



**AGENDA
for
MEETING OF
THE COUNCIL**

to be held on

Wednesday, 13th September, 2023

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Date: 5th September 2023

Our Ref: KB

To: All Members of the Borough Council

A MEETING OF THE COUNCIL will be held on **Wednesday, 13th September, 2023 at 6.00 p.m.**

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

Public and press can follow the decision making online at www.nuneatonandbedworth.gov.uk/virtual-meeting.

Please note that meetings will be recorded for future broadcast.

AGENDA

1. **EVACUATION PROCEDURE**

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

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

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

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

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

3. MINUTES - to confirm the minutes of the Ordinary Council held on 5th July 2023 (**Page 7**)
4. DECLARATIONS OF INTEREST - To receive declarations of disclosable pecuniary interests and other interests in matters under consideration pursuant to Council procedure Rule 4A.2(iii).

Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 27**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been

declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

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

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

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

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

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

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

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

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

5. ANNOUNCEMENTS - to receive announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive.
6. PUBLIC PARTICIPATION - (maximum 20 minutes).
to hear and answer questions by any resident of the Borough concerning the work of the Council where notice has been given (maximum 20 minutes). A copy of the Procedure Rule 9 is attached (**Page 34**) and this is not subject to debate. A question or statement can be submitted using the link below which will send your submission to the Chief Executive and Member Services: [Ask a question at meetings of Full Council | Public participation at meetings | Nuneaton & Bedworth \(nuneatonandbedworth.gov.uk\)](https://www.nuneatonandbedworth.gov.uk/ask-a-question-at-meetings-of-full-council-public-participation-at-meetings-nuneaton-bedworth)
7. QUESTIONS BY MEMBERS - (Council Procedure Rule 10). A copy of Procedure Rule 10 is attached. (**Page 35**) and this is not subject to debate.
8. SPECIAL URGENCY DECISIONS - (Access to Information Procedure Rule 4B.16)

None
9. CABINET – report by Leader of the Council (**to follow**)
Members may ask questions on the report and receive answers from the Leader or other Cabinet members, and this is not subject to debate.
10. RECOMMENDATIONS FROM CABINET OR OTHER COMMITTEE

Audit and Standards Committee – 11th July 2023
 - a) **Employee Code of Conduct: Recommended changes by the External Auditor**
At its meeting held on 11th July 2023 a report (**copy of A&S report attached page 37**) by the Monitoring Officer was considered and the following recommendation were agreed for Council approval

i) IT BE RECOMMENDED TO COUNCIL THAT the Constitution be amended accordingly.
 - b) **Recommendations from the Constitution Review Working Party**
At its meeting held on 11th July 2023 a report (**copy of A&S attached page 46**) by the Monitoring Officer was considered and the following recommendation were agreed for Council approval

i) IT BE RECOMMENDED TO COUNCIL that the Constitution be amended accordingly.

Cabinet – 26th July 2023

c) **Statement of Community Involvement**

At its meeting held on 26th July 2023 a report (**copy of Cabinet report attached with updated Statement of Community Involvement page 68**) by the Assistant Director - Planning was considered and the following recommendation were agreed for Council approval

i) IT BE RECOMMENDED TO COUNCIL THAT the Statement of Community involvement be adopted.

d) **Capital Outturn 2022/23**

At its meeting held on 26th July 2023 a report (**copy of Cabinet report attached page 96**) by the Strategic Director – Finance and Governance was considered and the following recommendation were agreed for Council approval

i) the updated capital budget for 2023/24 as detailed in Appendix 2 of the report be recommended for Council approval

e) **Annual Treasury Management Report – 2022/23**

At its meeting held on 26th July 2023 a report (**copy of Cabinet report attached page 109**) by the Strategic Director – Finance and Governance was considered and the following recommendation were agreed for Council approval

i) it be recommended to Council that

a) the actual 2022/23 Treasury and Prudential Indicators detailed in the report and summarised in Appendix 1 of the report be approved; and

b) the Annual Treasury Management Report for 2022/23 be noted.

Cabinet – 6th September 2023

f) **Corporate Enforcement Policy and Corporate Debt Policy**

A meeting of Cabinet is due to be held on the 6th September 2023 (**copy of Cabinet report attached page 127**) where the above item will be considered and recommendations be proposed for council approval.

g) **Capital Forecast Q1 2023/24**

A meeting of Cabinet is due to be held on the 6th September 2023 (**copy of Cabinet report attached page 161**) where the above item will be considered and recommendations be proposed for Council approval.

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

Point of order

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

Personal explanation

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

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COUNCIL

5th July, 2023

A Council meeting of the Nuneaton and Bedworth Borough Council was held on Wednesday, 5th July which was live streamed and recorded.

Present

The Mayor (Councillor M. Walsh)
The Deputy Mayor (Councillor B. Hammersley)

Councillors R. Baxter-Payne, D. Brown, C. Cape, J. Clarke T. Cooper, J. Coventry-Moreton, S. Croft, L. Cvetkovic, C. Golby, M. Green, J. Gutteridge, S. Harbison, J. Kennaugh, K. Kondakor, S. Markham, G. Moreton, B. Pandher, J. Sheppard, T. Sheppard, E. Shiers, J. Singh, R. Smith, C. Watkins, K. Wilson, and M. Wright.

Apologies were received for Councillors B. Beetham, L. Downs, K. Evans, N. Phillips, M. Tromans, and R. Tromans

CL10 **Minutes**

RESOLVED that the minutes of the Annual Council held on 17th May 2023 were confirmed and signed by the Mayor.

CL11 **Declarations of Interests**

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

CL12 **Announcements**

The Leader of the Council wished to formally thank the Nuneaton Carnival Committee for their success on Sunday 11th June, in total over £5,000 was collected for supporting various charities in the Borough.

Councillor Jeff Clarke wished to announce that his mayoral charity for the year for the Air Ambulance had raised a total of £41,100.10.

A presentation of the Mayoral picture was made to former Mayor Councillor Jeff Clarke.

The Mayor wished to thank Councillor Damon Brown who has put himself forward to complete the Cotswold Classic Cycle Challenge which is encompasses 50miles on 19th August 2023, Councillor Brown has set up a

Just Giving page to raise money for the challenge which will be donated to the Mayor's Charity Appeal.

In addition the Mayor wished to thank Councillor Julian Gutteridge and the Parks team for putting the flowers into Nuneaton and Bedworth Town Centres, the time and effort is appreciated.

CL13 **Public Participation**

Question 1 – Mrs Michele Kondakor asked the following question to the Portfolio Holder for Finance and Corporate.

Could the Council Leader explain why material is being deleted from the Council website, particularly about climate change and the abandoned scheme for flood protection for Nuneaton Town Centre?

Councillor S. Croft, Portfolio Holder for Finance and Corporate, responded as follows:

Thank you very much. The website falls under my purview so I shall pick up that question.

I hope this should be an easy question to dispose of because it's something very routine and listening to Mrs Kondakor I do hope that she has simply got the wrong end of the stick, rather than trying to manufacture a scandal out of something very simple. Suffice to say that the Council regularly reviews its website to make sure that our material is current and relevant. From time-to-time pages are reviewed, and content may be edited, located or removed to reflect current programs and priorities. That is part of proper governance and, any organisation with a website will do it and, very often it's simple common sense for example when there's a change of administration the policy priorities of the council will change, it would look rather silly if we carried on promoting the policy priorities of the previous administration. In the past few years, we have got rid of the climbing wall so it will be somewhat absurd to continue to promote it online and there are countless other examples as to why we would need to change or remove content and, this process of refreshing the website is continuous.

It is also absolutely necessary to help keep our website focused on the customer. It will be an understatement, I think Mr Mayor to say, that Council websites are not famed for providing the most user-friendly experiences and a website full of outdated and irrelevant information would not help matters.

You may have noticed Mr Mayor that there have been more changes recently and that is because we are preparing to migrate the website to a new platform and are therefore taking the opportunity to have a bigger push on tidying up content and removing redundant material.

It is also worth pointing out that we continue to maintain the archive of committee papers and minutes etc as a public record.

As for these specific things to which Mrs Kondakor referred, I'm afraid that none of the cabinet micromanage which specific pages are placed on the website. She will have to be very specific about what pages are missing and if she comes to those we can track it down but, the scale of a change is such that you have to be a bit more specific. If she wants to, if she has a touch of nostalgia, and wishes to enjoy the classic website experience I'd refer her to the wayback machine. Thank you very much Mr Mayor.

Councillor K. Kondakor moved that the matter referred to in Michele Kondakor's question be referred to the relevant OSP for further consideration.

Councillor M. Wright seconded the motion.

A vote was taken

The motion was lost.

Question 2 – Mr Alan Baxter asked the following question to the Chair of Housing, Environment and Health OSP.

In October 2021 there was a meeting here at Council where the RISE / SEN service in Nuneaton and Warwickshire by the CCG was discussed.

Of special interest was the exceptionally long waiting lists people were experiencing at the time: officially listed as 3.6 years.!

One of the options listed to reduce wait this was "reducing the numbers of people being referred for a diagnosis": which was particularly objectionable.

The outcome of the meeting was that any decisions would be deferred and that the CCG / RISE / SEN people would come back and make another presentation with an improved "offering" for the Borough.

It was also highlighted in this meeting that the same waiting list in South Staffordshire was only 12 weeks. A stark comparison for somewhere only a handful of miles away

Now, almost 2 years later we are still waiting for a follow up presentation. RISE are also stating on the answerphone service that they are only now processing referrals from 2020. So that waiting time is still officially 3 years and over. Nothing has changed.!

Could the Council kindly inform us just what exactly is happening in regard to this follow-up presentation.? And what are pressures are the Council putting on the CCG / RISE / SEN organisation in Warwickshire to try to improve the service offering to residents here such that we have a service similar to South Staffordshire.

The Leader of the Council, Councillor K. Wilson, gave the following written response in the absence of the Chair of Housing, Environment and Health OSP:

SEN provision has previously been considered by overview and scrutiny panels of this council even though the responsibility for Public Health lies with Warwickshire County Council. As such, our influence over SEN provision is somewhat limited. The items that an OSP undertake to investigate are – quite properly – a matter for the committee to decide so as Leader of the Council I cannot dictate what they do or do not scrutinise.

As a member of the public, Mr Baxter is also free to submit work suggestions for the OSP to consider. However, this must be weighed by the amount of influence and direct responsibility that NBBC has on the topic and whether it is the appropriate body to undertake the work.

Perhaps Mr Baxter might be better directing his efforts to Warwickshire County Council, which is the appropriate health body for what he is asking to be considered.

CL14 Questions by Members

Question 1 – Councillor Damon Brown asked the following question to the Portfolio Holder for Public Services:

Over recent months, I have observed numerous personal attacks towards my colleague Councillor Evans - in particular over the Bedworth Civic Hall. Whilst Councillors are expected by many to have a 'thick skin' towards a reasonable level of abuse, these attacks, which have included death threats, have not been reasonable and have related to issues completely out of his control. Would the Cabinet Member confirm that several years ago, it was Councillor Evans who attempted to get the then Labour controlled Council to bring in external auditors to effectively have save the Civic Hall, despite the Labour Councillors then representing Bedworth voting against his proposals.

Councillor S. Markham, Portfolio Holder for Public Services, responded as follows:

Thanks for the question Councillor Brown.

