit at the Council or referred to the relevant Overview & Scrutiny Panel. To determine how the petition is to be handled, the Petitions Officer will consult with the chair of the appropriate OSP and agree whether the matter should be referred to the Panel.

c) Petitions of 750 or more will be referred to a meeting of the Council.

1.10.2 What Happens to a Petition that goes to OSP?

Petitions will be reported to the next convenient meeting of the relevant Overview & Scrutiny Panel. An officer, identified either by name or by post title either in the petition or as nominated by the Petitions Officer, will be required to answer questions on the conduct of a particular matter at the Panel.

In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions that he/she would like put to the officer at the meeting. These

13 See Constitution Part 5J
14 See Constitution Part 5K

questions will be provided to the Chair of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Panel for a maximum of three minutes. The relevant officer will report to the Panel in relation to the petition. Members of the Panel may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer. After the relevant person has attended before the Overview & Scrutiny Panel, the Panel will make recommendations to the Council and a copy of the minutes will be sent to the petition organiser.

For further information on how Petitions are dealt with please refer to Section 5K of the Council's Constitution.

Section 2

2.1 The Council's Political Management Structure

Overview and scrutiny forms part of the Council's political management structure. There are a number of elements to the structure, the most important of which are:

- **Full Council** - is made up of all 38 Councillors. It decides on the budget and sets the policy framework for the Council and agrees the Council's Constitution.
- **The Cabinet** - is made up of the Leader of the Council and five other Councillors who each take a lead on a specific area of work or "portfolio". Collectively, either at meetings of the Cabinet or its Committees, they take decisions about all matters which are not the responsibility of another part of the Council. They are responsible, together with the Officers, for delivering the Council's policies.
- **Overview and Scrutiny Panels** - are appointed from the Councillors who are not members of the Cabinet. They hold the Cabinet to account and help to review and develop the Council policies and services.
- **Non-Executive Committees** - carry out a range of specific functions such as Licensing and Planning, which by law cannot be undertaken by the Cabinet. These include an Audit and Standards Committee, which is responsible for providing independent assurance of the accuracy of the risk management framework and internal control environment and to ensure high standards of ethical conduct which the public is entitled to expect from Members and Officers of the Council.
- **The Head of Paid Service, Monitoring Officer and Section 151 Officer -** The Head of Paid Service, the Section 151 Officer (Chief Finance Officer) and the Monitoring Officer have a duty to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
- When reaching decisions on any matter **Members must have regard** to any relevant advice provided to them by

  (a) the Authority's Chief Finance Officer; or

  (b) the Authority's Monitoring Officer,

  where that officer is acting pursuant to his or her statutory duties. (Constitution 7(1) 5-5)
- **Senior Officers** - are given delegated powers under the Council's Constitution to make decisions about a range of both Executive and Non-Executive functions. Usually, such decisions will be taken after consultation with one or more Cabinet Members or other Councillors.

There are also a number of appeals panels, advisory committees and consultative committees.

All parts of the political management structure, including the Cabinet, Non-Executive Committees and Overview and Scrutiny Panels, have important roles to play and should seek to work together to achieve the common objectives set by Full Council.

Overview and scrutiny and the Cabinet have different but complementary roles which are equally important.

2.1.1 Scrutiny Structure

Overview and scrutiny has the role of Council 'watchdog' in that it monitors service performance and examines Cabinet decisions. Overview and scrutiny is essential to the success of political management arrangements as it is one of the ways in which the Council's performance is monitored and the decision-makers are held to account for the actions they have taken.

Overview and scrutiny supports and challenges the work of the Cabinet by examining major policies, plans, services and financial issues. It provides checks and balances by monitoring, reviewing, selecting, and scrutinising decisions made by and on behalf of the Council. The overview and scrutiny process also allows the community to have a greater say in Council matters and issues of local concern.

> The Overview and Scrutiny Panels, Working Groups and Select Committees are focused on policy development and service/policy review. The objectives are to recommend considered, achievable improvements. **Recommendations are normally reached by consensus, rarely is a vote required**.
>
> **In circumstances where a vote is required, only constituted Scrutiny Members or substitutes are able to vote, no co-optees have voting rights.** It is possible to have one minority report, if necessary, as a result of a split vote.

2.1.2 Overview and Scrutiny Panels

Overview and scrutiny within Nuneaton and Bedworth Borough Council operates through Overview and Scrutiny Panels comprising of Non-Executive Members from all political parties. Each Panel is politically proportionate in their make-up.

There are four Overview and Scrutiny Panels:

- Finance and Public Service OSP
- Housing, and Communities OSP
- Environment and Leisure OSP
- Business, Regeneration and Planning OSP

The role of each Panel is to scrutinise, monitor performance and carry out service and Policy reviews within its area of responsibility.

2.2 Duties and Responsibilities

2.2.1 The Chairs of Overview and Scrutiny Panels

Panel Chairs support Overview and Scrutiny Panels, Working Groups and Select Committees by:

- supporting Members in the delivery of their scrutiny role;
- setting the Work Programme and items for consideration on meeting agendas;
- managing community participation as part of a scrutiny process;
- facilitating and assisting scrutiny discussions;
- liaising with Officers in the drafting and timing of reports;
- monitoring the scrutiny process and ensuring that progress reports and monitoring reports are prepared and reported back to Overview and Scrutiny Panels.

During Overview and Scrutiny meetings, the Chair has a responsibility for ensuring that the discussion is focussed and inclusive and that there is a clear understanding of the outcome of the discussion.

The Chair is required to start or stimulate the discussion, to provide a concise summary and to suggest further courses of action.

The Chair will resolve disagreements, act as an arbiter during meetings and ensure that witnesses are valued and treated with respect.

The Chair has an important role in setting the tone and atmosphere of scrutiny meetings. Scrutiny is about understanding the issues and recommending improvements, not about confrontation or blame.

The Chair will normally be the spokesperson for the Overview and Scrutiny Panel and will therefore, usually, be the one to represent the

views of the Panel to the media. When dealing with the media, the Chair should be guided by the Council's Media Relations Protocol at all times.

A Vice Chair is appointed to deputise for the Chair in their absence and to assist and support the Chair in carrying out their duties.

An Annual Scrutiny Report to Full Council

The Chairs of the Overview and Scrutiny Panels will provide an Annual Scrutiny Report to the final Council meeting each municipal year to advise on progress and the work completed during the course of the year.

The Chair of the relevant Panel will also report to Council with any Panel responses on items referred to it for comment and, when appropriate, present Scrutiny Reports to Council.

2.2.2 Scrutiny Members

Overview and Scrutiny membership is drawn from the Councillors who are not members of the Cabinet, they are known as Non-Executive Members.

The Overview and Scrutiny Panels and each of the Scrutiny Working Groups or Select Committees have a membership made up of elected Members (experts or advisers can also be invited as witnesses or as co-optees. See Section 2, Page 9).

A Member of the Overview and Scrutiny Panels can ask another Non-Executive Member from their political party to attend any meeting of the Panel as a substitute for them if they are unable to attend. Substitutes are not however used for Working Group or Select Committee meetings.

Duties and Responsibilities

All Scrutiny Members have an individual and collective responsibility to play an active part in overview and scrutiny meetings by reading agenda papers, contributing to the discussions, asking questions and suggesting lines of inquiry.

All Scrutiny Members should be sensitive to the needs of witnesses and be considerate and respectful in the way that questions are asked.

2.2.3 Scrutiny Working Groups

Working Groups are set up as required by the Overview and Scrutiny Panels to undertake work programme reviews, carry out specific projects or carry out tasks which require more time than can be given to them in the scheduled meetings of the Panels.

The reviews are carried out on a 'Task and Finish' basis and look at issues or a set of related problems in greater depth, and over a longer timescale, than would normally be possible at a formal Panel meeting. The meetings are not public meetings although the public may be invited to contribute in various ways.

Members nominate themselves to be on the working groups based on their interest in particular subjects. These nominations are then confirmed by the relevant Panel.

The objective is **always** to make evidence-based recommendations that can solve particular problems or improve the way the Council or external organisations deliver services.

What the Working Group needs to do:

- Have specific terms of reference and a clear and deliverable scope and expected outcome for the work
- Gather all the evidence and information required including best practice, benchmarking, performance information
- Talk to all the relevant officers, stakeholders, partners and members of the public as appropriate
- Consider the evidence and what it means
- Agree recommendations on how improvements, savings, policy, etc. can be made; and
- Produce a report explaining the reasons for the recommendations for presentation to the parent Overview and Scrutiny Panel.

Working Groups do not have to be politically proportionate.

2.2.4 Scrutiny Working Group Chair

For each Working Group a Chair/Lead will be appointed by the members of that Group at the initial scoping meeting.

- To Chair/Lead the Scrutiny Working Group as it undertakes its work.

- Where necessary seek the assistance of the parent Panel's Chair
- To regularly update the progress of the Working Group at the parent Panel meetings
- To identifying any issues in relation to the delivery of the groups work e.g., completing key tasks, consultation, evidence gathering, meeting review timescales.

2.2.5 Scrutiny Select Committees

Select Committees are set up as required by the Overview and Scrutiny Panels to undertake specific tasks which can be carried out in a single meeting or short period of time, (maximum three months).

The Select Committee will look at an issue in depth, taking into account Officers' reports, available data and expert evidence. These meeting will usually be held in public. The objective is to make evidence-based recommendations in order to resolve a particular problem or issue.

The Select Committee would usually be politically proportionate and may consist of the whole Panel.

The Chair of the Select Committee would normally be the Panel Chair.

What the Select Committee does:

- Has specific terms of reference and an agreed timescale
- The Chair of the Committee is nominated by the parent Panel
- Gather all the evidence and information required by talking to all the relevant officers, stakeholders, partners and members of the public
- Consider the evidence and what it means
- Agree recommendations on what should be done, and
- Produce a report explaining the reasons for the recommendations for submission to the relevant body.

2.2.6 Scrutiny Working Group and Select Committee Members

Duties and Responsibilities

Members are to participate constructively in the activities of the Working Groups and Select Committees under the guidance of the Chairs.

To be proactive in the development and operation of scrutiny investigations in respect of:

- identifying and undertaking review tasks
- identifying and consulting with witnesses
- information gathering and research analysis
- determining review conclusions and recommendations
- preparation of review reports for submission to the parent Panel, and
- identifying training and development requirements for the Overview and Scrutiny Chairs and Officer.

Scrutiny Working Group meetings are normally informal. This means that the Group can be flexible and arrange meetings at short notice. Papers do not need to be circulated in advance and the meetings are not automatically open to the public.

Scrutiny Working Groups may be working with sensitive information or looking at difficult or controversial subjects. In these circumstances it can be quite important that working papers and discussions remain confidential until the Group has agreed a final report or drawn together its recommendations. The final report of a Working Group becomes a public document once it is agreed and is put on an Overview and Scrutiny Panel agenda for discussion.

A Select Committee would be established as a formal group, and it would be covered by the same rules that apply to other formal committees. If a formal Select Committee meeting is intended, it is helpful to make this clear when it is first set up to avoid any confusion about its status.

The relationship between Scrutiny Working Groups and Select Committees with the media should follow the Council's Media Relations Protocol at all times.

2.2.7 Cabinet Members

A key part of the scrutiny role is holding the Cabinet to account for the decisions and actions it is responsible for. The relationship with Cabinet Members is therefore a very important one.

Cabinet Members may be asked to attend a Scrutiny Panel on matters relating to their portfolios, to allow Scrutiny Members the

opportunity to question them. From time to time, Cabinet Members also may be invited as witnesses as part of a scrutiny review to give evidence.

Where a Cabinet Member is required to attend a scrutiny meeting the Member is entitled to at least three working days' notice of the meeting. If the Member is unable to attend, efforts should be made to arrange an alternative date for attendance.

The relationship between scrutiny and Cabinet Members is likely to work best if it is challenging but not confrontational. Constructive criticism may be very useful to Cabinet Members and may help them in developing ideas and policies. There may be times when Cabinet Members may suggest areas for the Overview and Scrutiny Panels to investigate or ask for views on a particular issue.

2.2.7 Officer Roles

Committee Services Officers

Provide support for Overview and Scrutiny meetings by:

- preparing agendas and minutes for Overview and Scrutiny Panel meetings;
- maintaining records of the agenda papers – both electronic and hard copies (papers are published on the Council's web page at:www.nuneatonandbedworth.gov.uk)
- liaising with the Chairs of the Overview and Scrutiny Panels on agenda preparation and practical arrangements for the meetings such as dates, times and venues;
- liaising with lead officers responsible for producing reports for meetings of the OSP;
- liaising with any external consultants, specialists or witnesses in conjunction with lead officers;
- updating the Work Programme;
- providing links to other parts of the Council committee structure and the Cabinet; and
- acting as first point of contact for inquiries from Members and members of the public about the scrutiny agendas.

Officer Attendance at Meetings

There are various ways in which Officers may become involved in scrutiny work:

- they may be requested to provide reports or other types of evidence in which case they will liaise directly with the chair as to the timing and content of their reports.
- they may be invited to attend meetings either in person or virtually by video conferencing to give presentations, introduce reports, or to provide advice and expertise;
- they may be invited back to give progress reports and updates on issues the Committee has previously discussed.

Where an Officer is required to attend the Overview and Scrutiny Panels, Working Group or Select Committees, the Officer is entitled to at least three working days' notice of the meeting. If the Officer is unable to attend efforts should be made to arrange an alternative date or for an alternative Officer to attend.

Duties and Responsibilities

Officers attending scrutiny meetings should:

- be prepared to present their report and answer questions put to them by Scrutiny Members honestly and openly to the best of their ability;
- not assume that Scrutiny Members have expert knowledge. They should be aware of and value scrutiny's role and the contribution Members have to make, by drawing on their experience and their knowledge of the communities they represent;
- understand that the role of scrutiny is not simply to receive reports for information. Overview and Scrutiny Panels, Working Groups and Select Committees should have the opportunity to discuss and debate issues and put forward comments and recommendations about those issues; and
- **be aware that scrutiny has the power under the legislation to require Officers to attend meetings and answer questions and Officers have a duty to attend when requested**.

2.3 Co-optees

An Independent Co-opted Member of the public are able to sit on each Overview and Scrutiny Panel and it is also possible for partner organisations, other councils, the voluntary sector and recognised experts, to be invited to join the Overview and Scrutiny Panels, Working Groups or Select Committees for a particular topic or review. (Section 4 – page 2-5) The advantage of this is that, others bring with them particular knowledge or expertise which will benefit the work of the Panel or a review over its duration.

Additional Co-optees can be arranged in advance when the scrutiny Work Programme is set or more spontaneously, as a result of the scoping exercise when reviews are undertaken.

The duties and responsibilities of Co-optees:

- A willingness to attend all meetings arranged to complete a review
- Playing an active and full role in investigations, e.g., observations/ evidence gathering/visits to other councils etc.
- Bringing knowledge to a review that Members might not have
- Contributing constructively to discussions
- A willingness to share knowledge, experience and expertise
- Identifying issues for further consideration during the review
- Treating witnesses according to Council guidance
- Gaining an understanding of the role and function of scrutiny
- Recognise that certain information gained as a member of the review may be confidential to the Council and should be treated as such

Short training/ briefing sessions will be organised for Co-optees to explain the scrutiny systems and processes in the Council.

2.4 External Advisors and Consultants

From time to time, the Overview and Scrutiny Panels, Working Groups or Select Committees may require expert advice or information as part of a review. Expert information is not always available in-house, it may therefore be necessary to invite external experts from a particular field of work to provide scrutiny with specialist information. Similarly, it may be necessary to engage consultants to carry out research or surveys to provide the technical, qualitative or quantitative data required as part of a review.

The need for external experts or consultants may be recognised at the point of scoping a review or it may not arise until further information becomes available.

The expert or consultant is likely to attend meetings on a one-off basis to provide information or evidence. If their expertise is required

for a longer period as an advisor to scrutiny, for the duration of the project, then they could be regarded as a co-optee.

2.5 Community and Other Stakeholders

It is widely recognised that engaging communities in the scrutiny process is good practice. It is essential in helping Members understand the needs of local people, which in turn helps them to provide accessible and responsive services, and to develop strategies for improving the quality of life in the Borough.

Scrutiny can directly facilitate community involvement in various ways, by:

- setting up consultation exercises
- arranging site visits
- asking the public and other stakeholders to appear as witnesses or co-optees
- encouraging work programme items to be of interest to them and submitted by them
- holding meetings in the community, and
- promoting the work of scrutiny.

Section 3

3.0 Work Programme and Reviews

3.1 Suggesting a Work Programme Topic

When suggesting a Work Programme item, consideration needs to be given to the following questions:

- Why is the issue being suggested for review?
- What difference could be made by looking at this item?
- Will the review contribute to the Council's corporate priorities? (Link to Corporate Aims/Objectives, service plans, forward plan, CPA Improvement Plan, strategies, LSP, Community Plan, Local Development Framework etc.

Work programme items may be submitted by Members, Heads of Service, Officers, Council's partners, local community groups and the public. Items are accepted throughout the year, however, invitations encouraging the submission of work programme topics are sent out in the spring and this is when the bulk of the suggestions are put forward.

'A Work Programme Suggestion Form (Section 4 Fig 5) can be found on the scrutiny pages of the Council's website[15].

3.2 Prioritising the Work Programme

Scrutiny aims to function at a strategic level, and it is therefore interested in the delivery and outcomes of policies and strategies rather than the management of services. As a result, **work programme items must relate to the key aims and priorities of the Council and at the same time benefit, as widely as possible, the community.**

Work programme items are prioritised during the course of the year at each of the Overview and Scrutiny Panel meetings. The Work Programme consists of suggested topics and also regular items such as performance monitoring and progress reports.

The Panel Members, other Members, Officers and the public can submit work programme items at any time throughout the year.

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15 See https://www.nuneatonandbedworth.gov.uk/downloads/download/272/work_programme_suggestion_form

3.3 Conducting a Review

Scrutiny Review Process

Member Roles

- Members decide topics taking account of issues of local concern, Council priorities, suggestions and advice of officers and agreed criteria.
- O & S Panel prioritises reviews to be undertaken.

- Members scope the review ie: decide on objectives, outcomes, evidence/ witnesses, methodology, visits, consultation, etc, taking account of Officer advice.

- Members identify and call for evidence as appropriate.
- Members compile questions for witnesses with Officer support if required.
- Members undertake visits.
- Members meet with witnesses and engage users/community groups.

- Members evaluate evidence received and collated by the Panel Chair.
- Members formulate findings and recommendations.

- Members consider the draft report, make amendments as appropriate and approve for referral to the relevant OSP and the Cabinet/Council.

- Members decide the basis of feedback and review outcomes to stakeholders.
- Implementation of agreed actions arising from the report is the responsibility of the Cabinet.

- Members receive progress on the implementation of the adopted recommendations.
- Members may choose to undertake further scrutiny of matter as appropriate.

Stage 1 – Topic Selection

Criteria for selection:

- Potential impact for significant selection(s) of the population
- Matter of general public concern
- Key deliverable of a strategic and/or partnership plan
- Key performance area where the Council needs to improve
- Legislative requirement
- Corporate/LAA priority

Stage 2 – Scoping the Review

- Aims and key issues
- Objectives
- Key priorities and tasks
- Indicators of success/outcomes
- Evidence required and methodology
- Key officers involved
- Key stakeholders/expert witnesses
- Consultation/Survey requirements
- Publicity
- Timescales

Stage 3 – Gathering Evidence

- Site visits
- Written submissions
- Research
- Experts/witnesses
- Working group/Select Committee meetings
- Consultation/Survey

Stage 4 – Considering Evidence

- Compare to the scope
- Seek further information if required

Stage 5 – Report

- Report to OSP for approval
- Recommendations to Cabinet/Council/PSB/Partner agencies for consideration

Stage 6 – Implementation and Feedback

- Feedback outcomes to stakeholders involved in review
- Press release if appropriate
- Recommendations actioned by relevant Service Officers

Stage 7 – Monitoring

- Implementation monitored by the OSP

Chair & Officer Roles

- The Chair advises Members on review topic selection, having regard to agreed criteria and how best the topic can be tackled.

- Officers present to Review Working Group information on service reviews, audit reports, inspection reports, performance indicators, budge, customer satisfaction results and other relevant information.
- The Chair, with the assistance of a lead officer drawn from the relevant service area produces scoping document for the review, setting out timescales/key milestones, as agreed at scoping meeting

- The Chair makes arrangements for the gathering of evidence, including research, meetings, liaising with witnesses, etc.
- The lead officer supports Members in compiling questions if required.

- The lead officer collates the evidence received and supports Members in formulating their findings and recommendations.

- Based on Member's finding and recommendations, the Chair, assisted by the lead officer, drafts a report for approval by the relevant OSP and then to Cabinet/Council/ PSB/Partner agencies.

- The Committee Services Officer supports Members in considering how to feed back the review outcomes to stakeholders.
- The Chair ensures that adopted recommendations are actioned.

- The Chair reports back to relevant OSP at the appropriate time to monitor implementation and outcomes.

A Working Group or Select Committee has no decision-making powers, it carries out its work on behalf of the Overview and Scrutiny Panel. It is therefore necessary to produce a report, in order that the evidence-based findings can be submitted, initially to the relevant Overview and Scrutiny Panel, and then on to Cabinet or Council, as appropriate.

3.4 Working Group Review

3.4.1 Selection of Working Group Members

The Working Group shall comprise not more than eight Members, and its quorum shall be three. Membership[16] shall comprise of at least three members of the relevant OSP and, the remaining seats shall be offered to all other members (except those who are excluded from OSP membership by law or the Constitution i.e., a Cabinet Member or a Member with a conflict of interest. There is also provision to invite members of the public or experts on to the group if they have knowledge or expertise that would benefit the work being undertaken.

Members who have put themselves forward will then be contacted with information regarding the initial meeting of the Group.

The Overview and Scrutiny Panel Chairs will have the ultimate responsibility for the Working Groups if there are any difficulties, e.g.: in getting the prescribed number of Members (too many or too few). If the review is taking too long, or does not appear to be progressing effectively, they will take the appropriate action.

3.4.2 Scoping a Review

Scoping a review at the outset, provides the parameters, aim and objectives to be achieved. It identifies what is required and enables making best use of the facts and evidence to reach clear conclusions and produce, as the final result, achievable recommendations for service improvement. (Scoping Form and Guidance Section 4, Fig. 5).

At the initial Working Group meeting Members will receive information from a lead officer nominated from the relevant service(s) that will allow the Group to formulate the scope of the work, the

16 See Constitution Part 4E.20

timescale, what further information is required and who/where they will gather evidence on the matter from.

The lead officer is there to support and assist in getting all the facts needed to identify the aims and objectives of the review and to agree what the review intends to deliver.

Questions Members need to ask themselves prior to the scoping meetings are;

- What facts can help me?
- Where will I get the information?
- Who should be answering our questions?

The lead officer will assist Members with the evidence gathering process. They will try and find 'experts' to question and where possible provide information in easy to digest formats.

Where possible the future meeting arrangements will also be decided at the initial meeting.

3.5 Select Committee Review

Select Committees are set up as required by the Overview and Scrutiny Panels to undertake specific tasks which can be carried out in a single meeting or short period of time, maximum three months.

The terms of reference and remit for the Group will be set out by the Overview and Scrutiny Panel, together with the timescale for reporting back on the matter.

The Select Committee will look at an issue in depth, taking into account Officers' reports, available data and expert evidence. These meetings will usually be held in public. The objective is to make evidence-based recommendations in order to resolve a particular problem or issue.

The Select Committee[17] shall comprise not more than eight Members, and its quorum shall be three. **The Select Committee would be politically proportionate** and may consist of the whole Panel or nominated members.

The Chair of the Select Committee would normally be the Panel Chair, or a person nominated by the Overview and Scrutiny Panel.

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17 See Constitution 4E.19

3.6 Preparing and Presenting Review Reports

3.6.1 Preparing Reports

Throughout a review the Members will be collecting and hearing evidence both on the subject matter and related issues. This may be evidence gathered from their own investigations and research, or from information presented to the Group by Officers and witnesses.

The information and evidence will be discussed and analysed throughout the process in order to prioritise its importance and evaluate its usefulness in helping to formulate the comments, proposals and/or recommendations in the report.

Once it has heard all the relevant evidence and analysed the information, a draft report will be prepared by the Chair, assisted by the lead officer. This should contain any relevant financial information on any associated costs/savings or income that the proposed recommendations may create.

The draft report will then be considered by the Working Group, Officers and others who have contributed or been involved in the review. Any amendments or additions will then be made before a final draft report is produced.

Also, at this stage the Chair may wish to share the findings and recommendations with the Portfolio Holder, in order to make them aware of the final draft report going to the Overview and Scrutiny Panel, prior to it being published.

Once the final draft report has been completed it will be placed on the agenda of the next available Overview and Scrutiny Panel meeting for consideration and approval. The Chair of the Working Group or Select Committee should be prepared to present the report and to take any questions on the information contained within it.

3.6.2 Presenting a Report

The Overview and Scrutiny Panel will receive the final draft report from the Working Group or Select Committee for consideration and scrutiny.

If the Overview and Scrutiny Panel cannot agree on one single final report then, one minority report may be prepared and submitted for consideration along with the majority report. Or it may refer the

report back to the Working Group/Select Committee for further consideration or amendment.

Once the Overview and Scrutiny Panel is satisfied and have approved the report's recommendations, a final report will be prepared for consideration by the Cabinet or the Council as appropriate.

The scrutiny report should be included on the agenda of the next available meeting of the Cabinet or within two months of the report being forwarded. If for any reason the Cabinet does not consider the scrutiny report within eight weeks, then the matter will be referred to Council to consider the report and make a recommendation to the Cabinet.

The final report will be presented at Cabinet and/or Council by the Chair of the Overview and Scrutiny Panel.

3.7. Publishing the Reports

Following Cabinet, the Scrutiny Report is published on the Council's website. The report will be sent out to all interested parties including Members, stakeholders involved in the review and any other outside bodies.

3.8 Monitoring Report Recommendations

Once the final Scrutiny Review Report has been to Cabinet a response will be taken back to the Overview and Scrutiny Panel. The response will identify those recommendations that have been endorsed and, if appropriate, any comments or reasons for a recommendation being rejected. Cabinet may also refer reports back to the Overview and Scrutiny Panel for further information to be obtained.

The final recommendation of any report will contain information on when a subsequent review or monitoring will take place. This is usually 6 - or 12-months following Cabinet agreement, or as appropriate.

A monitoring report is subsequently produced by the relevant lead officer detailing the agreed recommendation outcomes and progress. This would usually be at 6- or 12-month stage following Cabinet approval.

3.9 The Annual Report

The Overview and Scrutiny Panel Chairs must report annually to Full Council on the workings of the Panels and make recommendations for future work programmes and amended working methods if appropriate.

The Annual Report is prepared by the Chairs for presentation at April Full Council. The report includes a summary of the work carried out by each Overview and Scrutiny Panel in the preceding 12 months and a brief synopsis of the in-depth reviews undertaken. Also included with the Annual Report is the proposed Scrutiny Work Programme for the following year.

The Annual Report is then made available to the Council's partners, Members and other stakeholders including the public. The report is placed on the scrutiny pages of the Council's website.

3.10 Use of the Media

In order to promote scrutiny, it is necessary to engage with the media. By writing a press release scrutiny is able to keep the public informed and up to date with its activities and, in the process, help to create a positive profile for Nuneaton and Bedworth Borough Council.

The work of the Overview and Scrutiny Panels, Working Groups and Select Committees is an important and integral part of the Council's political arrangements for the purposes of media liaison.

3.10.1 Media Statements

Media interest in Cabinet reports going to Overview and Scrutiny Panels will normally be responded to by the relevant Portfolio Holder, if the enquiry is about the content of the proposal. If it is about the Overview and Scrutiny Panel's role in considering and reporting on the proposal, then it will be the relevant Chair who will respond.

Interviews and media statements on Scrutiny matters will be made by the relevant Chair in consultation with, and with the support of the other Members. Any media statements or interviews must be in line with the Council Media Protocol. (Section 4, page 7).

Section 4

4.0 Scrutiny Protocols, Procedures and Forms

4.1 Scrutiny Member Protocol

Effective overview and scrutiny of the Council's policies, decision-making and delivery of services is a legal requirement of Non-Executive Councillors.

This protocol seeks to clarify the standards of conduct expected of those Members involved in the Overview and Scrutiny Panels, Working Groups and Select Committees processes and to give guidance to those Members who are involved in this work.

If the Independent Co-opted members, the public, partner organisations, the voluntary sector, external experts or others are invited to join an Overview and Scrutiny Panel, Working Group or a Select Committee for a number of meetings or period of time, they should expect to be treated in a respectful and courteous manner.

Compliance with the following standards is required of all overview and scrutiny Members and any breach of the standards will be referred in the first instance to the relevant Chair and if unresolved to the Chair of the Standards Committee:

- The Overview and Scrutiny Panels, Working Groups and Select Committees will conduct their business in a friendly and orderly way in order to maximise the participation of all Members and facilitate constructive debate. In doing so, Members will provide a safe and confidential environment which is also free from personal criticism of other Members and Officers.
- Attendance by all Non-Executive Members is important to ensure the democratic processes are achieved, all points of view are given, and full discussion takes place with continuity of discussion and debate. Those Members appointed to the Overview and Scrutiny Panels, Working Groups and Select Committees will therefore be expected to give priority to attending scheduled meetings.
- Individual Members will uphold the highest standards of probity and integrity as laid down in the Councillors' Code of Conduct and set out in the Council's Constitution. They will use their powers of scrutiny in a manner worthy of the trust placed in them by the local people.
- Overview and Scrutiny Members will be expected to engage in all scrutiny learning and development opportunities provided by the Council in order to carry out their roles as effective scrutineers.

- The Chairs of the Overview and Scrutiny Panels will ensure effective working relationships with Party Whips.
- The scrutiny Annual Report and review reports will document Member attendance to ensure the highest standard of Councillor commitment.

4.2 Witness Protocol

Attending the Overview and Scrutiny Panel, Working Group or Select Committee meetings as a witness is often a new experience for people. The Council recognises the need to support witnesses. Witnesses will be kept informed during the scrutiny process to try and ensure that the experience is as stress free as possible.

The Council will:

- Inform the witness of the time, date, and place of the scrutiny meeting at which their evidence is to be taken
- Inform the witness of the matters about which scrutiny wished to ask them
- Inform the witness of any documents that the Overview and Scrutiny Panel, Working Group or Select Committee wish to have produced for them
- Provide reasonable notice of all of the requirements, to enable the witness to respond in full at the earliest opportunity
- Provide copies of all relevant reports, papers and background information
- Arrange for the Chairs of the Overview and Scrutiny Panel meetings to introduce himself/herself to the witness prior to the proceedings
- Ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chair of the meeting
- Ensure where appropriate that the witness is provided with information about claiming witness expenses
- Following the proceedings, write to the witness and where appropriate, inform them of the outcome.

Who will be at the scrutiny meeting?

Overview and Scrutiny Panel meetings are all held in public. On some occasions there may be a journalist taking notes. Members of the public are always welcome but are not usually present in large numbers.

At a meeting of the Overview and Scrutiny Panel there will be approximately nine Elected Members and one co-opted member; a Committee Services Officer will be present to minute the meeting, other Officers and witnesses with an interest in the scrutiny topic(s) on the agenda may be present.

At a meeting of a Working Group there will be 3-8 elected Members, possibly one or two invitees or expert witnesses, a Committee Services Officer and other Officer witnesses on occasion. Not many Working Group meetings are held in public and the support officer will advise you if the public will be present at the time of invitation.

Select Committees are more formal, and the arrangements will be similar to the Panel meetings. These meetings are more likely to be in public unless dealing with an exempt/confidential item.

What happens when I arrive to attend a scrutiny meeting?

Upon arrival at the venue for a meeting you will normally be met by the Committee Services Officer. They will contact you prior to the meeting to confirm the arrangements, and where possible give you an indication of when your evidence is likely to be heard and explain the format for the meeting. If you have any particular concerns or questions, then you should not hesitate to raise these with the Officer. The Chair of the meeting will also introduce her/himself to you before the start of the meeting.

What happens when I give evidence?

Witnesses are welcome to attend the entire meeting or can wait outside the meeting room until the relevant agenda item is reached. When you are called you will be shown to a seat at the table with the Members. They will ask you questions in an orderly and respectful manner as directed by the Chair of the meeting.

Remember:

- take your time and speak slowly and clearly;
- ask for questions to be repeated if you do not understand or cannot hear;
- if you are not sure of the answer then say so.

After you have finished giving your evidence you may leave if you wish to do so, or you are welcome to stay to hear the rest of the evidence.

Can I claim expenses?

If as a result of being asked to attend a scrutiny meeting, you have incurred expenditure then you may claim additional travel costs in line with the Council's Mileage and Subsistence Policy by submitting receipts of expenditure. If you would like to claim for your expenses, please advise the Committee Services Officer before attending the meeting. If the sum is likely to be more than £10.00 you must check beforehand that it is considered "reasonable" and that it will be reimbursed.

4.3 Scrutiny Meetings

4.3.1 Use of the Party Whip

Scrutiny aims to be apolitical and discourages the use of the Party Whip.

When considering any matter where scrutiny is subject to a party whip the Member must declare the existence of the whip and the nature of it, before the commencement of the deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. (Constitution 4-52)

Definition of the Party Whip:

"Any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should he/she speak or vote in any particular manner".

4.3.2 Agenda Items

Any Member of the Council shall be entitled to give notice to the Head of Paid Service that they wish an item relevant to the work of scrutiny to be included on the agenda for the next available meeting of the relevant Overview and Scrutiny Panel.

Each Overview and Scrutiny Panel shall also respond to requests from the Council or Cabinet to review a particular item and report its

findings and any recommendations back to the Council or Cabinet as appropriate. (Constitution 4-46)

4.3.3 Procedure at Scrutiny Meetings

The following business shall be considered:

- Apologies
- Minutes of the last meeting
- Declarations of interest (including whipping declarations)
- Public Consultation – opportunity for public to speak on an item
- Questions to members of Cabinet members in attendance
- Consideration of any matter referred for a decision in relation to Call-in of a decision
- The business otherwise set out on the agenda for the meeting
- Responses of the Cabinet to reports of the Overview and Scrutiny Panel
- The Forward Plan
- Work Programme
- Any other items (considered as a matter of urgency by the Chair).

4.3.4 Apologies

The Committee Services Officer needs to be informed by the Panel Members in advance if they are not attending a meeting and/or have appointed a substitute. If they are not informed in advance of the meeting, then the apologies are not included in the minutes.

Where an Overview and Scrutiny Chair cannot attend a meeting, it is their responsibility to tell the Committee Services Officer in advance, in order that they may notify the Vice Chair that they will be required to take the Chair for the meeting. If the Vice Chair is also unavailable, then a nomination for Chair from the Panel Members will be required at the meeting.

It is appropriate for substitutions to be made for Panel Members at scrutiny meetings, but they are not required for Working Groups or Select Committee meetings.

4.3.5 Declarations of Interest

Members who have a Disclosable Pecuniary or Other interest in any item being discussed on an overview and scrutiny agenda should state that interest at the appropriate time to the Committee Services Officer in attendance, seeking advice where necessary.

4.3.6 Public Consultation

Members of the public will be given the opportunity to speak on agenda items at an Overview and Scrutiny Panel meeting, if notice has been received prior to the commencement of the meeting, or at the Chair's discretion.

4.4 The Forward Plan

4.4.1 Using the Forward Plan

The Forward Plan (Section 4 Fig. 1) is an important document for scrutiny as it acts as an early warning system to Scrutiny Members of what items and reports are coming up over the coming months. The Forward Plan can be found on the Council's website at:

https://www.nuneatonandbedworth.gov.uk/meetings/committee/53/forward_plan

Scrutiny may wish to be part of the consultation process, be involved in pre-decision work on an item, or receive a draft report and provide comment and recommendations to Cabinet. For this reason, the Forward Plan is also put on every Overview and Scrutiny Panel meeting agenda.

4.4.2 Content of the Forward Plan

The Forward Plan contains matters which the Leader has reason to believe will be either Key Decisions or exempt items to be taken for the period of the Plan.

The Forward Plan covers a period of four months beginning with the first day of the second month in the preceding plan. It is updated on a monthly basis, with a new Forward Plan being produced 28 days before it comes into effect. Any outstanding matters from the previous Forward Plan may be carried forward.

The plan informs on:

- the matter in respect of which the decision is to be made
- the name of the decision taker or responsible body
- the date on which, or the period within which, the decision is to be made
- the identification of the principal groups to be consulted
- how consultation is proposed to be undertaken
- how to make representations about the matter and the date by which those steps are to be taken
- a list of the documents submitted to the decision maker for consideration with regard to the matter
- whether the report is an exempt or confidential item to be held in private session.

(For further information on the Forward Plan please refer to the Constitution
4-28).

There are, however, occasions when an item comes up urgently for a decision by Cabinet, and there is not enough time for it to go on the Forward Plan. If the item is a Key Decision, then the General Exception or Special Urgency measures apply.