Because of the problems with escalating losses and high running costs of the Civic Hall, there have been ongoing discussion regarding the future and delivery of it for many years, as a result it was debated at Cabinet, Council and OSP annually.

I believe, under the labour administration Cllr Evans did ask for a review and consultation into the running and costs of the Civic Hall, but it was never forthcoming.

When the Conservative took over the administration of the council, Cllr Evans commissioned the services of an external consultant, which looked at different options, this document is in the public domain and has been widely reported on since the announcement not to re-open the Civic Hall.

Question 2 – Councillor Keith Kondakor submitted the following question to the Chair of the Business, Regeneration and Planning OSP:

A meeting of the Business, Regeneration and Planning Overview & Scrutiny Panel was held on 8th December 2022 when the panel was told that we are at legal stages with a new cinema operator and leisure operator for the Abbey Street site. At the time it was expected that the council would complete that process and name the operators early in the New Year. I asked that the project was taken back to that panel in around 6 months and the then chair agreed. That was 7 months ago.

Since then we have had more economic pressures and seen a few councils come close to bankruptcy due to over-optimistic redevelopment projects. Will the new chair of the Business, Regeneration and Planning ensure that we have urgent scrutiny of the various elements within the Abbey Street project to ensure that all the individual business cases are still robust?

Councillor J. Clarke, Chair of Business, Regeneration and Planning, responded as follows:

Thank you, Councillor Kondakor, for your question, it is my understanding that the final legal stages are still ongoing for the new cinema and leisure operators that are signing up for Grayson Place. It is absolutely right that both sides complete their due diligence as this is a partnership for the long-term not a quick fix, it is for the betterment of the residents of our Borough. I have discussed the financial situation with the Leader and the Finance Portfolio Holder, and I can confirm that officers continue to work on how the recent developments in the economy will affect the financial modelling on these schemes.

We have seen several months of interest rate rises and officers need time to properly assess how this impacts our regeneration projects. That is why I will not agree to Councillor Kondakor's request until that work is finished.

Councillor K. Kondakor asked a supplementary question:

Thank you, Councillor Clark but I am really keen we don't commit to any of these projects unless we are sure the business cases are still robust. We have if you remember Bermuda Bridge which you were in charge of when you were at county that went ahead and overspent massively, I don't want that repeated, so can I have your assurance we will actually take it to a scrutiny committee before contracts are signed so that we can be reassured as opposition councillors that it has a robust business case at the time of signing.

We do know a lot of these things get rent free periods and all sorts of things, so things can start up and then go belly up and we do not want that to happen so I'll just repeat again, can we have your reassurance it will go to scrutiny before we cannot turn back?

Councillor J. Clarke responded at follows:

As Councillor Kondakor knows it is the cabinet who makes the decisions in relation to delivery of these projects, and I am sure that they will look on all the finances before any contracts are signed.

In relation to coming back to overview and scrutiny it will come back to every overview and scrutiny at the correct time and I am sure that I can give them assurance that that will be the case but only then when it's appropriate to do so and we have the full financial information that is relevant for the scrutiny panel to consider.

Question 3 – Councillor Graham Moreton submitted the following question to the Leader of the Council:

Liberal Democrats South Cambridgeshire Council is currently experimenting with a four-day working week for its council officers but it still pays them for five days. I understand that this idea is also being promoted by some opposition councillors a bit closer to home.

Can the leader of the council confirm the position of this Conservative administration to implementing this experiment in Nuneaton and Bedworth?

The Leader of the Council, Councillor K. Wilson, responded as follows:

Thank you Mr Mayor and I am glad Councillor Kondakor confessed to being in support of a four day working week and paying them for five days and I thank Cllr Moreton for his question, as it gives me an opportunity to set the record straight on our position.

In plain English, Mr Mayor, the answer is a definite NO!

I must confess, that I find the whole concept of working a 4-day week on 5-day pay to be quite bonkers. The idea that you can get 100% pay for 80% work is absolutely absurd.

Under this Conservative administration we will never agree to any proposal to reduce officers to a 4-day week. Residents of Nuneaton and Bedworth deserve to be able to access services every day of the week in every department. Any experiment with a 4-day week would put this at risk. If officers wish to work a 4-day week they can do so under existing flexible working arrangements just like many other residents do in their world of work:

1. A compressed week to do 5 days work in 4, meaning they will still be paid for 37 hours per week
2. Work 4 days a week and get paid for 4 days a week

I think that is the fairest arrangement for the residents of this Borough.

Question 4 – Councillor Joy Coventry – Moreton submitted the following question to the Portfolio Holder for Housing and Communities:

Last week we saw the close of the magnificent knife angel project in the Borough.

Can the portfolio holder please give some information on the impact the knife angel had had in the Borough so far.

Councillor C. Golby, Portfolio Holder for Housing and Communities, responded as follows:

How to round up a month in a few minutes.

We knew having the knife angel in town wasn't going to instantly stop violence in our borough, in fact we have had a few issues while it was here, which some people have been almost gleeful and revelling in pointing out that we have had issues.

This statue was built to inspire change. And change does not happen overnight.

We recognise this and used it as a catalyst for conversation, education, and reflection.

It sometimes feels like we have a constant stream of negativity. Through local news channels and on social media especially where everyone is doom and gloom talking the place down. You cannot effect a positive change with a negative mindset, we need to change our mindset.

So, yes, I'd like to highlight some of the real positives of the knife angel project over the last month.

We have had literally 1000's of people visiting our borough to see the knife angel. From all parts of the country. Footfall in the town centre alone has risen over 30% on this time last year.

We know from speaking to shops and traders that they have benefited from this and business has been very good.

We had over 2500 people come to our Communities' & NABSCOP market stall on Wednesdays and Saturdays which was manned by the communities department.

From here the team have so far given out 985 Community safety packs

We've had 35 engagements with hard-to-reach young people. These are people who have been reluctant to even acknowledge our existence before let alone accept help and advice.

We've had two parent awareness sessions with over 75 people attending.

These were really important because it's not just kids we need to target.

They were delivered by Alison Cope, mother of Joshua Ribera who was murdered in Birmingham in 2013. These parenting sessions raised awareness about the correlation between an increase in serious and violent crime and young people being allowed to use social media.

I've said in here and out there many times, get your kids off social media particularly the young ones.

Alison has also raised awareness about how criminal gangs operate, groom and target young people using games and social media.

Again, do you know who your kids are speaking to online?? Within these games they could be speaking to anybody.

The sessions are incredibly emotive and powerful, where Alison talks openly about how her son came to be murdered, and the impacts of knife crime.

For any parent or anyone in general who is interested to know more, we have another session planned with Alison as part of the Knife Angel legacy work,

This will be online to accommodate as many people as possible and during the school holidays. We'll share more details nearer the time. I wanted there to be a legacy to this and this is becoming true.

As for other engagements we've had over 1,400 secondary school pupils and 1,600 primary school pupils involved with sessions taking the message of the Knife angel directly to them.

I have to give a special thanks to PSCO Carly Davis who was an absolute trooper during the primary school engagements across 11 schools in the area.

These 'in school engagements' also allowed us and the local police to informally speak to staff within the school setting about any concerns they had. This is something I'm hoping will now continue.

Not only is the Knife angel an imposing piece of public art, but during the closing ceremony we had some fantastic artwork created by local artist N4T4, who completed the art piece in real time which we are going to find a place to have it on public display.

We had over 1600 tags with heartfelt messages written in more than 5 languages, attached to the fence surrounding the Knife Angel. These will be made into another piece of art as another ongoing legacy for the Borough.

Ten bleed kits have been purchased to upgrade defibs we've got in the borough. We don't necessarily bit it is good to have them if you do. I would rather have them and know they are there and never need them.

Conservative estimates so far are, in the last month, we've had direct contact and engagement with over 7000 individuals.

This has been a massive effort, I need to say thank you to the Communities team; Rowena, Abu, Tina, Michelle, Lynette, Carol and Director Dawson plus the town centres events team, absolute stand out job.

Inspector Kris Shore, Chief Inspector Steve Davis and their teams for their huge input, with the education piece, with security, logistics, both funding and time.

The Office of the Police and Crime Commissioner and Deputy PCC Emma Daniel who also helped fund this project.

The education team - Sara Cox, Steve Crowshaw who also works in our schools and wrote one of the poems read at the closing ceremony. Quinton Milise who spoke so beautifully at the closing ceremony too.

Aspire in Arts and all the other volunteers including some councillors, here who gave up their time to help out and speak to people about the knife angel.

Without doubt this is one of the best examples of partnership working I think we've ever had in Nuneaton and Bedworth. It has been a really high pressure, fast paced month but it has gone perfectly. Thank you very much everybody.

Question 5 – Councillor Brian Hammersley submitted the following question to the Leader of the Council:

The leader of the council announced some time ago that it was this council's plan to re name part of the Rye Piece Ringway after Bedworth's fallen hero, Sergeant Simon Valentine.

Can the leader of the council please update me on the progress of this road name change?

Councillor K. Wilson, Leader of the Council, responded as follows:

Nuneaton and Bedworth is rightly proud of its links with the Armed Forces, and many of our residents choose to serve Queen (now King) and Country. This means that they are called to put their lives on the line to maintain the peace, freedom and security that we continue to enjoy.

Sometimes that can result in one of our own paying the ultimate price. Sergeant Simon Valentine gave all his tomorrows for our todays, and he paid that price for us.

He rightly deserves to be honoured and respected by those of us left behind. That is why I am delighted that our proposal to rename part of Rye Piece Ringway as Sergeant Simon Valentine Way has now cleared all of the legal hurdles and will forever stand as a testament to the valour of Sgt Valentine and, indeed, his family.

I know that the Valentine family are proud that Sgt Simon Valentine will be permanently remembered in his hometown of Bedworth. By forming part of the official route of the Armistice Day Parade, he will always be part of the tradition that he loved.

An official unveiling ceremony is in the process of being organised and further details – including the date and time – will be announced in due course.

Finally, I would also like to pay tribute to Carol Valentine and her support for this proposal. She has always worked to keep his memory alive in our Borough. This change will ensure that future generations will be able to keep his memory alive long after we have all gone.

Question 6 – Councillor Michael Green submitted the following question to the Leader of the Council

Warwickshire County Council has announced it is considering whether to submit a formal request to join the West Midlands Combined Authority. Could the leader of Council give an update on what this means for us in Nuneaton and Bedworth?

The Leader of the Council, Councillor K. Wilson, responded as follows:

Mr Mayor, I am aware that Warwickshire County Council is considering submitting a formal request to the West Midlands Combined Authority to join as a full constituent member. A paper is due to go to their Cabinet in the next week, and at present I do not know what that paper recommends or contains.

This is a fast-moving situation and information is in short supply.

One thing is clear – if the County Council is admitted as a full member of the WMCA then all districts and boroughs within Warwickshire will automatically become members of the Combined Authority.

We do not yet know what other implications there will be for us here in Nuneaton and Bedworth, and together with officers we are trying to piece together a better picture of what it means for us.

But I must be absolutely clear about the position of Nuneaton and Bedworth Borough Council under this Conservative administration. I have also communicated this to the Leader of Warwickshire County Council and the Mayor of the Combined Authority.

We will not agree to any process that will abolish Nuneaton and Bedworth Borough Council or a unitary council for Warwickshire.

Councillor C. Golby moved the following motion without notice in accordance with the constitution part 4A.12 Councillor K. Wilson seconded the motion.

“Following the announcement that Warwickshire County Council has indicated it intends to submit a request to join the West Midlands Combined Authority, Nuneaton and Bedworth Borough Council:

1. Notes the proposal by Warwickshire County Council and is concerned about the lack of information regarding joining the WMCA and what it means for our residents and council.
2. Formally requests that the Mayor of the Combined Authority meets with the Leader and Deputy Leader of the Council, Chief Executive and Deputy Chief Executive to discuss the proposal and its implications for our Council.
3. Resolves that we will not agree to any proposal that would – or could lead to – the abolition of Nuneaton and Bedworth Borough Council and the creation of a unitary council for Warwickshire.

A copy of this resolution be sent by the Chief Executive to:

- a) Warwickshire County Council
- b) The Mayor of the West Midlands Combined Authority
- c) The Members of Parliament for NBBC”

A recorded vote was taken as follows:

FOR: Councillors R. Baxter-Payne, D. Brown, C. Cape, J. Clarke, T. Cooper, J. Coventry-Moreton, S. Croft, L. Cvetkovic, C. Golby, M. Green, J. Gutteridge, B. Hammersley, S. Harbison, J. Kennaugh, S. Markham, G. Moreton, B. Pandher, J. Sheppard, T. Sheppard, E. Shiers, J. Singh, R. Smith, M. Walsh, C. Watkins, K. Wilson

AGAINST: Councillors K. Kondakor, and M. Wright

ABSTENTIONS: None

RESOLVED that the motion be carried

Question 7: Councillor Mike Wright submitted the following question to the Leader of the Council

Given that heatwaves such as the one we have experienced recently are likely to become more common, what plans are there to replace the seating in the town centre that was lost when the fountain was removed?

The Leader of the Council responded as follows:

I invite Councillor Wright to walk down the road and see for himself.

Councillor M. Wright asked the following supplementary question:

As i was saying previously, my question has been overtaken by events to a certain extent and the replacement benches that have been erected are, although not fully replacing the seating that was lost when the fountain was removed, are nevertheless a welcome at first step thank you.

The Leader of the Council responded as follows:

Mr Mayor, I think Councillor Wright is right, in regards it is the first step in one critical fact that it enables us to actually do what we said before which is create an event space in the heart of Nuneaton Town Centre which will enable us to have far more events in the future.

Just look at the success that we had with the knife Angel which would not be half as successful or possibly even not even doable without the space created by getting rid of that eyesore which we had which didn't work cost us money and actually once they dug it out they found raw sewage underneath because it wasn't capped off properly when it was originally installed and found the original double yellow lines underneath so it wasn't laid properly in the first place.

So, let's celebrate the fact that we've had a great success and look forward to the possibilities that it affords us in having great entertainment in the Town Centre which the new Assistant Director for Economy is actually in the process of designing Mr Mayor.

CL15 Special Urgency Decisions

The Special Urgency Decision on the Local Development Scheme taken on 21st June, 2023 be noted

CL16 Cabinet

The Leader of the Council submitted the Leaders report on behalf of Cabinet. The report highlighted matters considered at the Cabinet meetings held on 24th May 2023 and 21st June 2023 and details of reports from the West Midlands Combined Authority Board (WMCAB), which has a direct impact on NBBC, namely the WMCA Board meetings held on 9th June 2023.

RESOLVED that the report be noted.

CL17 **The Serious Violence Duty**

The Strategic Director – Housing and Community Safety submitted a report requesting full Council's approval to amend the Terms of Reference of the Housing, Environment and Health Overview and Scrutiny Panel to include a specific reference to the Serious Violence Duty as set out in the Police Crime Sentencing and Courts Act 2022. Councillor C. Golby proposed the recommendation as stated in the report which was seconded by Councillor S. Croft.

RESOLVED that the Terms of Reference for the Housing, Environment and Health Overview and Scrutiny Panel be amended to include specific reference to the scrutiny of the Council's serious violence duties

CL18 **Recommendations from Cabinet and Other Committees**

i) **Local Development Scheme – Updated Timetable**

At the meeting of Cabinet held on 21st June 2023 a report on the above was submitted by the Assistant Director –Planning was considered and a recommendation was then put forward to Council for approval. Councillor R. Smith proposed the recommendation for approval. This was seconded by Councillor K. Wilson.

A recorded vote was taken as follows:

FOR: Councillors R. Baxter-Payne, D. Brown, C. Cape, J. Clarke, T. Cooper, J. Coventry-Moreton, S. Croft, C. Golby, M. Green, J. Gutteridge, B. Hammersley, S. Harbison, J. Kennaugh, S. Markham, G. Moreton, B. Pandher, J. Singh, R. Smith, M. Walsh, K. Wilson

AGAINST: Councillors K. Kondakor, and M. Wright

ABSTENTIONS: L. Cvetkovic, J. Sheppard, T. Sheppard, E. Shiers, and C. Watkins

RESOLVED that the amendments to the Local Development Scheme be approved and the amended LDS be adopted.

Mayor

Council - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	R. Baxter-Payne	Manager Brinklow Quarry Ltd, Brinklow; County Councillor - WCC	Spouse: Self-employed childminder Member of the following Outside Bodies: <ul style="list-style-type: none"> • West Midlands Combined Audit, Risk and Assurance Committee • Warwickshire Adult Social Care and Health Overview and Scrutiny Committee (substitute) 	
	B. Beetham	Senior PowerBi Lead at Wye Valley Hospital Trust; Warwickshire County Council – Camp Hill	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation (Council appointment). 	
	C. Cape	Director of Capability Coaching and Consultancy Ltd.	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Armed Forces Covenant Meeting 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	J. Clarke	Employed by Marcus Jones MP	County Councillor W.C.C. Nuneaton Conservative Association; Deputy Chairman Officer of the Abbey Preceptory No.541 - Nuneaton Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Festival of Arts 	
	T. Cooper	None	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	J. Coventry-Moreton	School Receptionist – St Nicholas Chamberlain School, Bedworth	Share in rental dwelling at Sealand Drive, Bedworth and Tresilian Road, Bedworth.	
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	L. Downs	River Bars Limited; Coventry Plus Beyond the Plane Little Caesars Donuts Limited NBBC Council Contract for market pitch	Member on the following Outside Body: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	K. Evans	Employed by the	Sponsorship:	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Local Government Association	<p>Election Expenses – North Warwickshire Conservative Association</p> <p>Membership of Other Bodies:</p> <ul style="list-style-type: none"> • Substitute Member of the West Midlands Combined Audit, Risk and Assurance Committee <p>Member of the Bedworth Conservative Club Member of the Conservative Party.</p>	
	C. Golby		<p>Member of Warwickshire County Council.</p> <p>Membership of Other Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital NHS Trust – Public/User Board • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	M. Green	Employed by Horiba Mira – Engineering Technician	<p>Chair of Education Standards Committee – St Thomas More School.</p> <p>School Appeals Panel Member Our Lady of the Angels Church.</p> <p>President – St Vincent De Paul Society Nuneaton,</p> <p>Member of the George Eliot Fellowship</p> <p>Member of Other Bodies:</p>	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<ul style="list-style-type: none"> • Friendship Project for Children. • Nuneaton Education Strategy Group 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	B. Hammersley	County Councillor – W.C.C.	<p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	S. Harbison	Self Employed	<p>Member of Conservative and Unionist Party.</p> <p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Astley Charity 	
	J. Hartshorn	Employed by Asda Nuneaton	Member of Nuneaton Conservatives	
	J. Kennaugh	<p>County Councillor W.C.C.</p> <p>Employed by FedEx Express UK Ltd</p>	<p>Member of the W.C.C. Regulatory Committee</p> <p>Member of the Conservative Party</p> <p>Member of UNITE the Union</p> <p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • EQUiP 	
	K.A. Kondakor	Electronic and Embedded Software Design Engineer (self-employed)	<p>Unpaid Director of 100% Renewables UK Ltd</p> <p>Green Party (E&W)</p>	
	S. Markham	County Councillor – W.C.C.	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Shareholder Committee	
	G. Moreton	Member of School Appeals Panels at Warwickshire County Council	Share in rental dwellings at Sealand Drive, Bedworth and Tresillian Road, Exhall. Member on the following Outside Bodies: <ul style="list-style-type: none"> • Bedworth Neighbourhood Watch Committee 	
	B. Pandher		Member of Warwickshire County Council Treasurer & Trustee of Nanaksar Gurdwara Gursikh Temple; Coordinator of Council of Sikh Temples in Coventry; Secretary of Coventry Indian Community; Trustee of Sikh Monument Trust Vice Chair Exhall Multicultural Group Member of the following Outside Bodies: <ul style="list-style-type: none"> • Foleshill Charity Trustee – Proffitt's Charity 	
	N. Phillips	Employee of DWP	Member of: <ul style="list-style-type: none"> • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club 	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of Labour Party	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	T. Sheppard		Member of Unite Union Member of Labour Party	
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union Member of the Pride in Camp Hill Board. Member of the governing board	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			for Camp Hill Primary School. Member of the Board of Trustees of Camp Hill Community Association. Volunteer for the Coventry and Warwickshire district RSPCA	
	J. Singh			
	R. Smith		Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club; Member of the following Outside Bodies: <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	M. Tromans	Warwickshire County Councillor (Galley Common) Share in a rental property in Hydes Pastures, Nuneaton	Member of WI Member of the Conservative Party	
	R. Tromans	Compliance, GIM, Coventry Warwickshire County Councillor (Weddington) Share in a rental property in Hydes Pastures, Nuneaton	Member of the Conservative Party Member of the Chartered Institute of Credit Management	
	M. Walsh	Employed by MacInnes Tooling Ltd. – UK Sales Manager		

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	C.M. Watkins	Employee of Nutri Pack	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	
	M. Wright			