4.4.3 General Exception

If a matter which is likely to be a Key Decision has not been included in the Forward Plan the decision may still be taken if:

- it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates
- the Proper Officer has informed the Chair of the relevant Overview and Scrutiny Panel in writing, by notice, of the matter to which the decision is to be made
- the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- at least five clear days have elapsed since the Proper Officer complied with the above notices (Constitution 4-30)

4.4.4 Cases of Special Urgency

Where the date by which a Key Decision must be made, does not allow time for the General Exception rule above, the decision taker must obtain agreement that the decision is urgent and cannot be reasonably deferred from:

- the Chair of the relevant Overview and Scrutiny Panel;
- or if the Chair of the relevant Overview and Scrutiny Panel is unable to act, then the agreement of three Members of the relevant Overview and Scrutiny Panel will suffice (Constitution 4-31)

4.5 Feedback by Members from Other Bodies/Meetings

Members are often involved with or invited to meetings on an individual basis as representatives of the Council. It is important that information that they receive through these external channels is passed on to their scrutiny colleagues.

This is particularly relevant to training and seminar events, network meetings, County Council meetings, as appropriate, and other meetings of outside bodies where relevant information is being provided.

If Members receive information that would be relevant to other Panel Members they should send it to the Chair to pass copies onto the other Members or arrange for the Member to feedback the information in person through a report or by attendance at an Overview and Scrutiny Panel meeting.

4.6 Media Protocol

Chairs will become the focus of media contacts about the work of the Overview and Scrutiny Panels and will wish to promote the work of the Panels. The Chairs must ensure that all media statements relating to the scrutiny function have the support of the relevant Panel. Any such statements must be consistent with the intent that the scrutiny function shall help to achieve a culture of continuous improvement throughout the Council.

There needs to be an acknowledgement by all concerned of the often-conflicting viewpoints of how they would wish to see issues presented in the local media. There may be the potential for conflict

between positions adopted by the Cabinet and those of a scrutiny Panel on an issue and each may wish to promote its viewpoint in the media. The effectiveness of the scrutiny function relies to an extent on the ability to raise the profile of issues within the local media.

In order to achieve this positive media relationship, the following shall apply:

- Any statements to the media concerning scrutiny whether from Cabinet, Overview and Scrutiny Panels or individual Members must be consistent with the intent that the scrutiny function furthers a culture of openness, co-operation and continuous improvement throughout the Council
- The Chair of each Panel may initiate the issue of statements to the media in furtherance of the work of their Panel and shall act as the main focus for media enquiries about their work.
- Scrutiny Chairs must discuss the issue and content of all press releases with the Corporate Communications Officer
- All official press releases from the Council on scrutiny issues will be issued by the Chair
- Where appropriate, press releases will be issued before a meeting of the Panel in order to attract media and public interest in the meeting. However, the content of any such press releases must be carefully balanced and the decisions or views of the Panel should not be anticipated
- With press releases issued after the meeting, other members of the Panel should be consulted if there is any doubt as to whether the views proposed for inclusion in the press release represent the views of the Panel.

4.7 Figures

1. Forward Plan
2. Call-in Procedure Note
3. Request for Call-in Form
4. Work Programme Suggestion Form
5. Scoping Review Form
6. Monitoring Implementation of Cabinet Decisions Form
7. Councillor Call for Action Procedure and Form

Section 5

5.0 Useful Information

5.1 Frequently Asked Questions

HOW DO I 'CALL-IN' A CABINET DECISION?
Members should contact the Proper Officer to advise them that they wish to 'Call-in' the decision and the reasons why. (For more information please see Section 1, page 6).

HOW CAN I PUT AN ITEM ON THE WORK PROGRAMME?
An invitation, encouraging the submission of Work Programme topics, is sent out in the spring and this is when the bulk of the suggestions are put forward. However, items are accepted throughout the year, so please pass on your suggestions to the Chair or complete a Work Programme Suggestion Form. (For more information please see Section 3, page 1).

HOW CAN I BECOME A MEMBER OF A WORKING GROUP?
The Committee Services Officer will send out an invitation to appropriate Members when an Overview and Scrutiny Panel initiates a review. Members who have an interest in that particular topic should respond to nominate themselves on to the Working Group. (For more information please see Section 3, page 3).

WHO CHAIRS THE SCRUTINY MEETINGS?
The Chairs of the Overview and Scrutiny Panels are selected by the controlling Group at the beginning of the year at Annual Council. The Chair of a Working Group is selected by the group at its initial meeting. The Chair of a Select Committee is nominated by the Overview and Scrutiny Panel and is often the Panel's Chair. (Section 2, pages 3 & 5)

WHO MAY SIT ON THE OVERVIEW AND SCRUTINY PANELS?
All Non-Executive Members of the Council may be members of the Overview and Scrutiny Panels.

HOW CAN I PUT AN ITEM ON THE SCRUTINY COMMISSION OR PANEL AGENDA?
Any Member of the Council shall be entitled to give notice to the Head of Paid Service that they wish an item relevant to the work of scrutiny to be included on the relevant Overview and Scrutiny Panel agenda for the next available meeting.

WHAT SKILLS DO I NEED TO CARRY OUT EFFECTIVE SCRUTINY?

Team Working Skills – the ability to work towards a common goal.

Questioning Skills – the ability to ask challenging and probing questions without being adversarial or aggressive.

Listening Skills – particularly useful where others are giving differing views and opinions.

Analytical Skills – the ability to interpret and review data and reach conclusions.

Presentation Skills – the ability to confidently present the findings and recommendations of the review and justify recommendations.

Project Planning Skills – the ability to plan events to ensure the efficient and timely conduct of a review.

Chairing Skills – for those Members who may want to be a Lead Member on a Select Committee and will have the vital role of taking the lead, encouraging participation and being the voice on the issue.

USEFUL WEBSITES FOR SCRUTINY & LOCAL GOVERNMENT INFORMATION

Centre for Guidance and Scrutiny: www.cfgs.org.uk

Defra for Environment/Waste info www.defra.gov.uk

For News/Policy/Consultation Items:

-
- https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities**www.direct.gov.uk**

For Performance:

- **https://www.psaa.co.uk/**
- https://www.nao.org.uk/
- https://www.frc.org.uk/
- https://www.gov.uk/government/collections/local-audit-framework-replacing-the-audit-commission
- **www.statistics.gov.uk**
- www.nuneatonandbedworth.org.uk/index.html
- **Don't forget other Local Authorities' websites**

5O MEDIA RELATIONS PROTOCOL

1.0 Purpose

This protocol is intended to ensure Nuneaton and Bedworth Borough Council works effectively and in a timely fashion, in all its dealings with local, regional and national media, and in line with all relevant government guidance.

2.0 Aims

2.1 We want to achieve media coverage of our organisation which is accurate, accessible, wherever possible planned and published in a timely fashion, to help inform and engage the public in the work of the Council.

2.2 This protocol reflects our intention to obtain the best results for our organisation. We seek to be aware of our audience's needs and attentive to those of the relevant media outlet(s) and news gathering operations.

3.0 Legal framework

3.1 All activity must be conducted in line with the Code of Recommended Practice on Local Authority Publicity.

3.2 This Code of Recommended Practice sets out these seven principles for the operation of local government publicity:

Publicity by local authorities should:-

a) be lawful;
b) be cost effective;
c) be objective;
d) be even-handed;
e) be appropriate;
f) have regard to equality and diversity; and
g) be issued with care during periods of heightened sensitivity.

3.3 In particular, the Council will focus will be on ensuring the policies of the council, as approved by Cabinet and Full Council, are published and explained to key audiences in a range of communication channels. The Council will not involve itself in any publicity or promotion which appears to be designed to affect public support for an individual, a political party or an opinion.

3.4 Consideration must be given to the Data Protection Act 2018 and to safeguarding requirements for potentially vulnerable groups or individuals directly involved in any publicity.

4.0 Role of the Communications and Marketing Team

4.1 All Borough Council media liaison will be carried out by the Communications and Marketing Team. All official Borough Council press releases and media responses are issued by the Team. The Team will ensure the Borough Council agrees its official view in line with this protocol, either in press releases or in statements offered in response to a journalist's query, and that Council activity takes place in a timely fashion so as to best meet the needs of the Council and the media. Primary contact is the Communications and Marketing Manager.

4.2 The Team will ensure that:

- all media contact with the Council is professionally managed to meet the communications needs of the Council and the media
- incoming media calls are fielded initially by communications officers who will respond on behalf of the Council, only where appropriate approval has been obtained
- Directors and Portfolio Holders are informed of all queries relevant to their service area as a matter of courtesy, and consulted on high profile and contentious matters
- requests for interviews with Council spokespeople are co-ordinated
- appropriate briefings are given to spokespeople prior to media interviews
- all media statements issued by the Council have appropriate approval

4.3 Any requests from representatives of the media to individual members of staff for statements or information should be referred to the Communications and Marketing Manager who will arrange an appropriate response.

5.0 Media Arrangements

Press Release and Attributable Quotes Clearance Procedure

5.1 All Borough Council press releases must first be cleared for publication before they are shared with anyone else outside of the Borough Council.

5.2 Prior to a release being issued by the Team, communications officers will seek approval from the Leader of the Council and/or the most appropriate Cabinet Portfolio Holder and Director.

5.3 The following, depending on the content of the press release or statement and the timing of its planned release, may also be required to assist in approving official press releases or statements, on the advice of the Council Leader or Chief Executive.

- Deputy Leader of the Council
- Cabinet Portfolio Holder
- Armed Forces Representative
- Scrutiny panel chair
- Head of Service
- Mayor

Attributable Quotes

5.4 When including attributable quotes in press releases or statements, the following rules must be adhered to:

- Quotes should be attributed to the relevant Portfolio Holder or Director. Where this is not practicable, a quote may be attributed to another member of the Cabinet, or to an officer, as set out below.
- For ward-specific issues, at the discretion of the relevant portfolio holder or Council Leader, ward members may also be invited to quote.
- The opinions of individual councillors should not be promoted unless they are speaking on behalf of the Council as a whole.
- Third parties may be quoted where appropriate, with the permission of the lead Council spokesperson.
- No release containing a quote should be sent without prior approval of the person quoted.

Officers Speaking to the Media

5.5 Officers will be allowed to comment to the media ONLY under the following conditions:

- They have been specifically requested to speak to the media by the Cabinet Portfolio Holder or Leader of the Council, or where appropriate by the Chief Executive.
- On matters of clarification with reference to officer reports submitted for consideration by Cabinet, Scrutiny or Full Council.
- To explain the operational detail of decisions and policies.
- On non-contentious matters where it would be more appropriate for someone with specialist or technical knowledge to speak to the media. However, permission must first be given by the relevant Head of Service.

Partner Organisations

5.6 The Team will liaise with the Council's partners to ensure compliance with appropriate multi agency media protocols.

Emergency incidents

5.7 During times of crisis or emergency, the Team will work alongside the Emergency Planning Officer in delivering communications aspects of the Council's Emergency Plan alongside partner agencies. Appropriate spokespeople responding to media on behalf of the Council will be identified depending on the incident in question and in line with the procedures set out in this protocol.

6.0 Election time

In any pre-election period, national and local guidelines will be issued, and must be adhered to when communicating with the media and general public.

7.0 Photographs and video

7.1 Pictures help tell our story, so we will always try to accompany a news item by offering a suitable illustrative picture, or even better, video. When including members

of the public in these images, it is good practice to ask an individual to sign a consent form before photographs or video footage is taken.

7.2 Where a child is under 16, or where an adult is particularly vulnerable, permission of parents or guardians must always be given and a consent form must be signed.

7.3 Pictures of Council Members when published alongside press releases, must feature the relevant Portfolio Holder or their designate, or the relevant Director or their designate. On ward-specific issues, ward councillors and opposition members will be invited to be featured in an appropriate photocall where this would be relevant to the story in question, with the express consent of the relevant portfolio holder or Leader of the Council.

8.0 Activity in Social Media

8.1 Additional activity in Social Media channels is covered by separate Social Media Guidelines.

Updated February 2021, v0.3

5P RISK MANAGEMENT POLICY & STRATEGY

October 2025

Risk Management Policy

1. Nuneaton and Bedworth Borough Council (NBBC) recognises that it has a responsibility to manage risks, both internal and external. It is therefore committed to maintaining robust risk management and business continuity arrangements that make a positive contribution towards the achievement of the Council's corporate aims and priorities and maximise the opportunities to achieve its vision.

2. It is good business practice that risk management processes should be:

   - Supportive rather than unduly restrictive.
   - Embedded in the Council's culture and in its decision-making, planning and management functions; and
   - Embraced by all Members and employees.

3. The Council's aims with respect to risk management are as follows:-

   - To embed risk management into the culture of the Council
   - To adopt an effective and transparent corporate approach to risk management, which also applies to the Council's work with external partners and contractors
   - To work with partners and stakeholders to identify and exploit opportunities that will contribute to corporate aims and priorities
   - To integrate risk management into the operational and management practices of the Council
   - To promote risk awareness throughout the Council and among our contractors and key partners
   - To be responsive to changing social, environmental and legislative requirements, whilst effectively managing the related risks and opportunities.
   - To undertake an annual review of the effectiveness of the risk management arrangements to support the Council's Annual Governance Statement

4. These aims will be achieved through the Council's Risk Management Strategy, which details the roles, responsibilities and actions necessary for successful implementation.

Risk Management Strategy

1. Introduction

1.1 This strategy sets out the processes to ensure that risks to the Council's services, objectives, employees, assets, contractors and partnerships are identified, recorded, assessed, prioritised and then mitigated, transferred or eliminated, to achieve an acceptable level of exposure.

1.2 The Risk Management Framework states how the Council manages risks and maximises opportunities in achieving its aims and priorities and this strategy forms part of that process.

2. Definitions

2.1 **Corporate Governance**
Corporate governance is the framework of accountability to users, stakeholders and the wider community, within which organisations take decisions and lead and control their functions to achieve their objectives. The effectiveness of corporate governance arrangements has a significant impact on how well an organisation meets its aims. Its purpose is to ensure that the right thing is done, in the right way, by the right people, in an open, honest and timely manner.

2.2 **Risk and Risk Appetite**

"Risk" can be defined as "The possibility that an event will occur and adversely affect achievement of objectives".

The amount and type of risk that we are willing to seek or accept in the pursuit of agreed strategic objectives and key priorities is the "risk appetite". This correlates to the likelihood / impact risk matrix.

Generally, the Council will mitigate risk as far as reasonable possible and acknowledges where risk cannot be wholly removed or mitigated, in some cases, a level of risk will be accepted and managed accordingly.

2.3 **Partnership**
A partnership is an agreement between the Council and one or more independent legal bodies, organisations or individuals to work collectively to achieve a common purpose with specified aims and objectives. More detailed guidance on managing partnerships and the associated risks is available in the Council's Partnership Framework document.

2.4 **Strategic Risk** - a risk that can adversely affect the Council's long-term objectives.

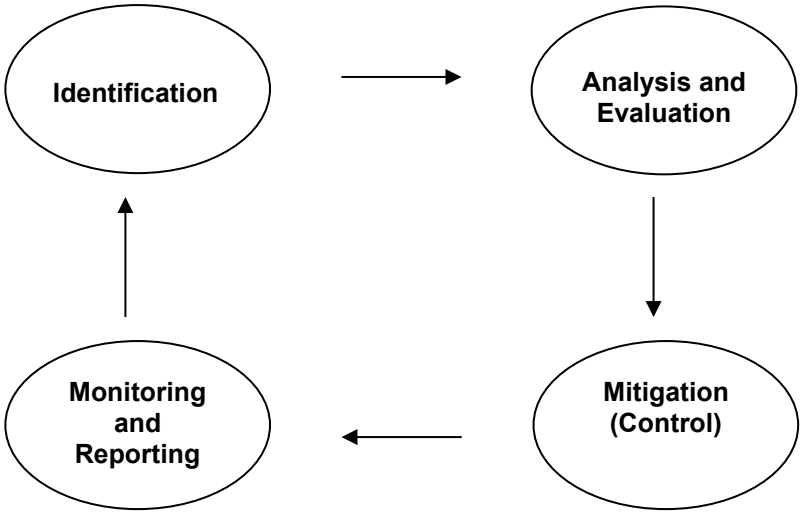
2.5 **Operational Risk** - the risk of loss because of ineffective or failed internal processes, people, systems, or external events that can disrupt the flow of the Council's operations.

2.6 **Risk Issue** - a risk with nearly 100% probability, or one that has already happened

3. Risk Management Process

Risk management involves the following four processes:-

- Identification of risk
- Analysis and evaluation
- Mitigation
- Monitoring and reporting



3.1 Step 1 - Identification of Risk

A systematic approach needs to be applied if all significant risks are to be identified and managed effectively. By identifying areas of risk before an event or loss occurs, steps can be taken to reduce the likelihood of occurrences and/or to minimise the cost to the Council if they do happen. Reacting to events only after they have occurred can be very costly.

Risks can be identified in a number of ways, for example:-

- Through discussions with colleagues, stakeholders, Members, contractors, partners, insurance brokers, insurers, risk advisers and external auditors
- Looking at trends, accident reports, complaints, new agendas, legislation and regulations.

To ensure clarity and effective management, each risk should be articulated using the following structure:

- **Cause** – the source or driver of the risk; the underlying condition or circumstance that may lead to an event occurring.
- **Event** – the specific uncertain occurrence or situation that, if it happens, could affect objectives.
- **Impact** – the consequence(s) or effect(s) on objectives if the event occurs.

The table below lists some categories of risk which may have an impact on aims and priorities:-

Risk Category	Examples of issues to consider
Political	Local and national political issues. Stability of the political situation.
Economic	State of the local economy. Interest rates, inflation and related key assumptions. Labour market effects on recruitment and retention.
Social and Employee-Related	Demographic profile of the workforce and population. The consequent effect on demand for services and/or stakeholder expectations.
Technological and Information-Related	Capacity to respond to technological changes or opportunities arising from technological developments. Current use of or reliance on technology. Quality and security of information. Accessibility of key documents. Resilience and IT/Communications recovery capacity.
Legislative /Regulatory	Preparedness for new legislation and regulations, e.g. health and safety, planning or employment law.
Environmental	Use, acquisition &/or disposal of land &/or premises. Waste, disposal and recycling arrangements.
Competitive	Competitiveness of service delivery in terms of cost and quality. Ability to deliver value for money.
Customer/ Citizen	Extent, nature and effectiveness of consultation and involvement with the community. Ability to meet current and future needs. Service delivery feedback. Reputation.
Professional	Organisational and individual competency levels and capacity to deliver objectives. Staff recruitment and retention. Skill and knowledge levels. Opportunities for networking and continuing professional development.
Financial	Level of reserves. Adequacy of funding. Financial planning and control. Fraud.
Legal	Possible legal challenges and claims.
Partnership/ Contractual	Key strategic partners. Procurement arrangements. Contractual arrangements. Partners' governance arrangements.
Physical	Security and protection of assets. Maintenance practices. Protection, security, health, safety and wellbeing of the workforce and population.

There are two key elements to each risk description – **cause and consequence.** To effectively manage risks, both of these elements need to be identified. An example is as follows:-

The reason for NBBC's failure to maintain a sound budgetary and financial control environment (**cause)**, resulting in the Council having insufficient financial resources to achieve the key priorities (**consequence**).

When identified, significant risks should be recorded in a risk register. NBBC have both strategic and operational risk registers (including some which are specific to individual projects or partnerships). The Strategic Register addresses cross-cutting corporate risks. Operational registers address risks that could impact upon service delivery.

Both follow the same format and record the following information for each risk:-

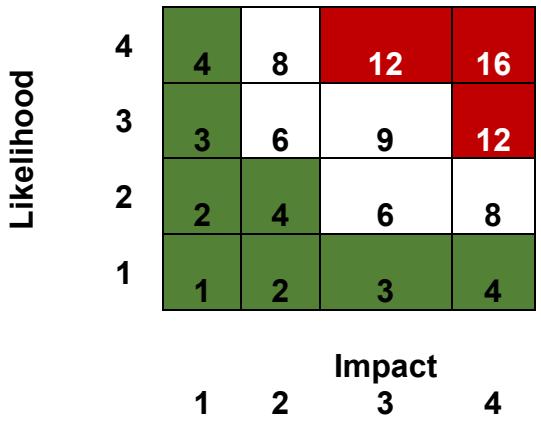
- A risk reference number
- The risk description (in terms of cause and consequence)
- A gross risk score (the score before effective mitigation controls are in place)
- The mitigation controls (identifying whether 'existing' / 'ongoing' or 'planned')
- The mitigation owner(s). These could be different for each control
- The net risk status – red, amber or green (after effective mitigation controls are in place)
- Sources of assurance i.e. how the risk is monitored / relevant documents with sample evidence to be requested and provided; and
- The risk owner

3.2 **Step 2 - Analysis of Risk**

Having identified the risks, they need to be analysed. This process requires managers to make an assessment of:-

- The probability (likelihood) of a risk occurring; and
- The severity (impact) of the consequences should it do so.

The matrix below indicates risk levels



Key

	Green (acceptable)
	Amber (tolerable)
	Red (unacceptable)

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The Council's likelihood and impact descriptors are as follows:-

Likelihood

4: **Very High** – occurrence is most likely or has already happened and will do so again if control measures are not introduced

3: **High** – occurrence is anticipated within the next 12 months

2: **Significant** – occurrence is probable in the next 3 years

1: **Low** – foreseeable but not probable in the next 3 years

	Level of Impact	Service Delivery	Financial / Legal	Reputation / Community
4	Major	• A service delivery failure causes significant hardship to people for a period of 3 to 4 weeks or more or 1 week for anyone that is vulnerable, or failure to meet a nationally-mandated deadline • Loss of major stakeholder/partner. • Adverse outcome of a serious regulatory enquiry	• Financial loss over £400,000. • Serious risk of legal challenge	• Sustained adverse TV/radio coverage • Borough wide loss of public confidence • Major damage to local environment, health and economy • Multiple loss of life
3	Serious	• A service delivery failure causes significant hardship for a period of 2 to 3 weeks or 3 to 7 calendar days for vulnerable people • Formal regulatory inquiry • Loss of a key partner or other partners	• Financial loss between £200K and £399K • High risk of successful legal challenge	• Significant adverse coverage in national press or equivalent low national TV coverage • Serious damage to local environment, health and economy • Extensive or multiple injuries &/or a fatality
2	Moderate	• A service delivery failure causes significant hardship for 1 to 2 weeks or 1 -2 calendar days for vulnerable people • Loss of a significant non-key partner • Legal concerns raised • Loss of employees has moderate effect on service provision	• Financial loss between £50K and £199K • Informal regulatory enquiry	• Significant adverse coverage in local press or regional TV • Large number of customer complaints. • Moderate damage to local environment, health and economy • Moderate injuries to an individual
1	Low	• Disruption to services for up to 1 week • Minor legal implications • Loss of employees not significantly affecting service provision	• Financial loss up to £49K	• Minor adverse media coverage. • Minor environmental, health and economy damage • Minor increase in number of customer complaints • One or more minor injuries to an individual

3.3 Step 3 - Control of Risks

Having identified and prioritised the risks, each one needs to be assessed to determine the appropriate action required for it to be mitigated. There are four options:-

Terminate	Stop the activity or remove the physical cause
Transfer	As far as possible, pass the risk on to another party, e.g. contractually or by insuring it
Treat	Set up control (mitigation) measures &/or improve existing ones. Examples: • Use of password, barrier, temperature or other controls. • Installation or upgrade of alarms. • Implement new or revised procedures, requirements &/or management arrangements
Tolerate	Do nothing, live with the risk as it stands

The mitigation owner also needs to be identified, this being the individual specified as responsible for putting the stated control(s) into action &/or ensuring it remains in operation. Ownership of a control measure should rest with a single individual, even if more than one person is needed to carry it out.

The level of risk remaining after the internal control measure is in place is the residual or net risk. This should be at a level which is within NBBC's risk appetite. That is (except for any risk identified as "Outside the Council's control because of external factors"), the level of residual risk is acceptable to the authority.

3.4 Step 4 - Monitoring and Review of Risks

As key management tools, Risk Registers must be used effectively to ensure that:

- They comprehensively address all recognised significant risks
- Mitigation measures/controls are adequate to minimise the likelihood and/or impact of each risk
- Any significant risks identified and remedial actions are sufficiently monitored

To establish whether they are being adequately managed, the following criteria will be used:

Red – Less than 60% of the identified risks are being satisfactorily managed
Amber – 60%-80% of the identified risks are being satisfactorily managed
Green – Over 80% of the identified risks are being satisfactorily managed

Overall assessment of the status of the register relates to the number of risks that are net green and net amber divided by the total number of risks in the register expressed as a percentage – for example, 12 net green + 6 net amber / 20 = 90% satisfactorily managed.

4. Roles and Responsibilities

4.1. Officer Roles and Responsibilities

4.1.1. Strategic / Assistant Directors

- To adopt the Risk Management Policy and Strategy
- To ensure that all significant risks are identified and are effectively controlled through the process of risk assessment and mitigation within their respective services (maintain effective directorate Operational Risk Register)
- To proactively lead, manage and be fully accountable for health, safety and welfare across their directorate and service area. This includes ensuring all strategic decisions, new policies and initiatives thoroughly consider and address health and safety implications
- To establish a positive health and safety culture within their service units and actively encourage ownership and accountability at all levels
- To establish, promote, and play a visible role in influencing and fostering a positive health and safety culture within the Council and their individual service area. They must ensure effective management of health and safety within their directorate.
- To develop and maintain a current business continuity plan (including updated contact information), ensuring appropriate officers understand their respective roles in relation to it. Strategic Directors generally have responsibility for the Strategic Risk Register.
- Assistant Directors generally have responsibility for their Operational Risk Register.
- Where a Strategic Risk needs to be escalated, the relevant Directors should raise at Management Team or Corporate Governance Group accordingly for review and a decision as to how to mitigate the risk.

4.1.2. The Governance, Risk Management and Performance Officer

- To provide risk management information & advice, both proactively & reactively in relation to strategic, operational and partnership risks.
- To work with the owners of operational risks as required to identify and manage those risks and to maximise opportunities.
- Liaising with Chief Executive / Strategic Directors to review and update all risks in the Strategic Risk Register on a quarterly basis. Including sampling sources of assurance
- To provide quarterly Strategic Risk Register reports to Management Team (CET / SLT) / Cabinet / Overview and Scrutiny panels, identifying what proportion of the risks are being satisfactorily managed (Clause 3.4 of this document refers)
- To review and propose changes as required to the Risk Management Policy & Strategy, to risk registers and to other corporate risk management related documents
- To review the Risk Management Policy & Strategy at least bi-annually and to update it as required.
- Issue an annual report to Management Team which summarises:

i. Strategic Risk Register update and monitoring
ii. Operational Risk Registers update and monitoring
iii. Training of staff
iv. Outcomes following OSP and Audit and Standards review of strategic risk register
v. Consideration of any external support and/or routine audit of risk management

- This officer at the time of the October 2025 review, reports directly to the Assistant Director – Democracy and Governance.

4.1.3. Health & Safety Manager

- To align the health and safety strategy with the council's overall corporate objectives, plans and risk appetite.
- To develop, implement and maintain a comprehensive health & safety policy that comply with all current legal and regulatory standards.
- To provide competent advice and guidance on health and safety matters and promote an effective, healthy and safe organisational culture.

4.1.4. Senior Information Risk Owner (SIRO) and Deputy SIRO

- To oversee the development of an Information Risk Policy, and a Strategy for implementing the policy within the existing Information Governance Framework.
- To take ownership of the risk assessment process for information risk, including review of the annual information risk assessment to support and inform the Annual Governance Statement.
- To review and agree an action plan in respect of identified information risks.
- To ensure that the Council's approach to information risk is effective in terms of resource, commitment and execution and that this is communicated to all staff
- To provide a focal point for the resolution and/or discussion of information risk issues.
- To ensure the Corporate Information Governance Group (CIGG) is adequately briefed on information risk issues.
- To advise the Chief Executive and the CIGG on information risk management strategies and provide periodic reports and briefings on programme progress.

4.1.5. Employees (including agency and casual)

- To comply fully with the risk control measures, safe working procedures, health and safety policies and training relevant to their role and work activities.
- To take ownership of their legal duty of care for the health, safety, and welfare of themselves and any other person who may be affected by their actions or omissions.
- To participate constructively in risk management processes, including safety meetings, training sessions and the implementation of recommended improvement.
- To report, at the earliest opportunity, all incidents, near misses, accidents and dangerous occurrences resulting from work including those involving third parties to their line manager.

4.2. Officer Groups - Roles and Responsibilities

4.2.1. Management Team (CET / SLT)

- To ensure the Council adopts an effective risk management strategy and that risks are fully considered in all strategic decision making processes
- To monitor current and planned expenditure and income and to highlight any emerging issues that could have an impact on the Council's finances.
- Responsible for health and safety in relation to Council activities, for establishing a positive health and safety culture and for actively encouraging ownership and accountability at all levels.
- To ensure that effective business continuity plans are maintained and are regularly tested.
- To regularly monitor the Strategic Risk Register.

4.2.2. The Corporate Governance Group (CGG)

- To develop and co-ordinate excellent governance arrangements across the Council, including those relating to risk management.
- To fulfil the role of the Corporate Information Governance Group (CIGG) on behalf of the Council providing strategic advice and assurance to the Authority on all matters concerning information management and governance.
- To report to Management Team any issues that require its attention.
- To review directorate Operational Risk Registers on an annual basis (one Directorate per quarter).

4.2.3. The Information Management Group (IMG)

- To monitor and appraise the information and data needs of the Council and ensure that the Council delivers quality customer interaction and delivers services efficiently.
- To facilitate information audits within each functional area and review them on a regular basis.
- To aid the Information Asset Owners, (IAO) in carrying out their duties
- To monitor and appraise the outstanding FOI/DP cases. To identify any outstanding actions, liaise and co-ordinate with the relevant service areas to ensure that the requests are completed within the relevant timescales. If necessary, escalating the requests to the CIGG.
- To promote and raise awareness of retention and disposal policies and procedures for all documents and records.
- To ensure that information and data is treated as a corporate asset, shared by all. Develop any relevant policies and procedures to be presented to CIGG for approval, ensuring that NBBC is complying with relevant legislation.
- To promote Information Management as a key corporate activity, essential to the provision of excellent customer interaction and efficiently delivered, high quality services.

4.3.3. Central Midlands Audit Partnership (CMAP)

- To support the Council and its services in the effective development, implementation, monitoring and review of the Council's risk management policy, strategy and process.
- To promote risk management and the process of business risk assessment throughout the Council and in relation to the Council's partnerships.
- To develop and implement Audit Plans using a risk-based approach.
- To support and promote risk management guidance and training for employees, contractors and members and to encourage the sharing of good practice
- To report to the Audit and Standards Committee on risk management activities and any issues arising.
- To ensure that strategic, operational and partnership risks are suitably reflected within risk registers and that appropriate mitigating controls are in place and are adequately monitored and controlled.
- To report to the Corporate Governance Group on risk management activities and any issues arising.

4.3. Elected Members - Roles and Responsibilities

4.3.1. Audit and Standards Committee (based on risk reports and reviews provided by officers):

- To monitor the effective development and operation of risk management and corporate governance across the Council.
- To seek and obtain assurance that appropriate action has been taken on risk related issues identified by internal and/or external audit.
- To ensure that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- To review the Strategic Risk Register alongside the draft annual internal audit plan and recommend changes to address any highlighted concerns.
- To consider and approve the Risk Management Policy and Strategy following bi-annual review if significant changes are identified or if significant changes are necessary in the interim period between scheduled reviews.

4.3.2. Members

- To oversee the effective management of risk by the Council's officers, particularly when considering reports and proposals from officers. This includes scrutiny, challenge and recommendations at the Audit and Standards Committee, Overview and Scrutiny Panel(s) and amongst members of Cabinet.

5. Transparency

- The current policy and strategy will be available to view on the Council's website.
- The Audit and Standards Committee shall at least annually, receive a report regarding the Strategic Risk Register to check, challenge and ensure positive scrutiny and oversight of the register.
- Each Overview and Scrutiny Panel shall also receive information associated to the Strategic Risk Register for oversight and scrutiny purposes.

6. Training

- Elected Members – annual training will be provided as part of the Corporate Governance training programme.

- Designated Officers – training will be available for Strategic Directors, Assistant Directors and where applicable Service Managers during the 2026/2027 Financial Year and will be refreshed thereafter on a programme basis.

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A. Determining Our Priorities – Systematic Approach

B. Performance Management Cycle – Overview

C. Performance Management Cycle – Performance Indicators

D. Action Plan from 2021 Performance Management framework Review

1. Introduction

1.1 The purpose of this performance management framework is to improve performance management arrangements across the Council and service delivery for the communities of Nuneaton and Bedworth.

1.2 Good performance management is essential to achieve the Council's aims and objectives, based on a clear vision with realistic targets to support the achievement of these goals.

1.3 This vision needs to be clearly communicated to all Elected Members and employees in order that individuals have a good understanding of their work priorities and can see how these contribute to broader corporate targets and priorities.

1.4 Performance Management requires clarity about who is responsible for delivering particular objectives. The Council needs to ensure that these individuals have the required resources and support and are empowered to do the necessary work to achieve goals. The resulting outcomes need to be clearly communicated to residents to gauge how well the Council is performing on their behalf.

1.5 Key elements of performance include: a clear organisational vision, values, customer-focused objectives, target setting process (where appropriate), benchmarking, regular assessment and review and performance-related annual (employee) development review.

1.6 Benefits of an effective Performance Management Framework include:

- Improved service delivery and outcomes for customers.
- Demonstrating success or failure.
- Effective use of resources.
- Identifying potential improvements / cost savings.
- Improved audit / inspection results.
- Linking financial / non-financial data to provide a balanced picture of the organisation.
- Informing the debate on future priorities.
- More effective partnership working.

2. Themes and Priorities

2.1 Determining Our Themes and Priorities

The Council aims to have the top priorities established in the Corporate Plan translated into priorities at individual level using the systematic approach detailed at Appendix A.

2.2 The Council's long-term themes and priorities have been drawn from a variety of sources including:

- National data
- Strategic Assessment for community safety
- General indices of multiple deprivation
- Borough Plan
- Economic, housing and social data

2.3 Service Priorities

Each Strategic Director applies the themes and priorities from the Corporate Plan to set out their part in their delivery. They are supplemented by service-specific priorities based on service demand, performance and response to changes in service/ operational environment. This is the mechanism through which the Council's long-term vision and aims will be progressed and achieved through annual targets and milestones. This is measured by Corporate Plan Delivery Plans (annual plans which are monitored on a quarterly basis and reviewed annually) - these show clear links to service activities.

2.4 Individual Priorities

Completing the performance management cycle includes the Council's Annual Development Review/one to one scheme that reinforces the organisation's values as well as the importance of performance and achievement. Documentation formalises the review discussion. The review process is consistently applied to focus on outcomes and all employees have an action plan which identifies performance measures, targets and service improvements against which they will be appraised. The Council recognises that individuals (Members and employees) may need training and support to achieve their full potential. The training plan included as part of the review process is geared towards meeting Council objectives by improving individual skills and knowledge.

2.5 Corporate Employee Values

The Council's employee values support the effective delivery of performance outcomes. They are:

- **SERVICE FOR OUR CUSTOMERS** – We put our customers first in everything we do
- **INTEGRITY IN OUR ACTIONS** – We are open, honest and fair, communicate accurately and keep our promises. We act within the law and the Council's Constitution and policies
- **ACCOUNTABILITY FOR OUR PERFORMANCE** – We accept personal responsibility, not seeking to blame others and apologise if we get things wrong

- **CO-OPERATION WITH COUNCILLORS, COLLEAGUES AND PARTNERS** – We share ideas, knowledge and resources, we are friendly towards, listen to and respect each other, and work in teams to deliver excellence
- **OBJECTIVITY IN OUR DECISIONS** – We base our decisions on evidence, welcome challenge and take account of alternative opinions and the wider picture
- **EFFICIENCY TO KEEP OVERALL COSTS DOWN** – We constantly improve our value for money, learning from good practice, eliminating waste, and making the most of our assets
- **CONFIDENCE TO TRY THINGS OUT** – We give our people encouragement, authority and support to be creative and flexible in how they deliver services, learning from things that go wrong when we experiment

3. Managing Performance (see Appendices B and C)

3.1 Targets / Measures

Once priorities are identified, targets for performance indicators are set or measures established (no target) which are monitored and reported according to importance. Targets are set by reference to current performance, organisational aims / capacity and benchmarking data. Meeting the priorities set at various levels involves the achievement of a target / milestone, completion of a task or measurable improvements in performance. As services go through system lean reviews, traditional targets will be replaced by a measure of improvement. This will show as: green (improved), amber (stayed the same) or red (declined) for reporting purposes.

3.2 Measurement / Reporting

Monitoring progress in relation to performance takes place at a number of levels:

- Performance Reporting to Corporate Executive Team (CET) and Senior Leadership Team (SLT)monthly This relates to measures identified by Assistant Directors as meaningful and appropriate for review at each forum.

- An integrated performance management report linking performance and risk data is produced quarterly for Overview and Scrutiny Panel(s) with progress updates on service improvement plans reported at half year. The format links performance/risk data on the key service areas based on expenditure / income. Details on Further development is on-going to establish any available comparative (benchmarking) data on good practice / performance to enhance the scrutiny process (see also Appendix D action plan).

- Service objectives and targets are set out within service areas. These include performance indicators / measures and are used to plan and monitor the work within service areas to meet the requirements of the Corporate Plan Delivery Plan.