Council - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
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	R. Baxter-Payne	Employed by Vinci Construction Major Projects UK Ltd (VCMP UK Ltd); County Councillor - WCC	Spouse: Self-employed childminder Member of the following Outside Bodies: <ul style="list-style-type: none"> • West Midlands Combined Audit, Risk and Assurance Committee • Warwickshire Adult Social Care and Health Overview and Scrutiny Committee (substitute) 	
	B. Beetham	Senior PowerBi Lead at Wye Valley Hospital Trust; Warwickshire County Council – Camp Hill	Member of the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	D. Brown	Employed by H.M Land Registry	Regional Coordinator, Ragdoll Rescue Charity. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Exhall Education Foundation (Council appointment). 	
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	T. Cooper	None	Member on the following Outside Bodies: <ul style="list-style-type: none"> • Camp Hill Urban Village: Pride in Camp Hill Board • Committee of Management of Hartshill and Nuneaton Recreation Ground 	
	J. Coventry-Moreton	School Receptionist – St Nicholas Chamberlain School, Bedworth	Share in rental dwelling at Sealand Drive, Bedworth and Tresilian Road, Bedworth.	
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board • West Midlands Employers 	
	L. Cvetkovic	Head of Geography (Teacher), Sidney Stringer Academy, Coventry	The Bulkington Volunteers (Founder); Bulkington Sports and Social Club (Trustee) Member on the following Outside Bodies: <ul style="list-style-type: none"> • Building Control Partnership Steering Group 	
	L. Downs	River Bars Limited; Coventry Plus Beyond the Plane Little Caesars Donuts Limited NBBC Council Contract for market pitch	Member on the following Outside Body: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
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	C. Golby		Member of Warwickshire County Council. Membership of Other Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital NHS Trust – Public/User Board • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
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	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
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	J. Kennaugh	<p>County Councillor W.C.C.</p> <p>Employed by FedEx Express UK Ltd</p>	<p>Member of the W.C.C. Regulatory Committee</p> <p>Member of the Conservative Party</p> <p>Member of UNITE the Union</p> <p>Member on the following Outside Bodies:</p> <ul style="list-style-type: none"> • EQUiP 	
	K.A. Kondakor	Electronic and Embedded Software Design Engineer (self-employed)	<p>Unpaid Director of 100% Renewables UK Ltd</p> <p>Green Party (E&W)</p>	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
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	N. Phillips	Employee of DWP	Member of: <ul style="list-style-type: none"> • Nuneaton Labour CLP • The Fabian Society • The George Eliot Society • The PCS Union • Central Credit Union • Stockingford Sports and Allotment Club • Haunchwood Sports and Social Club 	
	J. Sheppard		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre. Member of Labour Party	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre
	T. Sheppard		Member of Unite Union Member of Labour Party	
	E. Shiers	Employed by and Director of Cannon Enterprise Ltd. Director of The Fresh Dessert Company	The Labour Party Coventry East Credit Union Member of the Pride in Camp Hill Board. Member of the governing board	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>for Camp Hill Primary School.</p> <p>Member of the Board of Trustees of Camp Hill Community Association.</p> <p>Volunteer for the Coventry and Warwickshire district RSPCA</p>	
	J. Singh			
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined Authority and Land Delivery Board 	
	M. Tromans	<p>Warwickshire County Councillor (Galley Common)</p> <p>Share in a rental property in Hydes Pastures, Nuneaton</p>	<p>Member of WI</p> <p>Member of the Conservative Party</p>	
	R. Tromans	<p>Compliance, GIM, Coventry</p> <p>Warwickshire County Councillor (Weddington)</p> <p>Share in a rental property in Hydes Pastures, Nuneaton</p>	<p>Member of the Conservative Party</p> <p>Member of the Chartered Institute of Credit Management</p>	
	M. Walsh	<p>Employed by MacInnes Tooling Ltd. – UK Sales Manager</p>		

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	C.M. Watkins	Employee of Nutri Pack	Representative on the following outside bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Community Enterprises Ltd. (NABCEL) 	
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association	
Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.				
Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • LGA People & Places Board (Member) • West Midlands Combined Authority 				
	M. Wright			

9. PUBLIC PARTICIPATION

9.1 General

At each 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 matters in respect of which to which the Council has powers or duties or which affect the Borough.

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 Chief Executive no later than 12 noon on the day before the meeting of the Council.

9.3 Scope of questions and statements

The Chief Executive may reject a question or statement if it:

- is not about a matter for which the Council has a responsibility or which doesn't affect the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or statement which has been put at a meeting of the Council in the past six months; or
- requires or involves the disclosure of confidential or exempt information.

9.4 The Mayor will invite the relevant Cabinet Member or Committee Chair to give a reply. Such reply shall not exceed 5 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 5 minutes is not exceeded. The Mayor may reject a supplementary question on any of the grounds detailed in paragraph 9.3 above.

9.5 Time Limit and Number of questions

No question or statement shall exceed 3 minutes. In the event of there being more than one question or statement, the Chief Executive will draw lots to determine the order in which the questions shall be asked or statements made. 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.

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 10.3(b) below) on any matter in relation to which the Council has powers or duties, or which affects the Borough. For questions from Members, Paragraph 4.9.4 shall apply. 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 paragraphs 10.2 or 10.3 shall be asked unless: (a) the question has been delivered in writing to the Head of Paid Service and Leader before 12 noon on the day 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 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.

4.10.5 Time Limit

The maximum time for Members' questions shall not normally exceed 24 minutes, and the Mayor shall have discretion to limit the questions as he or she shall see fit.

4.10.6 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.

4.10.7 Any question or statement which cannot be dealt with because of lack of time will be dealt with in writing in accordance with paragraph 10.5 (c).

4.10.8 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

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit and Standards Committee – 11 July 2023
From: Monitoring Officer
Subject: Employee Code of Conduct: Recommended changes by the External Auditor

1. Purpose of the report

1.1 To consider and approve the recommendations from the Constitution Review Working Party and recommend changes to the Constitution.

2. Recommendations

2.1 That the recommendations as set out in the report and appendix be approved; and;

2.2 IT BE RECOMMENDED TO COUNCIL that the Constitution be amended accordingly.

3. Background

3.1 On the 31st January 2023, this Committee received the External Auditor's Annual report for the financial year 2020/2021. As part of the work undertaken, Grant Thornton reviewed the Governance arrangements for managing Gifts & Hospitality and conflicts of interest. Recommendation 5 of the report made an Improvement Recommendation requiring the Council to prepare and maintain a register of interests for Directors, Assistant Directors and Senior Managers. Currently, this maintained locally within each service area.

3.2 To give effect to this recommendation, it has been necessary to amend the Council's Employee Code of Conduct. As part of this process, Trades Unions were consulted and no adverse comments were received. The changes to the Employee Code are as highlighted in Appendix A and, in brief: establish a central record for officer conflicts of interest; and for transparency, requires the publication of the register on the Council's website (which mirrors the requirement for elected members).

3.3 On the 16th June the Constitution Review Working Party met to consider the changes and approved them for submission to this committee.

WAHEEDA SHEIKH

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.

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.

This Code of Conduct for Employees sets out standards of conduct expected from all employees of the Council. Employees must conduct themselves in a way that ensures a high standard of service is provided and, the reputation of the Council is protected.

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.

This code has been written for the wellbeing of employees and for the effective operation of Council business. 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 Policy is 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.

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.

To articulate 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;
- manage non-compliance with the standards set out in this Code at the earliest opportunity.

5B.4 Standards of Service to the Public

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/policies 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 ~~Standing Orders~~Procedure Rules, Financial ~~Governance~~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.

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.

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.

5B.6 Relationships

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 policies of the Council.

Employees who are partners or if they have a family relationship may at some time work together. It is the council presumption 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 a personal relationship 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 equalities 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 Managing Change 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.

Employees may be involved in day to day management however, they must not be involved in formal decisions and decision making must be consistent and fair in accordance with Council policies and procedures. 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, 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. Formal decisions includes but ~~is-are~~ is-are not limited to sanctions, discipline, 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~~to their line manager.~~

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.

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 ~~on-complete~~ a declaration form which must be submitted to the Council's Monitoring Officer for publication on the Council's website.that will then be held on their personal files.
- 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 convictions outside work and an assessment will be undertaken by their 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 Secondary Employment/Income

- 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~~ the Monitoring Officer and the details recorded on a declaration form for publication on the Council's website~~line manager~~. 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.

- 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 organization which 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 ~~to their line manager on a~~ declaration form and submitted to the Monitoring Officer for publication on the Council's website
- 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 for publication 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

- 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 policies.
- 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 your 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.

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.

Whistleblowing

- 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 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 Part III of the Local Government Act 2000~~ 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 ~~line managers.~~ the Council's Monitoring Officer.
- d. The Council will ~~hold publish~~ all Employee Declarations on the Council's website with proper confidentiality.

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.

AGENDA ITEM NO.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit and Standards Committee – 11 July 2023

From: Monitoring Officer

Subject: Recommendations from the Constitution Review Working Party

1. Purpose of the report

1.1 To consider and approve the recommendations from the Constitution Review Working Party and recommend changes to the Constitution.

2. Recommendations

2.1 That the recommendations as set out in the report and appendices be approved; and;

2.2 IT BE RECOMMENDED TO COUNCIL that the Constitution be amended accordingly.

3. Background

3.1 On the 16th June the Constitution Review Working Party met to re-consider a number of proposals to update the Council's Constitution. The changes are summarised below and are shown in the Appendices attached to this report. Whilst some of the items didn't raise any issues, the decision of the Committee was to refer some items back to the Working Party for further consideration, without formally approving the remainder. All items are, therefore, resubmitted for formal approval.

4. Recommended changes

4.1 Role Description for Borough Councillors

The Role Description for Borough Councillors is set out in part 5E of the Council's Constitution. It effectively sets out the expectations of the Council from its Members. The proposed changes are shown in Appendix A as tracked changes. Broadly speaking, they emphasise the importance of ward members to represent their communities; the importance of reading and understanding the reports at meetings; and the importance of attendance at training sessions to be kept up to date on developments.

4.2 Delegations to Assistant Director - Planning

The Scheme of Delegation to the Assistant Director - Planning is set out in Part 3E.8 of the Constitution and reproduced at Appendix B with the proposed changes highlighted. The Scheme, in connection with public call-in required updating. A revised proposal is included, based upon the draft fee proposals currently under consultation by the Government.

The Scheme has also been amended to make it clear that, where the chair is to be consulted on a matter, the vice chair will also be consulted.

Finally, one additional matter that emerged recently relates to the deferral of a item. Currently, this sits with the Planning Applications Committee and there is no provision within the scheme of delegation. This means that, where an item needs to be deferred (such as where additional information is required from a statutory consultee) the item has to be presented to the Committee and the Committee can then determine the need for the deferral. This obviously puts the applicant and the objectors to the inconvenience of attending the meeting – which causes both confusion and irritation. To address this, the Scheme has been amended to permit the Assistant Director to consider deferral in consultation with the Chair and Vice-chair.

4.3 Planning Code of Practice

Paragraph 5D.6 of the Code of Practice for Members and Officers Dealing with Planning Matters is set out in Appendix C. This paragraph deals with public speaking at Planning Applications Committee. The proposed changes are intended to change the priority of speakers from first come first served. This will give local residents, directly affected by a proposal, priority over other speakers, who may be interested parties, but who won't suffer any direct impact from a proposal. The changes do allow for vacant slots to be allocated to such interested parties, should there be insufficient neighbour interest in the matter.

One further change relates to the number of public speakers. The Working Party considered whether it would be appropriate to give the chair discretion to allow additional speakers. Because this can't be undertaken in advance, the difficulty would be that it might lead to an "inequality of arms" insofar as there may be no opportunity for the applicant to call additional speakers (or objectors where there are a number of supporters). To strike the right balance, the Working Party

determined that it would be better to increase the number of speakers both for and against an application to 3.

4.4 Overview & Scrutiny Procedure Rules

Arising from the recent call-in of an executive decision, a review of the Overview & Scrutiny Procedure Rules identified that non-members of the Panel did not have speaking rights. To address this, participation rights have been added as shown in Appendix D attached.

4.5 Petitions Scheme

The amendment to the Petitions Scheme was recommended to take account of the council's own software solution which is now available on the Council's website. The scheme has been amended to indicate that petitions via Change.org are no longer accepted. In practice, this will require petition organisers to utilise the Council's e-petitions software, with the added advantage that it will require correct details adding to the petition by signatories, including a relevant post-code.

The proposed deletion is shown at Appendix E.

4.6 Members Code of Conduct: Complaints Process & Hearings Procedure

The Complaints Process was recently amended and a further minor amendment is being proposed. This is as shown in Appendix F. The change is to give some flexibility to the Monitoring Officer, in consultation with the chair of the Audit & Standards Committee to reject a complaint which clearly does not engage the Members' Code of Conduct. Where the complaint is arguable, it will be submitted to the Assessment Sub-committee as set out in the procedure.

The Council's Hearings procedure has also been updated to reflect the approach adopted by the Appeals Committee. The previous Hearings Procedure was based upon the guidelines set by the former Standards Board for England, which set out a cumbersome procedure requiring exchange of documents; agreement on agreed facts and facts in dispute, etc.. The simplified procedure now leaves open questions of fact for the Hearings Panel to determine through the course of the hearing. The revised Procedure is shown as Appendix G.

4.7 Public Participation

Part 5M of the Constitution sets out the arrangements for Public participation at all Council meetings, with the exception of Planning Application Committee. The Working Party were concerned that a number of public speakers have sought permission to speak on items but have strayed away from the agenda item onto other matters. To manage public expectation and to reinforce the role of the chair, it is proposed to add wording: to the agenda; to the chair's brief; and amend paragraph 5M to reflect this. The suggested wording is reproduced in Appendix H

PHILIP RICHARDSON

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;

Appendix A

- vi. partnership working; and
- vii. consultation.

Will include:-

- i. being an advocate for ~~local residents~~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**

Appendix A

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 Full 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).

Appendix A

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;

~~iii-iv.~~ learn more about Local Government issues;

~~iv-v.~~ identify and work with local stakeholders;

~~v-vi.~~ develop communication skills;

~~vi-vii.~~ comply with the Member's Code of Conduct and Protocol for Member/Employee relations.

Also:-

~~vii-viii.~~ be aware of Council Policy.

Appendix B

3E.X8 ~~Assistant Director - Planning~~~~Head of Planning & Building Control~~

- 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~~~~Director – Head of Planning & Building Control~~

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

- 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.

Appendix B

ii. Where ~~five or more~~ letters of objections ~~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 where (unless~~ the objection does not, in the ~~Assistant Director – Planning’s Head of Planning & Building Control’s~~ opinion, relate to valid planning considerations (which are set out in the leaflet ‘Having Your Say on Planning Applications’) ~~and or are matters as set out in Schedule 2 below)~~, ~~or where the objections will be addressed by the decision of the officer either by the refusal of the application, or by attaching suitable conditions, or where amendments to the application overcome the objections.~~

~~ii-iii.~~ Where the application is recommended for refusal ~~and the Head of Planning & Building Control has informed the applicant and objectors of this~~, 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.

~~iii-iv.~~ Where five or more letters of support 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 ~~officer~~ Assistant Director - Planning is minded to ~~approve/refuse~~ the application.

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

- i. in the case of a minor application in their ward; or
- ii. in the case of a major application, any 3 Councillors,

that application be dealt with by the Planning Applications Committee.

The request has to be made to the ~~Assistant Director - Planning Head of Planning & Building Control~~ 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 ~~a non-material amendment or~~ 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 Head of Planning and Building Control~~, in consultation with the chair ~~(or, if applicable, and~~ vice-chair) of Planning Application Committee.

~~v-vi.~~ The ~~Assistant Director - Planning Head of Development & Building Control~~ considers the application or notified matter should be considered by the Planning Applications Committee.

Appendix B

~~vi.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 Guidance.

~~vii.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.

~~viii.ix.~~_____ The applicant is a member or an employee of the Development Control or Building Control Section.

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
8. Non-Material Amendments

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) ~~Where no adverse representations have been received, 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.

Appendix B

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.

ii)

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Annex A: Criteria for letters of Objection

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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;

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Scale of Application

Number of valid objections required

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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

Appendix B

Over 50 dwellings or more than 3,750 sqm commercial floorspace

At least 15 valid objections

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

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 opinion of the Assistant Director – Planning, 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.

Extract from the Overview & Scrutiny Procedure Rules

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. 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.

Appendix D

- 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.
- 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.

Petitions Scheme (extract)

5K.2.10 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 change.org that use the Council's e-petitions system which can be found on the Council's website at:~~

<https://www.nuneatonandbedworth.gov.uk/petition>

5A.1 Nuneaton & Bedworth Borough Council Member Complaint Process

Filter Stage

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 shall consult with the chair of the Audit & Standards Committee to confirm that the subject matter of the complaint engages the Code of Conduct. If the chair agrees, the subject Member and the complainant will be contacted to establish whether informal resolution is achievable. If the chair and the Monitoring Officer agree that the Code of Conduct is not engaged, the complainant will be notified and the complaint closed.

Where the Code is engaged, the Complaint will ~~then~~ be submitted to the Assessment Sub-committee for consideration. 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 a 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. Where appropriate the Monitoring Officer may also consult an independent person.

Where the allegation concern matters which 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 available at the filter stage are

Complaint resolved by informal action acceptable to both member and complainant.	No further action where complaints fall outside the Code or do not justify investigation and there is no informal resolution	Allegations of criminal matters if appropriate referred to Police	Referral for investigation if criteria are met
--	--	---	--

We will only refer a complaint for investigation if the following criteria are met

- 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 **and**
- the conduct complained of occurred within 6 months of the date the complaint was received

We will not normally refer complaints for investigation where they fall within one or more of the following categories

- we believe it to be malicious, relatively minor, or tit-for-tat

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- 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 is investigated by an Investigator appointed by the Monitoring Officer. Estimated timescales for investigation to be agreed between Investigator and Monitoring Officer in consultation with the chair of Audit & Standards Committee on a case by case basis.

Before finalising the investigation report, the Monitoring Officer will seek the views of an independent person.

Report Stage

The Monitoring Officer will arrange for the investigation report recommendations to be reported to Audit & Standards 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.

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. 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 of 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

Appendix F

- 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 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

Appendix G

Members Code of Conduct: Hearings Procedure

PRELIMINARIES

Introductions

[Appointment of Chair](#)

Declarations of Interest

[Preliminary Applications](#), ie Decision whether to proceed or adjourn in the absence of the Member or any other relevant party.

HEARING OF THE ALLEGATION

- a) ~~Evidence~~ [Monitoring Officer \(or his/her representative\) presents the report and evidence](#) of disputed facts ~~given by the Reporting Officer~~, calling witnesses allowed by the Panel.
- b) ~~Any~~ [Monitoring Officer/representative makes any](#) further representations from the Complainant to the Panel.
- c) ~~Subject~~ Member asks questions ~~for via~~ the Panel to ~~put to~~ the ~~Reporting Officer/Monitoring Office/representative~~ (and witnesses), ~~and questions from the Panel (who may ask questions at any time) are put to the Reporting Officer.~~
- d) ~~Evidence of disputed facts given by the Member, calling witnesses allowed by the Panel.~~
- e)d) ~~Questions to the Panel by the Reporting Officer to put to the Member (and witnesses) and questions from the~~ The Panel (who may ask questions at any time) ~~are~~ put [their questions](#) to the ~~Member/Monitoring Officer/Witnesses~~.
- f)e) ~~Member makes representations~~ [Subject member presents their case](#) as to why he/she believes they have not ~~broken the Code of Conduct~~ [breached the code](#) and ~~calls~~ [evidence of disputed facts](#), calling witnesses allowed by the Panel.
- f) ~~Investigator and/or Reporting~~ [The Monitoring Officer/rep may asks](#) questions ~~for via~~ the Panel to put to the Subject Member (and witnesses).

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- g) The Panel (who may ask questions at any time) ~~put~~ may ask their questions addressed to the Subject Member/Witnesses.
- g)h) Monitoring Officer/representative makes final representations as to why it is believed the Code of Conduct has been broken.
- h)i) Member makes any final representations as to why they believe the Code of Conduct has not been broken.
- i)j) When the Chair and the Panel is satisfied that ~~the Panel has obtained~~ all necessary information has been obtained and the parties have been given a reasonable opportunity to put their case, the Panel, and Legal Advisor ~~and Clerk~~ will consider the matter in private, ~~if necessary,~~ following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972.
- j)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).
- k)l) ~~The~~ Once a decision has been made the Panel will recall the parties and the Chair will announce its decision.
- l)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 set a penalty,~~ 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.
- m)n) The Panel will consider what penalty-sanction (if any) to impose in private, ~~if necessary,~~ following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972, and may be accompanied by the Legal Advisor ~~and Clerk.~~
- n)o) The Panel will recall the parties and the Chair will announce its decision.
- o)p) The Hearing Panel ~~will~~ may then consider in open session whether there are any recommendations which the Authority should make arising from consideration of the allegation. For example, ~~providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or related matters; for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct,~~ for rectifying any deficiency in the Authority's decision making procedures, or for preventing or deterring any further breaches of the Code of Conduct.

Public Participation

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.

- 5.56 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.

- 5.67 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.

Report Summary Sheet

Date: 26th July 2023

Subject: Statement of Community Involvement

Portfolio: Planning and Regulation

From: Assistant Director - Planning

Summary:

The SCI has not been comprehensively reviewed since 2010, therefore it has been necessary to carry out a full review of the document. As part of this, the document has been re-organised to clearly set out the stages involved in consultations on policy documents and planning applications within separate sections. Additionally, the legislative requirements surrounding consultations have been rewritten in plain English to make the document clearer to read.

Recommendations:

It be recommended to council that:
The Statement of Community Involvement be adopted.

Options:

To recommend with or without amendments, or to not recommend.

Reasons:

To comply with the Town and Country Planning (Local Planning) (England) Regulations 2012, which state that local authorities must review their Statement of Community Involvement (SCI) every five years, and whilst the SCI was reviewed in 2020, this was simply to include coronavirus amendments, and therefore the document has not been subject to a more in-depth review since 2015.

Consultation undertaken with Members/Officers/Stakeholders:

This report has taken into consideration the comments made to the previous consultation in order to update the document. The consultation mechanisms have been followed in line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Building a Better Borough Aim: All

Building a Better Borough Priority: All

Relevant statutes or policy:

Planning and Compulsory Purchase Act 2004, The Town and Country Planning (Local Planning) (England) Regulations 2012, Localism Act 2011, Environmental Assessment of Plans and Programmes Regulations 2004, Community Infrastructure Levy Regulations 2010, The Town and Country Planning (Development Management Procedure) (England) Order 2015, Wildlife and Countryside Act 1981, Town and Country Planning (Permission in Principle) Order 2017, and The Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Equalities Implications: None.

Human resources implications: None.

Financial implications: None.

Health Inequalities Implications: None

Section 17 Crime & Disorder Implications: None

Risk management implications: None

Environmental implications: None

Legal implications:

The council need to follow the legislation set out concerning consultation within the Planning department, which this document will support.

Contact details:

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Assistant Director - Planning
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Sarah Matile
Principal Planning Policy Officer
024 7637 6380
sarah.matile@nuneatonandbedworth.gov.uk

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 26th July 2023

From: Assistant Director - Planning

Subject: Statement of Community Involvement

Portfolio: Planning and Regulation - R. Smith

Building a Better Borough Aim: All

Building a Better Borough Priority: All

1. Purpose of Report

- 1.1 The purpose of this report is to approve a new Statement of Community Involvement for adoption by Council at its next meeting in September.