- Reporting by exception is the general rule applied to advising CET / SLT / Cabinet of under-performance in key areas (see also 3.3).

3.3 Under- performance and Remedial Action

Managers are responsible for monitoring performance and taking appropriate action to address issues affecting results in their service area. Management Team may seek information and assurances from an Assistant Director at any time. However, there may be instances where an indicator is below target or a measure declines in performance for two consecutive periods (month or quarter) and management corrective actions taken have not improved the situation. In such cases, the relevant Strategic Director will review and, if necessary, take to CET / SLT.

Where a Strategic Director escalates a performance issue, CET / SLT will:

- Review issues contributing to the under-performance of the indicator / measure.
- Address the failure of remedial action(s).
- Reallocate resources, if necessary.
- Propose alternative solutions, if appropriate.
- Instigate monitoring of the effectiveness of any further corrective actions taken.
- Record details / outcome(s) in Management Team meeting minutes.

Scrutiny Panel Reporting

Integrated Performance Reports to Overview and Scrutiny Panel(s) include appropriate comments on under-performance for Elected Members to explain issues and / or corrective action(s) instigated. However, the panel may still request that the appropriate Portfolio Holder and / or Officer attend the panel meeting to provide further clarification / information.

3.4 Improvement

The need to improve is fundamental to the Council's approach to managing performance. This will be achieved by:

- sharing and comparing information with other authorities, partners and agencies with a view to establishing better ways of delivering services;

- liaising with other performance managers / sharing resources and ideas to become more effective, as appropriate.

- Regular review (every two years, unless significant changes occur in the interim period) of this Performance Management Framework

4. Data Quality

We recognise that reliable data quality is key to all aspects of the provision of services. It is important to ensure that accurate information is available to enable informed decision making and to assure the integrity of published data. Clear audit trails must be in place.

We are therefore committed to provide data quality of a consistently high standard within available resources.

4.1 Data should be:

- **Accurate** – sufficiently accurate for its intended purpose.
- **Valid** – collected in compliance with agreed requirements / definitions.
- **Reliable** – reflecting consistent collection processes and time periods.
- **Relevant** – to the purposes for which it is used.
- **Complete** – incomplete or invalid records can indicate poor data quality and / or problems with recording processes.

An annual internal audit sample review is carried out to test data quality.

4.2 Responsibilities

CET / SLT – overall strategic responsibility for promoting and co-ordinating data quality management.

Assistant Directors/Managers – operational responsibility for ensuring data quality in their service area including provision of training and regular sampling of information processed. Responsible for ensuring that definitions are in place for all indicators/ measures responsible for collating data comply with the definition.

Employees – data quality is the responsibility of every employee entering, extracting or analysing information from any of the Council's information systems. All employees share a responsibility for ensuring that information they produce, receive, act upon or process is accurate. This should be emphasised in training provided, along with how lapses can have an adverse effect on the integrity of the data provided and, consequently, the Council's reputation.

5. Risk Management

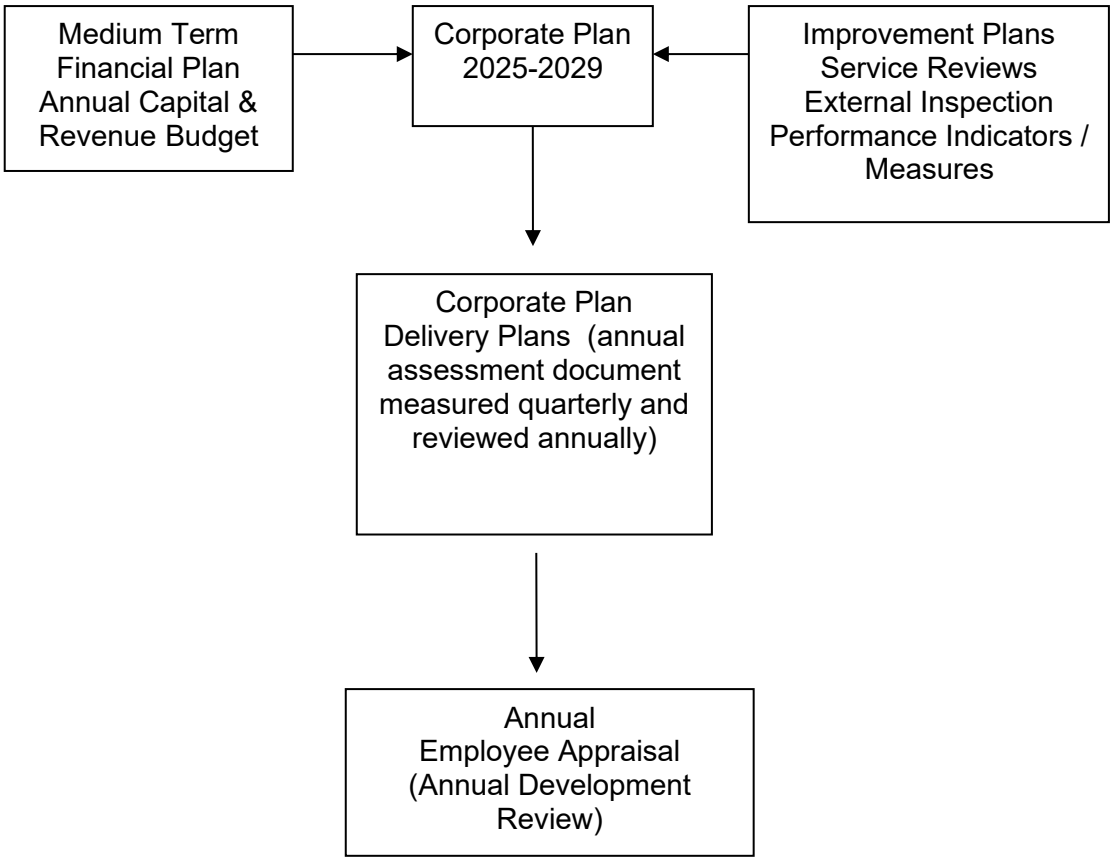
In line with the Council's obligations to ensure that strategic and operational risks are fully assessed and managed, risk management is also an important element of the Performance Management Framework. A review of both corporate and operational risks is incorporated into the performance management cycle. All managers will assess and take account of the key risks to be managed in delivering their objectives and targets. Overview and Scrutiny Panel(s) will receive a current summary status of the Strategic Risk Register with the latest version of risks within the remit of each panel

6. Action Plan

An action plan relating to areas identified from the latest review of this framework is shown at Appendix D.

Appendix A

Determining Our Priorities – Systematic Approach



Appendix B

Performance Management Cycle – Overview

January	Quarterly review of **Strategic Risk Register** Quarterly assessment of **Corporate Plan Delivery Plan**
January-December	**Annual Development Review / One to one Review** process Operational Risk Registers reviewed by Corporate Governance Group during the year
March	Review of indicators and measures
April	Quarterly review of **Strategic Risk Register** Quarterly assessment of **Corporate Plan Delivery Plan**
July	Quarterly review of **Strategic Risk Register** Quarterly assessment of **Corporate Plan Delivery Plan**
October	Quarterly review of **Strategic Risk Register** Quarterly assessment of **Corporate Plan Delivery Plan**
October – February	**Budgets** - establish allocation of resources for the forthcoming year against identified priorities in the Corporate Plan
December – March	Annual review of **Corporate Plan Delivery Plan**

Appendix C

Performance Management Cycle – Performance Indicators /Measures

January	Monthly Performance Reporting to **Corporate Management Team (CET) / Senior Leadership Team (SLT)** (Including quarterly assessment of Corporate Plan Delivery Plan)
	Quarterly Integrated Performance/Risk Report (second quarter) to Overview and Scrutiny Panel(s) including Strategic Risk Register
February	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**
March	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**
April	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)** (Including quarterly assessment of Corporate Plan Delivery Plan)
May	Monthly Strategic Performance Report to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**
June	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SL**
	Quarterly Integrated Performance/Risk Report (third and fourth quarters) to **Overview and Scrutiny Panel(s)** - including Strategic Risk Register.
July	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)** (Including quarterly assessment of Corporate Plan Delivery Plan)
August	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**
September	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)** Quarterly Integrated Finance/Performance/Risk Report (first quarter) to **Overview and Scrutiny Panel(s)** including Strategic Risk Register
October	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)** (Including quarterly assessment of Corporate Plan Delivery Plan)
	Quarterly Integrated Performance/Risk Report (first quarter) to **Overview and Scrutiny Panel(s)** including Strategic Risk Register
November	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**
December	Monthly Performance Reporting to **Corporate Management Team (CET)/Senior Leadership Team (SLT)**

Appendix D

Areas for Improvement – Action Plan from 2025 Performance Management Framework Review

REF.	ACTION	OFFICER RESPONSIBLE	WHEN
1	Establish any comparative (benchmarking) data on good practice / performance to enhance scrutiny panel reporting	Governance, Risk Management and Performance Officer	On-going
2.	Annual review of indicators	Governance, Risk Management and Performance Officer	Annually in March
3.	Carry out audit to test data quality	Governance, Risk Management and Performance Officer	Annually in January

Current issue Date: October 2025
Review Date: October 2027



Members' Allowances Scheme

CONSTITUTION

Part 6

PART 6 - MEMBERS' ALLOWANCES

6A.1 Payments

a) All allowances are governed by the Local Authorities (Members' Allowances) (Amendments) Regulations 2003. Basic Allowances and Special Responsibility Allowances are paid automatically on the 16th of each month or nearest banking day by BACS. Claims for Travelling and Subsistence must be made on the prescribed form and will be paid at the same time provided they are received by the Member & Committee Services Officer by the 28th of the previous month. Claims for dependant relative care expenses must be claimed separately, and a form will need to be completed for each individual claim.

b) Tax and National Insurance will be deducted as appropriate, and will depend upon each Member's personal circumstances. In the event that queries arise, the Payroll team will be able to assist.

6A.2 Pension

a) Regulations have been issued on 1st April, 2014 which withdraws membership of the Local Government Pension Scheme for elected Members.

b) The Local Government Pensions Scheme (Transitional Provisions and Savings) Regulations 2013 requires that a Member, who is a Member on 31st March 2014, may continue to accrue rights until the end of the term of office which that Member was serving on 1st April, 2014.

6A.3 Travel and Subsistence Allowances

a) The Council Scheme for payment of these allowances is detailed in Appendix A-Sched 3.

b) There are specific rules which apply to the following duties, and they are detailed individually.

i. Members Acting for Other Bodies:

Attendance by Members of the Council appointed to other bodies are covered by the Council's scheme **when they attend the meetings of those bodies.**

However, when they attend meetings **on behalf of those bodies**, they are not entitled to receive payment from the Authority, for travel and subsistence. Such attendances are not approved duties for the purpose of the Council's Scheme, and the method of payment, if any, is a matter for the body itself.

ii. Palace Garden Parties

An allowance to cover refreshments and incidental costs before and after the Garden Party for all of the Mayor's party (maximum four, including the Mayor and Mayoress/Consort).

iii Conferences, Seminars, etc.

These are covered by the Council's Scheme of Approved Duty Classification. Travel arrangements will, in the usual course of events, be made by the department originating the attendance.

It is not open to Members to make their own arrangements for travel without regard to the practice in the Authority.

Individual Members should always clear the method and arrangements for travel with the Democratic Services Office.

c) Mayoral Duties

Except where the Mayor or Deputy Mayor attends 'approved duty' events, i.e. in their capacity as a Member of the Council or by virtue of office, travelling arrangements are made by the Authority outside the provisions of travelling expenses. The basic Travelling Allowance Scheme, therefore, does not apply for the normal Mayoral duties.

6A.4 **Dependant Relative Care Expenses Scheme**

The Council Scheme for payment of this allowance is detailed in Appendix D.

6A.5 **Other Information**

The Council assists Members to carry out their duties in a number of ways, and these are listed below together with relevant information.

a) Bus Passes

For those Members who do not have their own transport and have to rely upon the bus service for transport to meetings, a bus pass will be made available which can be used by the Members without any time restrictions. Such passes are only valid, however, for use in relation to approved duties and are an alternative to a car park pass and season ticket.

b) Telephone Facilities

The Council will pay an initial connection charge for any Member with no telephone currently installed, such charge to be repaid by the Member over a maximum period of three years, or upon ceasing to be a Member.

In addition the Council will provide, if required, a telephone with a fax facility or alternatively suitable dictation equipment. This equipment is to be returned to the Council upon cessation of membership of the Council.

c) Secretarial Services

Secretarial facilities are available through arrangements with the Member & Committee Services Officer.

d) Car Park Passes and Season Tickets

An electronic fob for use to enter the very small car park at the rear of the Town Hall and season tickets are available for all Members of the Council for use only when on approved Council business. The appropriate parking fee should be paid at all other times. The season ticket and fob should be returned to the Member & Committee Services Officer on cessation of being a Councillor.

e) Councillors' Surgeries

External hire of rooms for Councillor Surgeries are to be paid for by the Councillor and accounts should be sent directly to them. Rooms booked for Councillor Surgeries within the Council's buildings will be free of charge. Surgeries will be advertised on the Council's website as appropriate. Members should notify the Member & Committee Services Officer as soon as possible of any changes to be made.

f) Stationery

Some items of stationery can be provided for new Members and additional supplies are available from the Committee Services Office. Business cards and letterheads are also available on request.

g) Identity Cards

Identity cards are provided for all Members of the Council.

h) Council Diary

A Council diary is published annually and copies are available on request.

i) Keys

A key to the rear and side door of the Town Hall and a key to the appropriate Group/Members' Rooms are provided. The keys must be returned to the Member & Committee Services Officer upon cessation of being a Councillor.

j) Group/Members' Rooms

Two Group/Members' Rooms are provided for Members' use. These are equipped with computer facilities, desk and telephone. Members' post and any publications of interest are also placed in these rooms.

k) IT Equipment

Members have access to a Microsoft 365 account within NBBC's Microsoft environment. Members can access their account using their own personal equipment, or via managed devices issued by IT&C. The Microsoft 365 suite contains several personal productivity tools including:

- Outlook
- Word
- Excel
- Teams

Any IT equipment issued is the property of the Council and Members must not load any other software package onto it. Issues arising from loading non-standard software include:

- Potential corruption of standard configuration
- Potential for use of unlicensed or pirated software
- Potential to introduce viruses

Where a need arises that may require a change to the supplied software a request should be channelled through the IT Service Desk.

Problems arising because of loading unauthorised software are not covered under any support arrangement and loading unauthorised software is also considered a breach of the members Code of Conduct.

Any equipment lost or stolen should be reported to the IT Service Desk and/or the Police as soon as possible then an assessment must be made of the impact of any loss of restricted, sensitive or confidential information.

Microsoft Software and the Windows operating system is licensed to the Council and cannot be transferred. Any equipment issued must be returned to the IT Service Desk if you leave the Council.

Members will be given an allowance (up to £40) for accessories such as a PC workstation.

Training can be provided by the IT Trainer.

APPENDIX A

MEMBERS' ALLOWANCES SCHEME

Nuneaton & Bedworth Borough Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) Regulations 2003, has made the following Scheme for Members Allowances.

1. This Scheme shall be cited as the Nuneaton & Bedworth Borough Council Members' Allowances Scheme.

2. In this Scheme:

   "Councillor" means a member of the Nuneaton & Bedworth Borough Council who is a Councillor;

   "Year" means the 12 months ending with 31st March each year.

Basic Allowance

3. For each year a Basic Allowance shall be paid to each Councillor, in accordance with Sched 1, subject to para 7 (part year entitlements).
   Special Responsibility Allowances

4. For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in Sched 1 to this Scheme, subject to para 7 (part year entitlements). Councillors shall be restricted to one Special Responsibility Allowance.

Travel and Subsistence Allowances

5. Travel and Subsistence Allowances will be payable under the Council's Local Scheme in accordance with Sched 3 to this Scheme.

Renunciation

6. A Councillor may, by notice in writing given to the Corporate Finance Manager, elect to forego any part of his entitlement to an allowance under this Scheme.

Part-Year Entitlements

7. a) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility, where, in the course of a year, this Scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.

b) If an amendment to this Scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

i. beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

ii. beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) within the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

c) Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which the Councillor's term of office subsists bears to the number of days in that year.

d) Where this Scheme is amended as mentioned in sub-para (2), and the term of office of a Councillor does not subsist throughout the period mentioned in sub-para (2)(a), the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which the Councillor's term of office as a Councillor subsists bears to the number of days in that period.

e) Where a Councillor has, during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which the Councillor has such special responsibilities bears to the number of days in that year.

f) Where this Scheme is amended as mentioned in sub-para (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-para (2)(a) of that paragraph any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period

during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

8. Claims for Travel and Subsistence Allowance, and Dependant Relatives' Care Expenses Scheme Allowance under the Scheme shall be made in writing within three months of the date of the meeting in respect of which the entitlement to the allowance arises.

9. a) Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-para (2), in instalments of one-twelfth of the amount specified in this Scheme on the 16th of each month.

b) Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount of which, by virtue of para 7, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

10. The Council will pay an annual allowance instalment of one-twelfth of the amount specified in this Scheme to each Member towards telephone rental and call costs.

SCHEDULE I

Members Allowances

Amounts payable from May, 2026

Note: The Basic Allowance, Special Responsibility Allowances, Co-optees' Allowance and Independent Persons Allowance are to be indexed to the annual percentage salary increase for Local Government staff (at spinal point 49) to be implemented from the start of the municipal year rather than the financial year for which it is applicable.

Basic Allowance	Payable annually to each Councillor	£6,058
Special Responsibility Allowances	The following are specified as the special responsibilities in respect of which Special Responsibility Allowances are payable annually and the amounts of those allowances: -	
Leader of the Council		£15,145
Deputy Leader		£9,087
Cabinet Members (Portfolio Holders):		£7,573
Chairs of Scrutiny Panels:		£3,786
Chairs of Regulatory and Other Committees:		
Licensing		£1,515
Planning Applications		£5,300
Audit and Standards		£4,544

Leader of the Political Group, which is not the controlling Group, or if there are more than two Political Groups, the Leader of the larger or largest of the Groups other than the controlling Group. In the event of there being two Political Groups other than the controlling Group, of equal size, the allowance shall be split equally between the Leaders of those two Groups.		£3,786
All Members - Allowance for Use of Telephone		£248
Co-opted Members (Standards & Scrutiny (plus travel, etc.)		£361
Independent Persons – per half day session (no longer than four hours)	This payment is made for: i. Attending a meeting of Audit and Standards Committee or any Sub-Committee of Audit and Standards Committee ii. Attending a meeting where the Chair of the Audit and Standards Committee or Monitoring Officer is present.	£30.83

I. As recommended by the Independent Remuneration Panel to Full Council and approved by Full Council 11th December 2024

II. One-SRA only rule is maintained and stipulated to avoid confusion.

III. Basic Allowance, SRAs, Co-optees' Allowances and the Telephone

Allowance: Indexed to the annual percentage salary increase for local government staff set at SCP 43 to be applied for the same year that applies to staff.