2. Recommendations

- 2.1 It be recommended to council that:

The Statement of Community Involvement be adopted.

3. Background

- 3.1 The Statement of Community Involvement (SCI) is a statement of our policy as to the involvement in the preparation and revision of local development documents, as well as joint local development documents. The SCI also details how we will consult the community on planning applications.

4. Statement of Community Involvement development

- 4.1 The SCI was updated in 2020 to reflect the coronavirus amendments for how the Planning department consulted on local development documents and planning applications whilst lockdown measures were in place. This was consulted on between 8th January and 5th March 2021, and we received five responses. One of these responses set out concerns around the removal of the consultee lists in the appendices from the 2020 version, however these have now been reinstated.
- 4.2 The SCI was also updated in 2015, however this was simply an update to the list of consultees to ensure they were up to date, and therefore

the document has not been fully reviewed since 2010. In light of the length of time since the writing of the majority of the document, it has been necessary to carry out a full review, in order to ensure we are meeting all of the legislative requirements in relation to consultation through the planning process.

4.3 The main change to the document is that it has been re-ordered to clearly set out the consultation process for policy documents and planning applications in separate sections. Additionally, all of the regulations associated with consultations have been written in plain English in order to make the document clearer to read.

4.4 The SCI also contains an expanded section on the Community Infrastructure Levy (CIL), clearly setting out in plain English the steps to go through in order to adopt a CIL, albeit the council have decided not to proceed with a CIL for the time being. In addition to these updates, a new section has been added setting out how we will consult on listed building applications and applications affecting the setting of listed buildings.

5. Conclusion

5.1 The SCI has not been comprehensively reviewed since 2010, therefore it has been necessary to carry out a full review of the document. As part of this, the document has been re-organised to clearly set out the stages involved in consultations on policy documents and planning applications within separate sections. Additionally, the legislative requirements surrounding consultation have been re-written in plain English to make the document clearer and more concise.

6. Appendices

Appendix A: Statement of Community Involvement (2023)

7. Background Papers

None.

Nuneaton and Bedworth Borough Council

Statement of Community Involvement

2023



Statement of Community Involvement

Adopted (add date)

Nuneaton and Bedworth Borough Council

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1. Introduction

- 1.1 The statement of community involvement (SCI) is a statement of our policy as to the involvement in the preparation and revision of local development documents, as well as joint local development documents¹. The SCI also details how we will consult the community on planning applications².

2. Planning Policy

Development plan documents

- 2.1 Development plan documents (DPDs) state areas such as the development and use of land which we wish to encourage, the allocation of sites for a particular type or development use, and development management and site allocation policies, which are intended to guide the determination of applications for planning permission. Development plan documents include the local plan.³ There are four main stages of DPD involvement where The Town and Country Planning (Local Planning) (England) Regulations 2012 require involvement with interested parties, which are set out below.

Preparation of a DPD (Regulation 18):

- 2.2 We will notify specific consultation bodies (Appendix A), general consultation bodies (Appendix B), residents and businesses, which we consider it appropriate to notify, of a DPD which we propose to prepare, and invite each of them to make representations to us about what a DPD with that subject ought to contain.
- 2.3 In preparing the DPD, we will take into account any representation made in response to the invitations sent out.

Publication of a DPD (Regulations 19 & 20):

- 2.4 Before submitting a DPD to the Secretary of State for independent examination, we will make a copy of each of the proposed submission documents and a statement of representations procedure available. Documents will be made available for inspection at the Town Hall during normal office hours and will be published on our website.

¹ Planning and Compulsory Purchase Act 2004, c.5

² Ministry of Housing, Communities and Local Government (2020) Guidance: Consultation and pre-decision matters.

³ The Town and Country Planning (Local Planning) (England) Regulations 2012, No. 767, Part 1, Regulation 2

- 2.5 We will also ensure that a statement of the representations procedure and a statement of fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18.
- 2.6 In respect of representations relating to a DPD, any person may make representations to us about a DPD which we propose to submit to the Secretary of State. Any such representations must be received by us by the date specified in the statement of the representations procedure.

Submission of documents and information to the Secretary of State (Regulation 22):

- 2.7 As soon as reasonably practicable after we submit a DPD to the Secretary of State we will make available at the Town Hall during normal office hours and on our website a copy of the DPD, a copy of each of the documents related to the DPD as set out in Regulation 22, and a statement of the fact that the documents are available for inspection and of the places and times at which they can be inspected. We will also send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18, notification that the documents are available for inspection and of the places and times at which they can be inspected. Additionally, we will give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been submitted.

Independent examination (Regulation 24)

- 2.8 At least six weeks before the opening of a hearing held for the purpose of giving persons the opportunity to appear before and be heard by the person appointed to carry out the independent examination, we will make available the date, time and place at which the hearing is to be held, and the name of the person appointed to carry out the independent examination will be made available for inspection at the Town Hall during normal office hours and will be published on our website. We will also notify any person who has made a representation in accordance with regulation 20 and not withdrawn that representation.

DPD consultation duration

- 2.9 In line with the application and interpretation of Part 6 of The Town and Country Planning (Local Planning) (England) Regulations 2012, our statement of representations procedure will specify the date by which representations about DPDs must be received by us, which will be 6 weeks from the day on which the statement is published. The statement of representations procedure only needs to be published

for the publication stage of DPDs, however for consistency, we will also consult for 6 weeks on the preparation stage of DPDs.

Supplementary planning documents

- 2.10 Supplementary planning documents (SPDs) state environmental, social, design and economic objectives which are relevant to the attainment of development and use of land mentioned in the DPDs. The involvement required for SPDs in The Town and Country Planning (Local Planning) (England) Regulations 2012 is set out below.

SPD public participation (Regulation 12)

- 2.11 Before we adopt a SPD we will prepare a statement setting out the persons we consulted when preparing the SPD, a summary of the main issues raised by those persons, and how those issues have been addressed in the SPD. For the purpose of seeking representations on the SPD, we will make copies of the statement and the SPD available for inspection at the Town Hall during normal office hours, and publish these documents on our website. We will also detail the date by which representations must be made, which will be 4 weeks from the date we publicise the documents, and the address to which they must be sent.

Duty to co-operate

- 2.12 In addition to the requirements outlined above, Section 110 of the Localism Act 2011 sets out a duty to co-operate in relation to planning of sustainable development. This means that we will co-operate with the duty to co-operate bodies⁴ (Appendix C) by engaging constructively, actively and on an ongoing basis in the preparation of local development documents.

Strategic environmental assessment and sustainability appraisal

- 2.13 When deciding on the scope and level of detail of the information to be included in the strategic environmental assessment (SEA) or sustainability appraisal (SA), we will consult with the required consultation bodies, those being Historic England, Natural England and the Environment Agency, and where the consultation bodies decide to respond, they should do so within 5 weeks of receipt of the request. This will be in line with regulation 12(5) and 12(6) of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 2.14 In relation to the sustainability appraisal itself, we will consult the required consultation bodies and other parties, who in our opinion, are affected or likely to be

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012, No.767, Part 2, Regulation 4

affected by, or have an interest in, the decisions involved in the assessment and adoption or making of the plan. The relevant documents may be viewed or obtained at the Town Hall and on our website. We will invite consultees to express their opinion on the relevant documents, and request that they are sent to the Town Hall or emailed to the Planning Policy team, and opinions will need to be sent to us within 6 weeks following the publication of the documents. This is in line with the National Planning Practice Guidance on SEAs and SAs.

Community Infrastructure Levy (CIL)

- 2.15 The Community Infrastructure Levy (CIL) is a tool for us to help deliver infrastructure to support the development of the area. There are three main stages of CIL production where The Community Infrastructure Levy Regulations 2010 require involvement with interested parties.

Consultation of a preliminary draft charging schedule (Regulation 15)

- 2.16 When we propose to issue or revise a charging schedule, we will prepare a preliminary draft charging schedule for consultation. We will send a copy of the preliminary draft to each of the Community Infrastructure Levy consultation bodies (Appendix D), and invite each of those bodies to make representations on the preliminary draft. We will also invite representations on the preliminary draft from residents and businesses in the borough. We will also invite voluntary bodies and bodies which represent the interests of businesses in the borough as we consider appropriate. We will make appropriate arrangements for inviting representations.
- 2.17 Regulation 15 does not set out the period we need to specify for consultation, however to be consistent with regulations 16 and 17, we will make this a period of four weeks starting on the day on which notice is given of the consultation.

Publication of a draft charging schedule (Regulations 16 and 17)

- 2.18 Before submitting a draft charging schedule for examination, we will make a copy of the draft charging schedule, the relevant evidence and a statement of representations procedure available for inspection at the Town Hall. We will also publish on our website the draft charging schedule, the relevant evidence, a statement of the representations procedure, and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected.
- 2.19 We will also send to each of the consultation bodies a copy of the draft charging schedule, and a statement of the representations procedure. Additionally, we will give, by local advertisement, notice which sets out a statement of the representations procedure, and a statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected.

- 2.20 Any person may make representations about a draft charging schedule which we propose to submit to the examiner. Any such representations must be made within the period which we specify, and sent to the address which we specify. The period which we specify for consultation will be a period of four weeks starting on the day on which notice is given of the consultation. A person who has made representations about a draft charging schedule may withdraw those representations at any time by giving notice in writing to us.

Submission of documents and information to the examiner (Regulation 19)

- 2.21 As soon as practicable after we submit a draft charging schedule to the examiner, we will make available at the Town Hall and on our website a copy of the draft charging schedule and of each document set out in regulation 19. We will also publish on our website a statement of the fact that a copy of the draft charging schedule and each of the documents outlined in regulation 19 are available for inspection and of the places at which they can be inspected, as well as giving notice to those persons who requested to be notified of the submission of the draft charging schedule to the examiner that the draft has been submitted.
- 2.22 Where we have modified the draft charging schedule after it was published in accordance with regulation 16, we will send a copy of the statement of modifications to each of the persons invited to make representations under regulation 15.

Additional community involvement

- 2.23 In addition to the regulations regarding community involvement, we may use other methods that go beyond the requirements set out in the regulations, which may include the following.
- Notify non-statutory consultees
 - Press releases
 - Raising awareness through social media
 - Providing additional guidance on our website
 - Drop-in sessions

Neighbourhood planning

- 2.24 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area. Further details regarding neighbourhood planning and stakeholder engagement in the plan making process can be found in a Neighbourhood Planning Protocol on our website.

3. Planning applications

Planning application process

- 3.1 The planning application process can be divided up into three main stages in terms of community involvement, which are pre-application, application and post-application.

Pre-application

- 3.2 The aim of the pre-application stage is to allow an applicant to find out whether the type of development proposed is acceptable in principle prior to submitting a formal application.
- 3.3 A number of benefits may be achieved from pre-application discussions, including the following.
- Better quality application which will take less time to process.
 - Identification and resolution of problems at an early stage resulting in fewer objections from statutory consultees, key stakeholders and the community when the application is processed.
 - Openness of approach.
 - Fewer revisions of proposals, saving developer and ourselves time and resources.
- 3.4 Developers are required to consult local communities on certain types of development (in line with the Localism Act) before submitting a planning application. Pre-application community involvement should be tailored to the nature and scale of the proposed development, and applicants are encouraged to contact us in advance to agree the need for the exercise, and the proposed methods of community involvement to be used.
- 3.5 To ensure impartiality, we will adopt a watching role, but will not be directly involved in the consultation process. A consultation outcome report should be submitted with the planning application, stating how the application has been amended to overcome issues raised during the pre-application community involvement.
- 3.6 We provide a pre-application service for developers. Details of the service including information about fees, exemptions and the assistance provided can be found in a guidance note available on our website.

Application

- 3.7 At the application stage we will consider the planning application before making a formal decision on the proposed development. This stage of the process can take between 8-13 weeks, depending on the scale of the application concerned. During this stage we are also required to publicise and consult on the planning application.

This will be carried out in accordance with the statutory requirements for publicity, which are outlined below. Where required, consultation on amended plans may also take place, although the timescales for response are likely to be less to prevent a significant delay in the consideration of the application.

- 3.8 The Head of Planning has delegated authority to process and make decisions on some planning applications in accordance with the procedures agreed by the Planning Applications Committee. The delegation agreement is available to view on our website. Other applications will be reported to the Planning Applications Committee for a decision.
- 3.9 The Planning Applications Committee is a public meeting which takes place at a frequency determined by Cabinet. Members of the public are allowed to speak at the committee in accordance with procedures agreed by the Planning Applications Committee. Committee agendas are made available at the meetings or can be found on our website. Full details of the dates and venues for future committee meetings can also be found on our website.

Post-application

- 3.10 After a decision has been taken on an application, we will publicise the outcome along with details on how the decision was taken (delegation or committee), policies appropriate to the decision, any conditions that are attached to an approval, reason/s for refusal, and details of the applicant's right to appeal. All decisions will be updated on the online application register.
- 3.11 If a planning application is refused or there is disagreement over conditions attached to a planning approval notice, the applicant has a right to appeal against our decision. When we receive notification of an appeal from the Planning Inspectorate, we will write to and notify anyone who commented in writing on the original planning application. The notification letter will explain what type of appeal has been submitted and how comments on the appeal can be made to the Planning Inspectorate. Copies of all written comments submitted to us in relation to the original planning application will be forwarded to the Planning Inspectorate. Comments on the appeal should be sent to the Planning Inspector who will copy them to us for consideration.

Publicity for applications for planning permission (Regulation 15)

- 3.12 As set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, in the case of an application for planning permission for development which
- is an Environmental Impact Assessment application accompanied by an environmental assessment,
 - does not accord with the provisions of the development plan in force in the borough, or
 - would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) applies (collectively known as paragraph 2 applications)

we will publish on our website the information set out in paragraph 7 of regulation 15 (Appendix E). We will also give requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, and by publication of the notice in Nuneaton News.

- 3.13 In the case of an application for planning permission which is not a paragraph 2 application, if the development proposed is major development the application must be publicised in accordance with the requirements in paragraph 7 of regulation 15 and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, or by serving the notice on any adjoining owner or occupier, and by publication of the notice in Nuneaton News. These applications are collectively known as paragraph 4 applications.
- 3.14 In a case to which neither paragraph 2 nor paragraph 4 applications apply, the application must be publicised in accordance with the requirements in paragraph 7 of regulation 15 and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 21 days, or by serving the notice on any adjoining owner or occupier.
- 3.15 For all planning applications for planning permission, where there is a requirement set out in law to consult a specific body, we will do so. These are classed as statutory consultees, and are listed in Appendix F.

Publicity for applications for permission in principle

- 3.16 In order to reflect Article 5G of the Town and Country Planning (Permission in Principle) Order 2017, an application for permission in principle will be publicised by ourselves in accordance with the requirements in Appendix E, and by giving requisite notice by site display in at least one place on or near the land to which the application relates for 14 days.

Listed building applications

- 3.17 In line with The Planning (Listed Buildings and Conservation Areas) Regulations 1990, we will publish in Nuneaton News a notice indicating the nature of the works which are the subject of the application and a copy of the application, and all plans and other documents submitted with it will be open to inspection by the public at the Town Hall and on our website at all reasonable hours during the period of 21 days beginning with the date of the publication notice. We will also for 7 days display on or near the said building a notice containing the same particulars as those made available for inspection.
- 3.18 The above does not apply to listed building consent to carry out works affecting only the interior of a building which when last notified to the authority by the Secretary of State as a building of special architectural or historic interest was classified as a Grade II (unstarred) listed building, or, the variation or discharge of conditions attached to a listed building consent in respect of the interior of such a Grade II (unstarred) listed building.

Publicity for applications affecting setting of listed buildings

- 3.19 Regulation 5A of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 apply where an application for planning permission for any development of land is made to us which we think would affect the setting of a listed building or the character or appearance of a conservation area. Where this is the case, we will publish in Nuneaton News, and for seven days display on or near the land, a notice indicating the nature of the development and that a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public in the Town Hall and on our website at all reasonable hours during the period of 21 days beginning with the date of publication of the notice. We will also send Historic England a copy of this notice.

Consultation periods during public holiday

- 3.20 We will extend periods of public consultation by one day for each public holiday that occurs during a public consultation period. Public holidays include Christmas Day, Good Friday, or a day which is a bank holiday. Additional days can also be added if any new / one-off public holidays are created.

Safeguarded aerodromes

- 3.21 As part of Nuneaton and Bedworth falls within the safeguarding boundary of Coventry Airport, we will consult with Coventry Airport before granting permission for all building, structures, erections and works exceeding 90 metres in height (295.3 feet) within the safeguarding boundary. We will also consult with Coventry Airport before granting permission for all applications involving major tree planting schemes, mineral extraction or quarrying, a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary and all applications connected with an aviation use within the safeguarding boundary.

Additional community involvement

- 3.22 In addition to the statutory requirements for publicity of applications for planning permission, we will also use the following forms of involvement.
- Weekly list – this contains details of applications submitted over the previous week. The list is sent to statutory consultees, councillors and other departments in the council. It is also available on our website or can be sent to individuals for a small fee.
 - Additional neighbour notification – this is a letter which is sent to occupiers of properties most likely to be affected by proposals, over and above the requirement to serve a notice on any adjoining owner or occupier.

Community involvement tables

- 3.23 Table 1 sets out the community involvement we will undertake in relation to planning applications at each stage, whilst table 2 sets out the statutory publicity requirements for applications for planning permission and listed building consent.

Table 1: Community involvement for planning applications

Type of application	Stage of application	Method of community involvement						
		Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website	Additional neighbour notification letter	Statutory consultee email	Weekly list
All planning applications	Application	X*	X*	X*	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Minor and other applications of wider concern	Application	X*	X*	X*	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Major applications	Application	X*	X*	X	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X
Applications accompanied by an environmental statement	Application	X		X	X	X	X	X
	Post-application				X			
	Appeal		X		X	X		X

* Method to be used if set out in table 2

Table 2: Statutory publicity requirements for applications for planning permission and listed building consent

Type of development	Site notice	Site notice or neighbour notification letter	Newspaper advertisement	Website
Applications for major development as defined in Article 2 of the Development Management Procedure Order (which are not covered in any other entry)		X	X	X
Applications subject to Environmental Impact Assessment which are accompanied by an environmental statement	X		X	X
Applications which do not accord with the development plan in force in the area	X		X	X
Applications which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies	X		X	X
Applications for planning permission not covered in the entries above e.g. non-major development		X		X
Applications for listed building consent where works to the exterior of the building are proposed	X		X	X
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	X		X	X
Applications for development which would affect the setting of a listed building, or affect the character or appearance of a conservation area	X		X	X

Appendix A: Specific consultation bodies

- The Coal Authority
- The Environment Agency
- Historic England
- Natural England
- Network Rail Infrastructure Limited
- National Highways
- A relevant authority any part of whose area is in or adjoins the borough
- Integrated Care Systems
- A sewerage undertaker
- A water undertaker
- Homes England

Appendix B: General consultation bodies

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- Bodies which represent the interests of different religious groups in the local planning authority's area
- Bodies which represent the interests of disabled persons in the local planning authority's area
- Bodies which represent the interests of persons carrying on business in the local planning authority's area

Appendix C: Duty to co-operate bodies

- The Environment Agency
- Historic England
- Natural England
- The Civil Aviation Authority
- Homes England
- Integrated Care Systems
- The Office of Rail Regulation
- Each Integrated Transport Authority
- Each highway authority

Appendix D: Consultation bodies for Community Infrastructure Levy

- A local planning authority whose area is in or adjoins the charging authority's area
- A county council whose area is in or adjoins the charging authority's area
- A responsible regional authority whose area is in or adjoins the charging authority's area

Appendix E: Regulation 15, paragraph 7

- the address or location of the proposed development;
- a description of the proposed development;
- the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;
- where and when the application may be inspected;
- how representations may be made about the application; and
- that, in the case of a householder or minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

Appendix F: Statutory consultees on applications for planning permission

- Active Travel England (from 1st June 2023)
- Canal and River Trust
- Coal Authority
- Control of major accidents hazards competent authority (COMAH)
- County Planning Authorities
- Crown Estates Commissioners
- Department for Business, Energy and Industrial Strategy
- Designated Neighbourhood Forum
- Environment Agency
- Forestry Commission
- Garden History Society
- Health and Safety Executive
- Highways Authority (Warwickshire County Council)
- Historic England
- Lead local flood authority (Warwickshire County Council)
- Local Planning Authorities
- National Highways
- Natural England
- Office for Nuclear Regulation
- Oil and Gas Authority
- Rail Infrastructure Managers
- Sport England
- Theatres Trust
- Toll Road Concessionaries
- Severn Trent Water

Appendix G: Glossary

Minor application

- Dwellings: those which do not meet the criteria for major applications
- All other uses: those which do not meet the criteria for major applications

Other applications

- Change of use: those which do not meet the criteria for major applications
- Householder: developments within the curtilage of a residential property
- Advertisements
- Listed building consent
- Applications within a conservation area

Minor and other applications of wider concern

The following criteria will be used to assess whether such applications are likely to be of wider concern.

- Those applications affecting property by causing noise, smell, vibration, dust or other nuisance
- Attracting crowds, traffic and noise in generally quiet area
- Causing activity or noise during anti-social hours
- Significant change, e.g. tall buildings
- Serious reduction or loss of light and/or privacy, beyond adjacent properties
- Affecting setting of an ancient monument
- Affecting trees subject to Tree Preservation Orders

Major applications

Major applications means development involving any one or more of the following:

- the winning and working of minerals or the use of land for mineral-working deposits;
- waste development;
- the provision of dwellings where
 - the number of dwellings to be provided is 10 or more, or
 - the development is to be carried out on a site having an area of 0.5 hectares or more, and it is not known whether the development will provide 10 dwellings or more;
- the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or
- development carried out on a site having an area of 1 hectare or more

Applications accompanied by an environmental statement

An environmental statement will accompany those applications requiring an assessment under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This will protect the environment by ensuring that when we decide whether to grant planning permission for a project, we will take into account the likely significant effects on the environment.



Cabinet

Report Summary Sheet

Date: 26 July 2023

Subject: Capital Outturn 2022/23

**Portfolio: Finance and Corporate (Councillor S Croft)
Housing & Communities (Councillor C Golby)**

From: Strategic Director – Finance & Governance

Summary:

To provide the final capital outturn position on the General Fund and Housing Revenue Account (HRA) for 2022/23.