IV. Subsistence Allowances: Indexed to the same rates that apply to staff.

V. Travel Allowance – Mileage Rates: Indexed to HMRC approved mileage rates for motor, hybrid and electric vehicles, motor cycles and bicycles.

VI. Dependants' Carers' Allowance – Maximum Rates:

a. Childcare element: indexed to the 'national living wage' hourly rate

b. Elderly or Other Dependant Relatives element: indexed to median hourly rate charged by Warwickshire County Council Social Services Department Adult Social Care for home help.

VII. For the avoidance of doubt, the allowance for the Mayor (£5,000) and Deputy Mayor (£1,000) is not a Special Responsibility Allowance and therefore falls outside of the scheme (the allowances determined as part of the 2018/2019 budget setting report). Therefore, these allowances are fixed (not subject to indexation) and also fall outside scope of the one SRA rule.

Please note, as per the Local Government Act 1972, the Mayor cannot be a member of Cabinet.

Approved Duty

"Approved Duty" for the purpose of paying travel and subsistence means any of the following duties:

a) attendance at meetings of the Council or of its Committees or Sub-Committees or of a Working Party, Study Group or Review Board formally appointed by the Council or one of its Committees;

b) attendance as an appointed representative of the Council at meetings with local authorities or public bodies;

c) attendance as appointed representatives at a public meeting arranged by the Council, such appointment to be made by a resolution of the sponsoring Committee prior to the meeting;

d) attendance at induction meetings held for new Councillors and seminars arranged for Councillors;

e) visits of inspection by Committees or Sub-Committees, provided the meeting has been previously approved;

f) attendance as appointed or nominated representative at meetings of the bodies approved at Annual Council and of any other body approved by the Council for the purposes of the Scheme;

g) attendance as a substitute representative in cases where such substitute is directly nominated by an appointed or elected representative under (f) above; and

h) attendance at pre-formal meetings for Cabinet Members, Mayor, Deputy Mayor, Committee Chairs and Vice-Chairs.

Please note that Subsistence Allowance cannot be claimed for attending approved duties within the Borough unless there are exceptional circumstances as defined by the person calling the meeting with the approval of the Monitoring Officer.

SCHEDULE 3

1. Travel and Subsistence Allowances

Travel and Subsistence Allowances will be payable in respect of the following duties:

a) all those duties set out in Sched 2;
b) visits and meetings by Cabinet Members and Chairs of Committees in execution of their duties;
c) attendance as a Member appointed by the Cabinet Members or Chairs of Committees at conferences; and
d) attendance at training and induction courses and seminars for Members.

Please note that:

i. mileage shall be paid for the extra miles incurred in travelling to a meeting etc., i.e. if you are travelling from your workplace to a meeting and not returning to your workplace, then you should deduct the mileage you would have normally incurred travelling home; and

ii. Members must have valid driving licence and motor insurance which specifies use in connection with business use. Mileage for attendance at Surgeries and home visits is not payable.

2. Rates of Travel and Subsistence Allowances

Full details of travel and subsistence allowances payable are as follows:-

a) **Travel Allowances**

i. the rates payable for carrying out an approved duty are as follows:

Vehicle	Business Miles Travelled	
	First 10,000 miles	Over 10,000 miles
Cars and Vans	45p	25p
Motor Cycles	24p	24p
Bicycles	20p	20p
Passenger Supplement Rates	5p per passenger per mile	5p per passenger per mile

ii. the rates payable for the use of a Member's motor cycle in carrying out an approved duty is the same as above.

iii. normal parking fees will be reimbursed and in the case of absence overnight from the usual place of residence, garaging can be charged at cost;

iv. the rate of travel by public transport shall not exceed the amount of the ordinary fare or available cheap fare, plus any seat reservation costs, etc. In the case of urgency or when no public transport is available a taxi cab may be used and the expenditure reimbursed;

v. the rate of travel by hired motor vehicle shall not exceed the rate payable if the vehicle had belonged to the member; and

vi. the rate of travel by air shall not exceed the rate applicable to alternative means of transport together with an allowance for savings in attendance or financial loss allowances and subsistence.

b) **Subsistence Allowances**

i. in the case of an absence not involving an absence overnight from the usual place of residence, the following payments are made, subject to the production of receipts:

Breakfast	£6.00
Lunch	£8.00
Evening Meal	£10.50

ii. in the case of an absence overnight from the usual place of residence, the cost of the hotel accommodation, together with the above payments for meals, all subject to the production of receipts.

The day and overnight subsistence allowances be indexed to the same rates applicable to officers

APPENDIX B

GUIDANCE NOTE FOR MEMBERS RE: TAX ALLOWANCES

Members are entitled to claim various deductions in respect of expenses incurred other than those reimbursed by the Council in order to reduce their liability of tax.

1. **Household Expenses**

   a) Members are entitled to claim a deduction in relation to additional household costs which arise because of the Member's role as a Councillor. A flat rate deduction of £120 per annum (per household not per Member) may be claimed without maintaining any supporting information.

   b) If a Member wishes to claim a deduction of more than £120 he/she should maintain records of the specific costs incurred. The Inspector will consider soundly based calculations which include fair apportionments of general household expenses such as heating and lighting costs to reflect the additional cost only, arising from the use of the room(s) for Councillor duties.

2. **Office Equipment**

   a) The capital cost of equipment such as a desk or a filing cabinet purchased to enable the Member to perform the duties of a Councillor can be offset against tax. The Inland Revenue's Capital Allowances Scheme applies. This permits *25%* of the written down cost of the item to be offset against tax each year.

   For example, a desk costing £250 would be written down as follows:

	£
Year 1 Cost	250
Writing-down allowance (25% of £250)	62
Balance	188
Year 2 Cost	
Writing-down allowance (25% of £188)	47
Balance	141
Year 3 Cost	
Writing-down allowance (25% of £141)	35
Balance	106
Year 3 Cost	
Writing-down allowance (25% of £160)	26
Balance	80

b) As a matter of administrative convenience, the Inspector is prepared to take a de-minimis view and to allow the full cost in Year I of all items costing less than £100.

3. **Secretarial Assistance**

A deduction may be claimed for payments for necessary secretarial assistance involving, for example, drafting replies to letters, typing and filing. Any amounts claimed should be reasonable in relation to the Councillor's allowances and to the assistance given. The amounts must actually have been paid to the assistant on a regular basis: the inspector may wish to see evidence of such payments.

4. **Travel**

In the case of a privately owned car used by a Councillor a standard mileage allowance of 50% of the rate paid by the Local Authority for approved duties may be claimed as a deduction. Such claims can be made for mileage which relates to Councillor duties other than those which are reimbursed by the Authority. Claims should not be made for mileage relating to Party political activities. Councillors will need to keep records of their mileage on non-approved duties which will attract this relief.

5. **"Back Claims"**

Members are entitled to make retrospective claims for any appropriate deductions not previously claimed. Claims may go back as far as six years. Interest is automatically added to such claims by the Inland Revenue.

6. **General Caveats**

Finally it is important to emphasise for clarity the circumstances in which no deduction can be given:

a) where reimbursement has been or could be claimed from the Local Authority;

b) where a Councillor could use services provided by the Local Authority, for example, postage, stationery, but incurs expenses because he or she chooses not to do so;

c) where expenses are incurred for political purposes, for example electioneering;

d) or an amount in excess of the total taxable allowances received in respect of the Councillor's duties;

e) where a Councillor receives a non-taxable allowance (financial loss allowance).

Nuneaton & Bedworth Borough Council

Members' Claim for Travel and Subsistence Allowance

Name: _____ **Address:** _____

Car Registration No: _____ **Make, Model, CC** _____

Date	Description of Meeting, etc	Time	Place of Departure	Time	Place of Return	Subsistence	Travel
						£ p	Miles *
						Total Miles	
						Rate per Mile	

* Only additional mileage should be claimed. Normal mileage from place of work to home should be deducted.

AMOUNT NOW CLAIMED	£ :	£ :

FOR OFFICE USE ONLY	£ P	CODE
Subsistence Allowance	:	104
Travel Allowance	:	105
Conference Subsistence Allowance	:	106
TOTAL AMOUNT PAYABLE	:	Checked by

I claim Travelling and Subsistence Allowances for the performance of approved duties as a Member of Nuneaton & Bedworth Borough Council.

I declare that the statements above are correct. Except as shown above I have now and will not make any claim under any enactment for Travelling and Subsistence Allowances in connection with the duties indicated above.

DATE:_____SIGNATURE: _____

On completion, please return to the Committee Services Office, Town Hall, Nuneaton.

DEPENDANT RELATIVES' CARE EXPENSES SCHEME

1. A Councillor may claim a contribution towards the cost of Care Expenses for dependant relatives. Payments will be made to assist in providing care for dependant relatives, in order that the Councillor may attend "approved duties", as set out in the existing Scheme Payment is made for the length of time of the duty plus, reasonable travelling time.

2. Dependants relatives are defined as:

   a) **children** under the age of 16 for whom the Councillor is normally responsible. For children of school age payment will be made for care outside normal school hours, unless the child currently requires full-time care. Payments can be made for school holidays.

   b) **elderly, ill or disabled dependants** who require full-time care provided normally by the Councillor.

3. The person providing the alternative care must not live with the Councillor as part of his/her family.

4. The claim for payment must be for **actual expenses incurred plus 30 minutes travel time before and 30 minutes travel time after the meeting.** The child care maximum rate should be the National Living Wage; Other care shall be paid at the same rate charged by Warwickshire County Council Adult Social Care for home help.

5. Councillors should make their claims for payment monthly on the Dependent Relatives' Care Allowance Claim Form.

APPENDIX E

APPLICATION FOR

DEPENDANT RELATIVE CARE EXPENSE FORM

COUNCILLOR:.....

DESCRIPTION OF APPROVED DUTY:.....

DATE OF DUTY:.....

DEPENDENT RELATIVE CARE EXPENSES CLAIM:

£.....p.....

I declare that to enable me to perform an approved duty I have necessarily incurred expenditure to provide care for *a child aged 16 or under/*a dependent with a disability/*an elderly relative requiring care/*a dependent who is ill.

Signature of Councillor.....….....Date.....

**Delete as appropriate*

On completion please return to Committee Services, Town Hall, Nuneaton. Please attach any relevant invoices/receipts.

APPENDIX F

NUNEATON & BEDWORTH BOROUGH COUNCIL

MEMBER'S DETAILS

FULL NAME.....

ADDRESS.....

.....

.....

NATIONAL INSURANCE NUMBER.....

DATE OF BIRTH.....

BANK DETAILS (FOR PAYMENT OF ALLOWANCES):

SORT CODE	
ACCOUNT NO.	
ACCOUNT REFERENCE (BUILDING SOCIETY ONLY)	
ACCOUNT NAME	

CAR REGISTRATION NO. (FOR MILEAGE CLAIMS).....

ENGINE SIZE.....cc.

Please provide the following documents (where relevant):

Tax Form P45

Certificate of Age Exemption



Management Structure

CONSTITUTION

Part 7

Constitution Version
July 2026

PART 7 - MANAGEMENT STRUCTURE

An up-to-date copy of the Management Structure can be found on the Council's website, at

https://www.nuneatonandbedworth.gov.uk/downloads/download/144/human-resources



Members of the Council

CONSTITUTION

Part 8

Constitution Version
July 2026

PART 8 – MEMBERS OF THE COUNCIL

8A.1 The Borough of Nuneaton and Bedworth is made up of 19 electoral Wards as follows:

Arbury, Attleborough, Bede, Bulkington, Camp Hill, Chilvers Coton, Eastboro, Exhall, Galley Common, Heath, Milby, Poplar, Slough, St. Mary's, St. Nicolas, Stockingford East, Stockingford West, Weddington and Whitestone.

Each Ward has two Members elected to serve on the Council.

At its Annual Meeting in May each year the Council elects the Leader and who is to serve on each of the Overview & Scrutiny Panels, the Planning Applications Committee, the Licensing Committee, the Appeals Committee; the Borough Plan Committee; The Officer Remuneration Panel; The Council Shareholder Committee; and the Audit and Standards Committee (some Committees also include lay/co-opted members).

Details of the Members, the Wards they represent and the positions they hold on the Council is available on the Council's website www.nuneatonandbedworth.gov.uk

In the event of any question regarding these details please contact the Committee Services Office at the Council.



Protocol for the Offices of Mayor and Deputy Mayor

CONSTITUTION

Part 9

PART 9 – PROTOCOL FOR THE OFFICES OF THE MAYOR and DEPUTY MAYOR

9A.1 INTRODUCTION

The following extract is taken from 'The Role of the Civic Mayor in the 21st Century

> "*The Mayor, as First Citizen, has a unique, distinctive and increasingly important role to play in fostering socially inclusive and responsible communities.*
>
> *Mayors are in a perfect position to communicate with all kinds of people - they can command the attention of their communities and, acting as a figurehead, enthuse and motivate people."*

These procedures have been developed as part of the Council's arrangements for managing the offices of the Mayor and Deputy Mayor of Nuneaton & Bedworth Borough Council. Non-compliance with these instructions may result in a breach of the Code of Conduct. Part 1 of the Member Code of Conduct requires the Mayor to:

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

Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.

Always treat people with respect, including the organisations and the public I engage with, fellow members and those I work alongside.

Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council."

This document contains details and information on Corporate, Civic, Ceremonial and other matters.

The year ahead will be challenging but, by adhering to these standing instructions, the year will be rewarding. These instructions also provide a framework for all of those people who support Mayoral activities during the year and in setting budgets.

Note: These procedures will be reviewed every two years to consider any changing needs and demands of the roles.

a) **Purpose**

The Mayor is the King's representative in the Borough after the King himself and the Lord Lieutenant. The Mayor is the ceremonial head of the Council and of the Borough. The Mayor acts as the Council's figurehead for the community and represents the Council on a number of outside bodies (as listed below). It is important that the aims and objectives of the Council's Corporate and Community Plans are reflected within those duties.

- Nuneaton Festival of Arts Committee

For his or her year of office the Mayor may wish to appoint a Mayor's Chaplain for Civic and ceremonial occasions and as such is encouraged to seek agreement from that individual at the earliest available opportunity.

It is a considerable honour to be Mayor - the post has a unique status in the Borough as its First Citizen. Although it is an honour, it also brings responsibilities. As First Citizen, the Mayor is expected to act at all times in an appropriate manner that commands respect. As Elected Members, the Mayor/Deputy Mayor shall, when on Civic duty, demonstrate neutrality in respect of politics and religious beliefs.

Given the Mayor's status as the First Citizen of the Borough, support is given both in officer and financial resources to adequately carry out the duties. However, it must be borne in mind that any expenditure comes from the public purse, which we are under an obligation to spend wisely and strictly in accordance with the duties of Mayor/Deputy Mayor.

b) **Mayoralty Support Framework**

The Mayor and Deputy Mayor are supported in all secretarial, administration and diary functions and the maintenance of the Mayor's Parlour and associated rooms by the Mayor's Office.

The Assistant Director – Economy is responsible for the planning and delivery of Civic Events.

9A.2 **CORPORATE**

a) **Allowances/Expenses Paid Direct by the Council**

The Council may pay the Mayor and Deputy Mayor such allowance as the Council thinks reasonable to meet the expenses of these offices. The allowance is not a salary, nor payment to replace lost salary, but for the Mayor and Deputy Mayor to use in connection with their office. This allowance is, however, taxable.

The allowances are paid in monthly instalments by direct debit into the account holder's nominated account in 12 equal payments over the Civic year. The first instalment will be paid at the start of each Civic year.

The level of allowances and expenditure on Mayoralty are set in the annual budget process and budgets for individual events will also be agreed at the beginning of the Civic year and identified for the Mayor.

The Council pays the following expenses direct:

i. **Mayor Making** - The Council will provide a light buffet, teas/coffees and soft drinks. In addition, a budget is allocated for the provision of wine and beer. All administrative costs are met including the provision of small table decorations and printing.

ii. **Civic Service or Carol Service** – Subject to the budget being available from the Civic Events & Transport Budget, the printing, advertising and light refreshments (floral arrangements by agreement) will be met by the Council.

iii. **Palace Garden Party** - An allowance to cover refreshments and incidental costs before and after the Garden Party for all of the Mayor's party (maximum four, including the Mayor and Mayoress/Consort).

iv. **Civic Dinner** – Subject to the budget being available from the Civic Events & Transport Budget, the Council will also meet the costs of one Civic Dinner. The cost of the food, drinks and venue shall not exceed the allocated event budget, but typically, the Civic Dinner hosts up to 46 guests.

v. **Home** - An answer phone can be provided at home if required during the Mayoral Year.

vi. **Civic Album** - A digital photo frame will be presented to the out-going Mayor in recognition of the hard work carried out by the Mayor over the year, and as a token of the Council's gratitude. The digital content will be compiled during the year by the Graphics Team in accordance with the budget set. Alternatively, the Mayor may request a digital photo book created and printed on-line, instead of the digital photo frame or a leather bound Civic photograph album, by personally contributing any additional cost if they so wish.

vii. **Incidental Hospitality** - See Section 9A.2.

viii. **Cleaning, Provision and Maintenance of the Civic Robes and Chains** - The Council will meet all the costs involved in the provision and maintenance of the Civic Robes and Chains. These are expensive items and should be treated with great care.

ix. **Civic Christmas Cards** - The Council will send Christmas cards to all those on the Civic List which has been drawn up as attached in Appendix A, which will be reviewed on an annual basis. The selection of the image/artwork for the card is made by the Mayor. The budget for the costs of the Civic Christmas Cards will be allocated each financial year.

In addition, the Council has provided a budget of £5,000 to be used for the provision of a chauffeur driven hire car for the events as indicated in section 9A.3 a) under the heading Civic Events & Transport Subject to attendance at those events, the balance of the budget may be expended upon other Civic Transport & Events such as the Civic Dinner and/or Civic Service at the Mayor's discretion, subject to the budgetary limits. The arrangements for transport shall be agreed in advance as part of the weekly diary meeting referred to in d) iv below.

The Mayor may request additional copies of the Civic Christmas Card, for sending to people not on the Civic List. However additional print and postage costs shall be met by the Mayor out of personal allowances. The Mayor should liaise with the Communications & Marketing Manager to arrange for additional cards.

If there are enquiries about the allowances or expenses payable, please contact the Committee Services & Member Support Officer or the Assistant Director – Democracy & Governance.

b) **Expenses Paid Privately by the Mayor**

The following expenses are not paid for by the Council:

i. **Personal Photographs** - The Council pays for the official Civic photographs of the Mayor and of the Council, but the Mayor will be expected to pay for any extra prints required for private use.

ii. **Wines and Spirits for the Mayor's Private Stock** - The Mayor has the facility of a lockable cupboard, refrigerator and kettle located in the Mayor's dressing room at the Town Hall The purchase and issue of stock is for the Mayor to arrange.

iii. **Private and Social Luncheons** and any drinks provided to Members after Council or other meetings.

iv. **Refreshments for Private Receptions** in the Mayor's Parlour or .

v. **Tickets for Other Events** organised by outside bodies, other Councils, and individuals including neighbouring Civic Heads.

vi. **The Purchase of Raffle Tickets** and the provision of prizes at events to which the Mayor is invited to attend or support.

The Mayor should budget for the above out of his or her Allowance.

c) **Hospitality**

It is appropriate for the Council, from time to time, to provide modest hospitality for its guests. These will sometimes, but not always, involve the Mayor or Deputy Mayor. This is quite distinct from any Mayor's personal hospitality. The following points are important:

i. **Public Scrutiny** - Any hospitality provided from public funds should always stand up to public scrutiny.

ii. **Certification** - Any expenditure on Civic hospitality is certified by the appropriate budget holder or their nominated representative. It is always wise to bear this in mind and consult with them in advance on any proposed use of hospitality over and above those listed below.

iii. **Hospitality** - The Mayor shall not dispense hospitality gratuitously or without careful consideration. There are many routine visits to the Parlour and in these cases modest hospitality may be provided comprising of:

1. Daytime Visits (up to 6.00pm): tea, coffee or soft drinks.
2. Evening Visits (from 6.00pm): red/white wine, lager/beer or soft drinks.
3. It is custom and practice for the Mayor to give visitors to the Parlour the opportunity to sign the Visitor's Book.
4. Duration of Parlour Visits should not extend beyond two hours and can be arranged Monday-Friday inclusively. Formal Parlour visits will not be held on Saturdays or Sundays, the only exceptions being Remembrance Sunday and Freedom of the Borough Parades. Other circumstances may arise and will be addressed on an individual basis.

Notes:

- Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants including the Mayor and Mayoress/Consort at any time.
- Formal Parlour Visits shall be arranged through the Mayor's Office. All applications for a Parlour visit or for the attendance of the Mayor should be received in writing a minimum of 14 working days prior to the proposed date.
- It should be noted that the Council's Health and Safety Policies are continually reviewed and that Policy changes may impact on the arrangements described within this document. In such circumstances, the approved health and safety arrangements have primacy and take precedence over any arrangements described in this document.

iv. **Private Arrangements**

Entertaining relatives, personal friends, or political associates are essentially private arrangements for the Mayor, and Council stocks shall not be provided for such purposes.

d) **Support Services**

i. **Administration/Secretarial Support** - The Mayor's Office is responsible for all secretarial matters arising from the offices of the Mayor/Deputy Mayor and as such, the Mayor/Deputy Mayor shall deal directly with it on all matters relating to engagements, correspondence and diary bookings etc.

ii. **Verbal Invitations** - The Mayor/Deputy Mayor shall not, under any circumstances, accept verbal invitations. Verbal requests should be referred to the Mayor's Attendant who shall furnish the applicant with an invitation request/briefing form for completion. All invitations for the Mayor/Deputy Mayor's attendance at events must be made in writing to the Mayor's Office. The Mayor/Deputy Mayor shall not approach organisations or individuals directly - once again, this should be done only through the Mayor's Office.

iii. **Personal Commitments:** The Mayor/Deputy Mayor shall notify the Mayor's Office of any work and/or personal commitments which may affect attendance at any Civic events. This includes any annual holiday that is planned during the Civic year.

iv. **Diary Meetings:** All invitations and correspondence received in writing will be discussed with the Mayor at the formal weekly diary meetings scheduled to occur at an agreed time and day each week.

Note: At the close of each diary meeting, the Mayor will agree and commit to the day and time of the following week's meeting.

v. **Engagement Sheets** - To ensure efficient support to the Mayor/Deputy Mayor and to invite effective media interest, the Engagement sheets are issued to the Mayor/Deputy Mayor and the media on a weekly basis.

The Mayor's Office will be responsible for preparing the agreed two week engagement schedule indicating any special requirements (e.g. dress code or speeches which the Mayor/Deputy Mayor may be asked to make).

The schedule will be issued on a weekly basis confirming the arrangements for the coming week and include a draft for the following week (i.e. in two weeks' time) full copies of which are provided to both the Mayor and Deputy Mayor.

Apart from genuine emergencies and extenuating circumstances, it is understood and accepted that extra events will not be added to the coming week's schedule.

It is understood and accepted that once the Mayor or Deputy Mayor has agreed to attend a Civic function and their personal attendance has been confirmed formally in writing by the Mayor's Office, this engagement will be honoured. It is however accepted that occasionally extenuating circumstances may prevail.

vi. **Appropriate Events** - In deciding whether to accept invitations, the Mayor shall always consider whether it is an appropriate event for the First Citizen of the Borough to attend.

Notes:

- The Mayor shall not decline any event on the grounds of personal political persuasion or any discriminatory grounds identified in the Council's Single Equalities Scheme.

- The Mayor should not attend in an official capacity any function, the purpose of which may be perceived as securing publicity or financial gain for any commercial venture. This could amount to the Mayor, as a Member, using his or her position to confer an advantage on another. Where there is an event involving a commercial enterprise that is considered significant, the Mayor shall attend, but appropriate restrictions on publicity will have to be agreed with the event organisers.

Subject to having the appropriate budget, the Mayor can accept any out of Borough invitations from:

- Lord-Lieutenant of Warwickshire
- High Sheriff of Warwickshire
- Chairman of Warwickshire County Council
- Chairman of Warwick District Council
- Chairman of Stratford on Avon District Council
- Lord Mayor of Coventry
- Mayor of Solihull
- Mayor of North Warwickshire
- Mayor of Rugby
- Mayor of Hinckley & Bosworth
- Warwick University
- Coventry University

The Mayor (or Mayor's representative) is also able to accept a number of invitations, within the parameters of the designated budget, to attend Charity fundraising events organised by the above Civic Heads though any expenses in the form of tickets, raffle prizes, etc, will be paid for from the Mayor's Personal Allowance.

The Mayor may also accept other appropriate within Borough invitations within the parameters of the Mayoralty budget, from organisations and individuals such as:-

- Local MP's
- Commanding Officer of 30th Signal Regiment
- North Warwickshire & Hinckley College
- King Edward VI College
- Educational, Youth and Community Organisations and establishments
- Religious and multicultural organisations

All invitations shall be discussed and agreed at the weekly diary meetings.

vii. **Routine Support:** There are well established procedures and practices by which the Mayor's Office will routinely deal with matters on behalf of the Mayor, and Deputy Mayor in particular:

1. **Incoming** post and Civic Inbox - acknowledged on the Mayor's and Deputy Mayor's behalf.
2. **Civic Diary** – Maintenance.
3. **Liaison** - Regular liaison with the Mayor, Deputy Mayor, Mace Bearer and Civic Events Team.
4. **Protocol** - Guidance to the Mayor and Deputy Mayor on any relevant matters.
5. **Speeches** - Background information for key note speeches, if requested by the Mayor, or Deputy Mayor, can be provided for the following:
    - George Eliot Fellowship Luncheon
    - Nuneaton Lions' Charter Dinner
    - Rotary Club of Arbury
    - Inner Wheel Luncheon.

Advice on other speeches can be obtained upon request.

viii. **Mail Protocol** - Neither the Mayor's nor Deputy Mayor's incoming nor outgoing mail will be seen by the Chief Executive. S/he shall need to be informed of any issues which the Mayor, Deputy Mayor, and/or the Mayor's Office and Civic Events Team feel should be brought to his/her particular attention. The Mayor will see all incoming/outgoing correspondence or can agree a level of delegation to the Mayor's Office.

e) **Council Meetings**

It is usual for the Chief Executive to meet with the Mayor prior to each Council meeting, to discuss agenda matters.

It is customary for the Mayor, Deputy Mayor, Leader, Chief Executive, Assistant Director – Democracy & Governance and Chaplain (if appointed) to have tea in the Mayor's Parlour at about 5.00pm prior to the Council meeting.

Procedure and conduct of meetings are set out in the Council's Standing Orders. The Chief Executive and/or Assistant Director – Democracy & Governance Regulation will be available to advise.

f) **Working with the Media**

Local newspapers and radio will take a close interest in the Mayor's activities and engagements. The media will have good access to the Mayor and Deputy Mayor and may look for instant comments on Council policies or services, or on local/national/world events.

The Mayor or Deputy Mayor should avoid giving opinions on these matters and, if they wish to do so, they *shall obtain the agreement of the relevant Cabinet Member beforehand*.

The Council has adopted procedures for dealing with the media and these should be followed. The Communications & Marketing Manager will be able to advise on any media issues.

Note:

Prior to their issue, all press releases issued on behalf of the Mayor must be cleared by the Chief Executive. All press releases are issued via the Communications & Marketing Manager.

9A.3 **CIVIC**

a) **Civic Events & Transport**

Arrangements will be made to provide a Chauffeur-driven hire car for the specific events shown with an * in Appendix B for which a budget of £5,000 has been set aside. At the weekly diary meetings, the Mayor may also request the use of a chauffeur-driven hire car for other events, subject to the budget being available. Once the budget has been expended, the Mayor will have to make his own arrangements for travelling to any other events utilising his Mayoral Allowance whether or not the event is listed in the mayoral protocol. At his discretion, the mayor can request that the budget be allocated towards a Civic Service and/or Civic Dinner, subject to the budgetary limits not being exceeded.

b) **Mayor's Parlour**

The Mayor and Deputy Mayor will be informed, orally, of security arrangements to be observed in regard to the use of the Parlour.

Note: Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants at any time.

The Parlour is generally not used without the express permission of the Mayor. However, permission is not needed when, for example, the Deputy Mayor is substituting for the Mayor. In these cases, he or she is properly acting as host and is free to use the facilities of the Parlour.

Similarly, when there are visitors to the Council and it is considered appropriate for those visitors to sign the Visitors' Book located in the Parlour, the Assistant Director – Democracy & Governance shall have authority to arrange for the signing to take place in the presence of the most appropriate Member of the Council available at that time. The Mayor's Office staff may enter the Parlour to prepare it for such purposes.

The Silver Collection is notated and fully described, and a copy will be made available to assist the Mayor/Deputy Mayor in his/her delivery of "The Silver Talk". Should the Mayor/Deputy Mayor require any additional information on any of the items displayed in the Parlour, the Assistant Director – Democracy & Governance will be happy to arrange for the Mayor/Deputy Mayor to be briefed.

The Council operates a No Smoking Policy in all Council buildings and vehicles. This extends to the Mayor's Parlour at the Town Hall.

c)

d) **Events in the Civic Calendar** (See Appendix B)

i) **Annual Meeting of the Borough Council and Mayor Making Ceremony**

The Mayor robes for this Ceremony.

The retiring Mayor invites selected guests, i.e.

- Mayor and Mayoress/Consort Elect
- Deputy Mayor and Deputy Mayoress/Consort Elect
- Mayor's Chaplain and Partner (if appointed)
- Mayor Elect's Chaplain and Partner (if appointed)
- Chief Executive and Partner into the Mayor's Parlour for tea and biscuits at 5.00p.m, prior to the Annual Council Meeting of the Borough Council and Mayor Making Ceremony.

The Annual Meeting commences at 6.00p.m.
The Mayor Elect may invite his or her own personal guests to the Annual Meeting; these should not exceed 30.

After the Annual Meeting, it is customary for the new Mayor to invite a small number of personal guests for a modest buffet in the Parlour.

Note: Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants at any time. For this purpose, the Mayor's additional guests should remain with other guests in Committee Rooms A and B.

e) **Civic Service or Civic Carol Service**

During the Civic Year the Mayor may choose to host either a Civic Service or a Civic Carol Service, which should be held between December and April.

The Mayor robes for the Service.

If there is to be a procession, Members of the Council and members of organisations participating will be given written instructions and an Order of Procession.

Following the Service the congregation will be invited to join the Mayor and Mayoress/Consort for tea, coffee, soft drinks and biscuits or mince pies as appropriate.

f) **Civic Dinner**

The Civic Dinner is a formal occasion. The venue for the Civic Dinner shall be at a suitable location within the Borough and funded from within the Civic Events & Transport Budget. Past venues have included Weston Hall and the North Warwickshire & Hinckley College.

g) **Remembrance Day Parades and Services**

The Nuneaton Remembrance Service is organised by the Nuneaton Remembrance Parade Group and Council Officers are members of that group.

The Mayor robes for this Service.

The Mayor and Clergy will meet in the Town Hall, Nuneaton, to robe. Members, Officers of the Council and invited guests will join the Mayor at the Town Hall to walk in procession to the War Memorial.

After the Service, there will be a March Past and the Mayor will take the Salute outside the Town Hall.

Invited guests (to whom tickets will be issued) may join the Mayor for refreshments after the March Past, comprising of tea, coffee, soft drinks and savoury snacks.

The Deputy Mayor attends the Bedworth Remembrance Service, which is organised by the Bedworth Branch of the Royal British Legion.

The Deputy Leader will be the nominated representative to attend the Bulkington Remembrance Service, which is organised by the Bulkington Branch of the Royal British Legion. Ward Members can attend other such services within their Wards as representatives of the Council.

h) **Armistice Day Parade and Service**

This Service is organised by the Bedworth Armistice Day Committee and is supported by the Council.

The Mayor robes for the Service.

Invited guests (to whom tickets will be issued) will congregate at the Civic Hall and will join the procession to the Cemetery.

Following the Service, there will be a March Past and the Mayor will take the Salute.

Invited guests (to whom tickets will be issued) may join the Mayor for tea/coffee/soft drinks after the March Past. The Bedworth Armistice Day Committee may host a buffet lunch after the Parade to which a selected number of guests may be invited, but this should not be assumed.

i) **Special Events and Promotions**

The Mayor is expected to take part in the Carnival Processions/Gala Day Celebrations for Nuneaton, Bedworth and Bulkington.

The Mayor is also expected to be present at the Christmas Lights Switch-ons at Nuneaton, Bedworth and Bulkington.

Other events (which may or may not take place) at which the Mayor is asked to be present include:

1. Civic Bonfires (The Mayor and Deputy shall alternate their attendance annually to the Nuneaton and Bedworth bonfires). For the Civic Year May 2015/16, the Mayor shall attend the Nuneaton bonfire and the Deputy Mayor the Bedworth bonfire)
    - Duke of Edinburgh Awards Presentation Evenings
    - Services to the Community Awards
    - Nuneaton Festival of Arts
    - Sports Personality of the Year Awards
    - Long Service Awards, Celebrate Success and Chief Executive Awards
    - Nuneaton Carnival King Selection Evening (Deputy Mayor).

Where the Council is made aware of a Borough resident reaching the age of 100 (or over), and the Mayor or Deputy Mayor receives an invitation to visit, an appropriate card and small gift will be organised by the Committee Services Office.

From time to time, the Mayor or Deputy Mayor may be asked to attend promotional events within the Borough linked to the activities delivered by the Council. Such requests shall be made through the Mayor's Office.

The Mayor may on occasion be asked to unveil corporate and commemorative plaques, but this should only take place with the agreement of the Assistant Director – Democracy & Governance.

Appropriate risk assessments will be carried out to ensure that procedures are all in place to ensure the safety of the Mayor and Deputy Mayor at events/activities. This will include identifying any events at which a Council Officer or appointed person should accompany the Mayor during the event, e.g. Christmas Lights Switch-on.

9A.4 **Ceremonial**

a) **The Mace Bearer**

The Mace Bearer bears the Council's Ceremonial Mace at meetings of the Full Council and other such special Civic events as those detailed below:

- All Full Council Meetings and Extraordinary Council Meetings.
- Annual Meeting of the Borough Council and Mayor Making Ceremony.
- Launch of the Poppy Appeal.
- Remembrance Sunday Service and Parade.
- Civic Service.

- Freedom of the Borough Parades.

Other dates may be added with the agreement of the Assistant Director – Democracy & Governance.

Where appropriate on such occasions, he or she will also announce the Mayor or Deputy Mayor.

b) **Attendance at Functions**

Procedures in relation to invitations and acceptance by the Mayor are well established and dealt with, in writing, by the Mayor's Office. The Assistant Director – Democracy & Governance can give advice on any point not covered.

Note:

- If the Mayor cannot accept an invitation, and it is considered that the occasion necessitates a Civic presence, then the engagement may be offered to the Deputy Mayor. If the Deputy Mayor is also unavailable, the Leader or appropriate Portfolio Holder may stand in.

  The Mayor will receive a variety of invitations during the Civic year. The main consideration is whether the Mayor's attendance at a particular event contributes to the Council's Corporate Plan Themes and priorities.

  The following invitations have been identified and are ranked in priority order:

- **Council/Statutory or Tradition** - Chairing Council Meetings, attending Remembrance Services and Parades. These events are largely covered in the Protocol.
- **Civic Events** – Civic Dinner; Civic Service.
- **Promotional Events** - Council initiatives, projects and activities.
- **Community Events** - Community organised functions such as local amateur dramatics, faith groups, sports clubs, residents' groups, etc.
- **Charities** - Local fund raising activities.
- **AGMs or Open Days** - By invitation and suitability from partner organisations, local charities and community groups.
- **Civic Circuit** - Visiting other Civic Services, Dinners and Civic Days.
- **Other Social/Social Clubs/Organised Parties** - If appropriate.

Once an engagement has been accepted, the Mayor's Office will send out a pro-forma to the organisers to establish key information regarding the event.

The Mayor is sometimes called upon to give brief impromptu speeches at functions without warning. In these cases, a long speech is not necessary,

just a few words to express genuine feelings about the event and demonstrate care for those present.

Prior to an event, the Mayor shall not make contact with the host to elicit any additional hospitality or benefits in kind. On an official occasion to which the Mayor has been invited, the Mayor shall not ask for an extension of the hospitality being provided.

At functions, it is usual and preferable that the Mayor should leave ahead of the last guests. However, it is not protocol for the Mayor to leave a Dinner except by arrangement, before the Toast to the Guests has been proposed and responded to.

If the Mayor is in any doubt as to protocol, advice is available prior to an engagement from the Assistant Director – Democracy & Governance.

The Mayor will be accorded precedence at all official functions called or hosted by him or her or the Council, which are held within the Borough. When other Civic dignitaries such as fellow Mayors or Chairs of the County Council, and particularly the Lord-Lieutenant and High Sheriff are present, guidance will be given on the correct procedures.

Guidance will be provided on the appropriate use of gifts from the Civic Stock for corporate functions, though gifts are the exception rather than the rule.

The Deputy Mayor, when representing the Mayor, is accorded the same precedence. There may be occasions when the Deputy Mayor is not available but it is appropriate for the Mayor to send a representative. Such occasions should be discussed with the Assistant Director – Democracy & Governance. Where it is agreed that it is appropriate to send a representative, the Leader must select that representative from serving Members of the Cabinet.

The Mayor and Deputy Mayor should avoid where possible being away on holiday at the same time. The Committee Services Office must be advised of all intended holiday dates so this situation can be avoided.

The Mayor or Deputy Mayor may be presented with gifts during their Civic Year. If the value is under £20.00, these can be retained for personal use. For a gift of higher value, the Mayor or Deputy Mayor should inform the Member & Committee Services Officer, who maintain a record of all gifts received. If the gift is of such a value that it should be retained or possibly displayed in the Mayor's Parlour the gift should, once registered, be handed to the Mayor's Office.

If the gift is of a nature that it could be used for the Mayor's Appeal then this can be done (the appropriateness of this will need to be considered especially the likely feelings of those who presented the gift/s).

c) **Robes and Mayoral Chains**

The Robes will be worn at the Annual Meeting of the Borough Council and Mayor Making Ceremony and on other specific occasions when appropriate.

The Council retains two Chains of Office:

- The Ceremonial Chain.
- The Civic Chain (known as “the Bedworth Chains”).

The **Ceremonial Chain** is worn on the following occasions:

- Annual Meeting of the Borough Council and Mayor Making Ceremony.
- All Full Council Meetings and Extraordinary Council Meetings.
- Civic Service or Civic Carol Service.
- Launch of the Poppy Appeal.
- Remembrance Day Parade and Service.
- Freedom of the Borough Parades and Services.
- Civic Funerals.

The **Civic Chain** is worn on all other Civic occasions.

Note: The Chain not being worn will be locked in its specially commissioned case and locked out of sight in the designated cupboard.

The Chains cannot be worn outside the Borough without prior consent of the Mayor or the Chairman of the District or Borough concerned.

The Mayor will be responsible for custody of the Chains both before and after engagements.

When the Chains are not being worn, they should be locked within the specially designed case in order to avoid damage in transit.

When not in use, the Chains shall be kept in their secure location. The Chains shall not at any time be held overnight at another location.

Guidance on the care and maintenance of the Chains is provided by Thomas Fattorini Ltd, Birmingham. See Appendix D.

d) **Town Twinning**

All matters relating to Twinning arrangements are dealt with by the Portfolio Holder for Business & Regeneration and/or the Cabinet, in conjunction with the Mayor.

It should be noted that the difference in the powers of respective Mayors in France, Spain and Germany from those in this country is known and respected. So, whilst the focus on the Mayor is maintained in events as the host,

figurehead or leading citizen, it is the political leadership rather than the Mayor who shall address policy and political matters.

9A.5 **Other**

a) **Mayor's Charity Appeal**

It is traditional for an incoming Mayor to nominate a Charity Appeal during their Year of Office. This is entirely voluntary and unrelated to the normal duties of being Mayor.

It is the Mayor's responsibility to establish a Fundraising Committee and appoint a Chair, Secretary and Treasurer. The Treasurer will be responsible for opening a bank or building society account into which all monies raised should be deposited. It is the Treasurer's responsibility to pay in all monies and keep accurate records of all monies raised. Guidance notes on setting up the Mayor's Charity Appeal are attached as Appendix E.

As it is not directly related to the duties of Mayor, the Council offers limited support to the Mayor's Appeal. The Council's support comprises of the costs and organisation of the Launch of the Mayor's Appeal, traditionally the day after the Annual Meeting of the Borough Council and Mayor Making Ceremony.

Notes:

Employee contributions in terms of time given to the Mayor's Appeal are given on an entirely voluntary basis and at no cost to the Council.

b) **Honouring Servicemen and Women of the Borough and other Dignitaries**

Sadly, in times of conflict there is a possibility that servicemen and women from the Borough will lose their lives in defence of our Country. Protocol for these circumstances are attached as Appendix F and Appendix G.

c) **Outside Bodies**

The Mayor, by virtue of the Office, may be asked to represent the Council on some community or charity organisations. This may include being asked to be President or Vice President for the Mayoral year.

It is preferable for the Mayor to accept such offices only of organisations where activities relate to the whole area of the Borough. Furthermore, it is advised that a Vice-Presidency should only be accepted where such Office is not inconsistent with the Mayor's standing in the Borough. The Assistant Director – Democracy & Governance will be happy to give advice prior to accepting an Office.

d) **Formalities**

It is, of course, important for the Mayor and Deputy Mayor to recognise the formal nature, dignity and responsibilities of that Office.

In the company of others, employees will be expected to be formal, in address and manner. 'Mr/Madam Mayor', 'Madam Mayoress/Consort' will be the normal form of address, or alternatively Sir or Madam.

Finally, remember that the Assistant Director – Democracy & Governance and his officers are there to help in any way they can. A list of Officers and their roles is attached as Appendix G. It is a considerable honour to be elected Mayor and Deputy Mayor, and these honours are to be enjoyed.

APPENDIX A

CIVIC CHRISTMAS CARD LIST

- All Members of the Borough Council
- All Members of the County Council (within the Borough)
- Chief Executive
- Directors
- Civic Heads:
  - Warwickshire County Council
  - North Warwickshire Borough Council
  - Rugby Borough Council
  - Stratford Upon Avon District Council
  - Warwick District Council
  - Coventry City Council
  - Solihull Met. Borough Council
  - Hinckley & Bosworth Borough Council
  - Mayors of all Twin Towns
- Three MPs
- Lord Lieutenant of Warwickshire
- High Sheriff of Warwickshire
- Mayor of the West Midlands Combined Authority
- Chief Executive of the George Eliot Hospital Trust
- 30th Signal Regiment
- Royal Regiment of Fusiliers
- King's Gurkha Signals
- Mayor's Chaplain
- Chief Constable
- Police & Crime Commissioner
- Police - Nuneaton and Bedworth Stations

- West Midlands Ambulance Service
- Fire Stations - Nuneaton and Bedworth
- Organisations of which the Mayor is Chair

- Organisations the Mayor attends as Member
- Editors of:
    - Nuneaton News
- Chair of the Coventry & Warwickshire LEP
- Chair of Nuneaton Business Alliance
- Anker Radio
- Free Radio
- BBC CWR
- Various Charitable Organisations
  (e.g. Manager of Bedworth and District CAB, Advice Rights, DIAL)

APPENDIX B

TABLE OF EVENTS IN CIVIC CALENDAR

Event	Comments	Robes to be Worn
Annual Meeting of the Borough Council and Mayor Making	Tea and Biscuits at 5pm in Mayor's Parlour. Annual Council commences at 6pm. Up to 30 guests may be invited. Following Annual Council, the new Mayor may invite a small number of personal guests for a modest buffet in the Parlour.	Y
Attendance at the Royal Garden Party, Buckingham Palace	Civic Chain to be worn with Borough Emblem. Out of pocket expenses up to £100 to be met from the budget provided by the Council.	N*
Civic Service or Civic Carol Service	At the Mayor's discretion, host either a Civic Service or Civic Carol Service between December and April. Following the Service members of the congregation will be invited to join the Mayor and Mayoress/consort for tea, coffee, soft drinks, biscuits or mince pies as appropriate.	Y
Civic Dinner	At the Mayor's discretion, host a Civic Dinner. Recommended dress code – Black Tie.	N
Remembrance Day Parade	After the Service and March Past in Nuneaton, invited guests (with tickets) may join the Mayor for refreshments. The Deputy Mayor attends Bedworth Remembrance Service.	Y

Armistice Day Parade and Service	Following a procession to Bedworth Cemetery and March Past the Mayor and invited guests (with tickets) may be invited to attend a buffet lunch by the Bedworth Armistice Day Committee but this should not be assumed.	Y
Special Events and Promotions	The Mayor is expected to take part in the Carnival Procession/Gala Day Celebrations for Nuneaton, Bedworth and Bulkington. Also to be present at the Christmas Lights Switch-on at Nuneaton, Bedworth and Bulkington. Civic Bonfires will be alternated each year between the Mayor and Deputy Mayor to Nuneaton and Bedworth (eg:2011/12 the Mayor shall attend Nuneaton). When an invitation is received, a card and small gift will be given to a Borough resident reaching the age of 100 or more. Other Possible Events:- • Duke of Edinburgh Awards Evening • Service to the Community Awards • Nuneaton Festival of Arts • Sports Personality of the Year Awards • Long Service, Celebrate Success/ Chief Executive Awards • Nuneaton Carnival King Selection Evening (Deputy Mayor)	Y

PREPARATION FOR WEARING REGALIA

'Getting Dressed'

Please use the gloves provided whenever handling the regalia as oils and residue on skin, even after washing, can cause a chemical reaction with the gold plate and the sterling silver link underneath. The effects of this reaction are very slow and difficult to detect until it is too late. Therefore the less the regalia is handled with 'naked' hands the longer it will look pristine.

a) We recommend that an Assistant is always provided to aid the Official Wearer when putting on the regalia. Attempting to do this alone often results in accidental damage.

b) Always remove the Chain from its case by holding it at either side (where the shoulder fittings are located) to protect the Official Wearer from swaying hooks or pins. This is the easiest way to put the Chain in the correct position for 'dressing'.

c) The Chain should be put on first, from the back and over the head, with the centre link (the one that holds the pendant) towards the front – centre.

d) The Pendant should then be attached. The Official Wearer should take the majority of the pendant's weight to enable the Assistant to easily observe where any retaining chain needs to be attached.

e) Attach the retaining Chain behind the neck (approximately over the collar bone, i.e. forward from the shoulder seam on the jacket between 1 and 2 inches) to ensure the retaining Chain takes the weight of the Pendant. Finally, arrange the jacket collar so that it covers the retaining chain.

After the Event and Storage Care

a) When removing the regalia, detach the Pendant first. The retaining chain should then be disconnected before finally removing the official wearer's Chain (from behind to protect them from being injured by the shoulder hooks or pins).

b) It is important that the retainer is completely removed from the Chain after each occasion, as the position for fastening the retaining chain will change slightly each time, depending upon the official wearer's clothing.

c) Wherever possible we suggested that you store the retaining chain in a separate bag within the case. This will help to prevent any damage to enamelled areas.

APPENDIX D

GUIDANCE NOTES ON SETTING UP MAYOR'S CHARITY APPEAL

Background

It has been traditional for the incoming Mayor to nominate a Charity Appeal during the Year of Office.

There is no requirement to do this and it is not related to the official duties of a Mayor. It is, therefore, a choice for each Mayor to make. As it is not related to the official duties of the Mayor, public funds cannot be used to support the Appeal, either through employee or financial resources, except in a limited way, for example, helping with the launch and receipt of money which is handed direct to the Mayor rather than collected by the Organising Committee.

As it is the Mayor's sole decision on whether to have an Appeal, it needs very serious consideration at an early stage - preferably as soon as becoming Deputy Mayor.

Important Principles

As the Appeal will be directly associated with the Mayor, as First Citizen of the Borough, it is vital that:-

a) It is an appropriate charity which is supported. A local connection is always useful, e.g. Hospice, although national charities which would cover the needs of the Borough would also be appropriate, e.g. Guide Dogs for the Blind.

b) There is an accountable fund raising group which reports to the Mayor and is independent of the Council. In the case of a national charity and some local charities, there may already be a properly constituted body who have audited financial arrangements. It may be possible for a volunteer group to act for the charity but all accounting and banking arrangements must be agreed with the charity.

c) If the Mayor chooses a charity which does not have an existing accountable body, then one would have to be formed. The Mayor shall consider who would comprise the constituted body, how it could be formed, the financial arrangements, and ensure that all financial transactions are properly audited. The Mayor is advised to get separate, independent legal advice on this course of action.

d) The fund raising body has the capacity and expertise to undertake the Appeal. For some small organisations this could be a daunting task. An alternative is to look for an organisation to carry out the Appeal on behalf of the specific nominated charity, e.g. Lions or Round Table.

e) There may be initial set-up costs, e.g. to launch the Appeal or draw up a Constitution. An existing charity or organisation may be prepared to underwrite the set-up costs, the Council will help with the launch day.

f) The Mayor and Fund Raising Committee need to give very careful consideration to setting a target - this puts additional pressure on the Mayor and Organising Committee, especially as the Press is likely to take an active interest.

g) Care should also be taken in nominating a particular use for any money raised unless a full feasibility study has been undertaken. This is particularly the case of

building projects, where costs may be difficult to predict and planning permission and/or building regulations may be required. Consideration also needs to be given to whether a particular use will give rise to subsequent maintenance or running costs and that these can be sustained in the long term.

h) If the Mayor does choose to nominate more than one charity, there must be an agreement between the charities and the Mayor that all functions are run for the benefit of all the charities, and they have equal share of time and resources. This should be decided prior to the launch of the Appeal.

i) In organising a fund raising event, the risk of the income not covering costs must be carefully considered, and any costs incurred must be open to public scrutiny. Any losses will have to be borne by the fund raising group.

Detailed Financial Arrangements

a) Whether it is an established charity or a special fund raising body, it should set up a separate bank account for the Mayor's Appeal so that it can be audited separately at the end of the year.

b) A Treasurer and Deputy Treasurer shall be nominated from the fund raising group if an existing charity organisation is not being used, who shall be responsible for maintaining account details - i.e. income and outgoings. The Bank will give advice on setting up a bank account. Accountants should be appointed at the beginning of the Appeal. Early advice from the accountants on the financial arrangements for the Appeal should be sought.

c) As with other charities and organisations, it is a normal banking requirement to have two from four signatories for the signing of cheques.

d) Two persons should count all cash income, a receipt for the amount counted should be returned to the event organiser, and a copy retained for audit purposes. Arrangements for banking of the cash should consider the security of the person taking the money to the bank - in cases of large sums of money, it might be advisable that two people go.

e) The Mayor should be sent a monthly bank statement. The Mayor should also inspect the account records on a monthly basis.

f) At the end of the Mayor's year, the accounts should be audited by independent (or charity) accountants and on completion of the audit the account should be closed and all remaining money sent to the nominated charity or charities.

g) The costs of the audit are to be borne by the Mayor's Charity account. A copy of the final statement and the audited accounts should be sent to the Mayor and Audit & Governance Manager.

h) If the Mayor is concerned with any aspect of the bank statement or accounts, he or she should ask the Treasurer to investigate, who will then advise the Mayor on appropriate action. If the Treasurer has any concerns or questions, these will be addressed direct to the Mayor.

i) Any cheques directly received by the Mayor should be given to the Treasurer. Any cheques received by Council officers will first be receipted and shown to the Mayor and then given to the Treasurer with the receipt.

j) Any cash received directly by the Mayor should be put in a sealed envelope or bag and handed to the Committee & Member Support Services Office at the first opportunity. The Committee & Member Support Services Office will arrange for the money to be counted in accordance with the Council's cash handling procedures and given to the Mayor at the first opportunity. The Mayor will sign for the monies given. The Mayor shall then pass the monies to the Treasurer.

k) No Council officer shall have any role in the financial arrangements of the charity above and beyond those activities described in this appendix.

l) The Mayor and/or Organising Committee may wish to consider insurance cover against theft or loss before money is banked. All money received should be handled by nominated officers of the fund raising group or charity.

Other Aspects

a) The Mayor can seek the advice of the Assistant Director who is authorised to provide advice and assistance on the appropriateness of nominating a particular Charity.

b) Employees may be prepared to give their time voluntarily to the charity but this must not affect their work commitments, and it should not be prejudicial to their job duties. No officer should use the Council's resources on Appeal work and this should not be expected of any officer.

c) If any officer is prepared to help the Charity in their own time, they will not be acting in any capacity on behalf of the Council.

d) If the Mayor is not happy with the arrangements put in place and feels they may reflect on his/her status as First Citizen and Chair of the Council, he/she should alert the Assistant Director immediately.

APPENDIX E

SERVICEMEN AND WOMEN OF THE BOROUGH WHO HAVE LOST THEIR LIVES IN DEFENCE OF OUR COUNTRY

Sadly, in times of conflict there is a possibility that servicemen and women from our Borough will lose their lives in the defence of our country. In these circumstances the protocol to be adopted is as follows:

a) **Borough Flag**

The Borough Flag shall be flown at half-mast for a period of 24 hours to announce the loss of a serviceman or woman of the Borough on first public notification, then again from 0800 until 1700 on the day of the funeral.

b) **Family Correspondence**

As first citizen of the Borough, it is appropriate for the Mayor (or in the Mayor's absence the Deputy Mayor) to write to the bereaved family to express their condolences on behalf of the Borough for their loss. It is not thought appropriate that the family should receive additional formal letters from either officers of the Council or from Members.

c) **Books of Condolence**

A Book of Condolence shall be opened for the public at Nuneaton Town Hall. These shall remain open for a period of six weeks, after which time arrangements will be made for the Books to be received by the family.

Appendix F

Protocol for The Borough Flag

A new Borough Flag was purchased in the autumn of 2010.

1. At the discretion of the Chief Executive, in consultation with the Leader of the Council, the Borough Flag is flown in place of the Union Flag on the following occasions:

- The death of a serving Councillor
- The death of a serving MP
- The death of an ex-Mayor
- The death of a serving Mayor
- The death of a Freeman of the Borough

- The death of an Honorary Alderman of the Borough
- The death of a citizen of the Borough on active service in Her Majesties' Armed Forces
- The Day of Annual Full Council (Mayor Making).

2. On the Death of a Serving Councillor

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral

3. On the Death of a Serving MP

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral

4. On the Death of an Ex-Mayor

The Borough Flag is flown at half-mast from sunrise on the day of the funeral to immediately after the funeral. (add two hours to the commencement of the funeral and lower Flag then).

5. On the Death of a Serving Mayor

The Borough Flag is flown at half-mast from the day of the announcement of death to immediately after the funeral. (add two hours to the commencement of the funeral time and lower Flag then).

6. On the Death of a Freeman of the Borough

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

7. On the Death of an Honorary Alderman of the Borough

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

8. On the Death of a Citizen on Active Service

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

9. Annual Full Council (Mayor Making)

The Borough Flag is flown at full mast from sunrise to sunset on the day of Annual Council.

APPENDIX G

OFFICER CONTACTS

Mayoral Office Administration	
Assistant Director - Democracy & Governance **024 7637 6258**	Responsible for all matters set out in the Mayor's Protocol, relating to expenditure in regard to Civic administration duties.
Democratic Services Team Leader **024 7637 6619**	To act if both the Chief Executive and Assistant Director are absent.
Mayor's Office **024 7637 6439**	Carries out day to day operation of the Mayoralty activities including secretarial and administrative support for Mayoralty activities.

Civic Events	
Assistant Director – Recreation and Culture **024 7637 6147**	Responsible for all matters relating to Civic events. Supports the Civic events, activities and is responsible with the Town Centres & Marketing Team for the delivering the day-to-day operations of the Civic events.
Communications and Marketing Team Leader **024 7637 6599**	Responsible for Corporate Communications