Recommendations:

To consider the capital outturn position for 2022/23

That the updated capital budget for 2023/24 is recommended to Council for approval

To note the capital reserve position as at the end of 2022/23

Options:

To accept the report or request further information on the outturn position.

To recommend approval of the updated 2023/24 capital budget to Council

Reasons:

To ensure the Council has an accurate capital budget.

Consultation undertaken with Members/Officers/Stakeholders

Councillor Croft, Councillor Golby, Management Team and relevant officers

Subject to call-in:

No

Ward relevance:

None directly.

Forward plan:

Yes

Building a Better Borough Aim:

Work

Building a Better Borough Priority:

Grow a strong and inclusive economy.

Relevant statutes or policy:

Local Government Finance Act

Equalities Implications:

None

Human resources implications:

None

Financial implications:

Detailed in the report.

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

None.

Environmental implications:

None

Legal implications:

None

Contact details:

Vicki Summerfield – Strategic Director - Finance & Governance

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet – 26 July 2023
From: Strategic Director - Finance & Governance
Subject: Capital Outturn 2022/23
Portfolio: Finance & Corporate (Councillor S Croft)
Housing & Communities (Councillor C Golby)

Building a Better Borough Aim: Work

Building a Better Borough Priority: Grow a Strong & Inclusive Economy

1. Purpose of Report

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

2. Recommendations

2.1 To consider of the final capital outturn position for 2022/23 for the General Fund and HRA.

2.2 That the updated capital budget for 2023/24 detailed in Appendix 2 is recommended to Council for approval.

2.3 To note the capital reserve position at the end of 2022/23.

3. Background

3.1 Nuneaton and Bedworth Borough Council has a large capital programme to provide community value and improve facilities. The outturn position for 2022/23 updates on how the programme is progressing.

4. Body of Report

4.1 The Council's capital programme covers many projects for both the General Fund and Housing Revenue Account.

4.2 General Fund projects are developed in line with strategies reported to Cabinet/Council and are funded through Section 106 developer contributions, grant funding (from the Government and other external

providers), internal and external borrowing plus capital receipts generated through asset sales.

- 4.3 HRA projects are mainly for refurbishment of council houses, disabled adaptations to council housing plus new build. They are funded from HRA reserves, capital receipts from Right to Buy plus grant income.
- 4.4 The capital budget for 2022/23 of £84,535,816 was approved in February 2022 at Council with an updated budget requirement reported of £40,485,887 to Cabinet in February 2023. The budget profile for 2023/24 was altered to give a three-year plan for capital spend rather than an annual update to prevent large movements in the budget in year.
- 4.5 A summary of the General Fund and HRA actual expenditure versus budget is below alongside financing of the programme with further detail included in Appendix 1.

Expenditure	Actual 2022/23 £	Reprofiled Budget 2022/23 £	Variance 2022/23 £
Business & Regeneration	9,209,741	12,290,907	3,081,166
Finance & Corporate	342,510	506,560	164,050
Housing & Communities	5,907,832	6,025,930	118,098
Public Services	3,257,866	3,709,340	451,474
Planning & Regulation	70,149	67,150	-2,999
Health & Environment	0	0	0
	18,788,098	22,599,887	3,811,789
HRA	16,456,647	17,886,000	1,429,353
Total Expenditure	35,244,745	40,485,887	5,241,142

Financing	Actual 2022/23 £	Reprofiled Budget 2022/23 £	Variance 2022/23 £
Earmarked Reserves / Revenue	3,969,688	4,310,017	340,329
Capital Grants / Contributions	15,982,251	17,923,972	1,941,721
Major Repairs Reserve	8,724,120	8,724,120	0
Capital Receipts	1,303,045	1,473,480	170,435
Prudential Borrowing	5,265,642	8,054,298	2,788,656
Total Financing	35,244,745	40,485,887	5,241,142

General Fund

- 4.6 The budget for the capital programme was reprofiled in February 2023 due to slippage on some projects within the financial year.

4.7 A total underspend of £3,811,789 was seen in year with £3,860,799 proposed for carry forward which is detailed in Appendix 1. Although large underspends were seen in year, two of the larger projects overspent. These however were fully funded by grants received in advance. Detail is included in the commentary below.

4.8 The large variances seen in year are summarised below by portfolio.

Business & Regeneration

- The main underspends are for Abbey Street phases 1 & 2 (now retitled Grayson Place), Bridge to Living and projects related to Towns Fund grant income.
- Phase 1 of Grayson Place is underway with the hotel in the process of construction and phase 2 is being finalised with construction partners.
- Options appraisals are currently being undertaken for Bridge to Living due to the increase in construction costs across all projects.
- Towns Fund is made up of numerous projects, but progress has been made with the purchase of the Saints building.
- It is proposed to carry forward the underspends into 2023/24 as detailed in Appendix 1.

Finance & Corporate

- The main underspend is on the ICT Strategy and is due to items that were projected to be spent being unable to be capitalised. The underspend is not to be carried forward as the budget for 2023/24 is deemed sufficient. A small carry forward is proposed for the final stage of the Camp Hill redevelopment. This is expected to be complete during 2023/24.

Housing & Communities

- Underspends have been seen in the UKSPF and Green Homes funding, both of which have projects underway and a full carry forward of underspends is proposed.
- An overspend against budget was seen in year for disabled facilities. grant funding and underspends from previous years is held in reserve for the Home Environment Assessment and Response Team (HEART) which covers all authorities in Warwickshire and therefore was fully funded.

Public Services

- The main underspends are on the Leisure Strategy, Sub-Regional Materials Recycling Facility (MRF) and major repairs of public buildings.

- Major repairs have been reprioritised after review, the MRF is due to be finished in the summer of 2023 and the underspend in year will not require reprofiling and the Leisure Strategy is in the process of review and is expected to be spent in full during 2023/24 so a carry forward is proposed for this project.
- An overspend was identified on the Bedworth Physical Activity Hub. This project is currently paused whilst a value engineering process and discussions with funding partners are undertaken. The additional spend in year is fully funded by grant income already received for the initial stages of the project and the budget for 2023/24 has been reduced to reflect the additional spend in 2022/23.
- Stockingford Community Centre and Buttermere Park projects have smaller underspends in year but it is proposed to carry forward these underspends as the projects are underway and will complete during 2023/24.

4.9 A carry forward of underspends is required and detail of the proposed transfer into 2023/24 is summarised below with detail in Appendix 1. The revised capital budget for 2023/24 is detailed in Appendix 2.

	Carry Forward £
Business & Regeneration	3,071,449
Finance & Corporate	25,000
Housing & Communities	452,637
Public Services	311,713
	<u>3,860,799</u>

HRA

- 4.10 The original HRA budget of £22,938,120 was reprofiled in year due to slippage on projected works to £17,886,000.
- 4.11 Management of the HRA capital programme is based on scheduled works and progression of new build and acquisition targets. The budget as a whole is utilised by need of the customer and the most efficient use of resources to ensure value for money and will therefore fluctuate against the initial forecasted expenditure by line in any one year.
- 4.12 The main variances against the revised budget are on fire safety works where a delay to the contract start will push works into future years, structural works which span a two-year period, delays on materials purchases plus reduced opportunity to acquire properties that meet payback period requirements.
- 4.13 It is proposed that the total underspend in year is carried forward into 2023/24. A review of the HRA Business Plan is underway and a full

update to the capital plan will be reported to Cabinet in the Autumn. Detail of the capital programme is included in Appendix 1 with the revised budget for 2023/24 included in Appendix 2.

Capital Reserves

4.14 Reserves are held by the Council for capital purposes either generated through sales of assets, setting aside sums from underspends or receipts of grants for capital purposes.

4.15 The Council's capital reserve position at the end of March 2023 is as follows.

	2022/23 £
Capital Receipts	618,525
Capital Grants	16,814,944
Earmarked Capital	2,612,970
General Fund Total	20,046,438
Capital Receipts	341,077
1-4-1 Receipts	2,466,956
Earmarked Capital	5,310,558
Major Repairs Reserve	2,020,823
HRA Total	10,139,414
Total Capital Resources	<u>30,185,852</u>

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

5. Conclusion

5.1 The capital programme is fully funded and for 2022/23 there has been slippage in the programme. The biggest risk to the Council at this stage is the current economic landscape with inflation, price increases for building supplies plus continual rises in interest rates. Some of the capital projects are in the process of a tender exercise and although contingencies are built into the projections, these may well not be high enough.

5.2 Any impact to the programme after tender will be reviewed and further options appraisals completed if they fall outside of the budgetary provision. Interest rates on projects where prudential borrowing is required will be carefully assessed for affordability prior to progressing. The only project paused at this stage is the Bedworth Physical Activity Hub.

6. Appendices

- 6.1 Appendix 1 – Capital Outturn and Carry Forwards 2022/22
Appendix 2 – Updated Capital Budget 2023/24

7. Background Papers

- 7.1 None.

GENERAL FUND CAPITAL OUTTURN 2022/23

Appendix 1

	Reprofiled Budget 2022/23 £	Outturn 2022/23 £	Variance 2022/23 £	Reprofile 2023/24 £
Transforming Bedworth	75,510	56,898	18,612	18,612
Abbey Street Regeneration ph 1 & 2	9,000,000	7,134,705	1,865,295	1,865,295
Bridge to Living	1,000,000	665,506	334,494	334,494
Towns Fund	2,062,650	1,269,097	793,553	793,553
Towns Fund - Parks Revival	41,180	34,642	6,538	6,538
Christmas Lights	4,500	4,485	15	0
Replacement CCTV Cameras	9,700	0	9,700	0
CCTV - Wireless Technology	52,957	0	52,957	52,957
CCTV PSN Upgrade	44,410	44,408	2	0
Business & Regeneration	12,290,907	9,209,741	3,081,166	3,071,449
ICT Strategy Programme	398,540	259,749	138,791	0
Business Continuity	34,540	34,540	0	0
Camp Hill - Early final phase	73,480	48,221	25,259	25,000
Finance & Corporate	506,560	342,510	164,050	25,000
HEART - Disabled Facilities	4,520,000	4,854,367	-334,367	0
Green Homes Grant PH 2	72,930	72,930	0	0
Green Homes Grant PH 3	1,245,000	839,641	405,359	405,359
Homeless Hostel Conversion	0	172	-172	0
Safer Streets - Stubbs Pool/The Dingle	92,000	88,083	3,917	3,917
UKSPF	96,000	52,639	43,361	43,361
Housing & Communities	6,025,930	5,907,832	118,098	452,637
Major Repairs	365,750	225,693	140,057	0
Vehicle & Plant Replacement	25,000	25,628	-628	0
Sub-Regional Materials Recycling Facility	2,200,000	2,132,820	67,180	67,180
Leisure Strategy	272,380	41,476	230,904	230,904
Play & Teenage Provision	24,710	20,000	4,710	4,710
Nomad Cameras	90,000	89,865	135	0
Fly Tipping Cameras	5,000	0	5,000	5,000
Bedworth Physical Activity Hub (BPAH)	602,000	660,081	-58,081	-58,081
Pauls Land Pavilion	10,500	0	10,500	10,500
Play Area Improvements	61,000	60,803	197	0
Stockingford Community Centre Grant	25,000	0	25,000	25,000
Buttermere Recreation Ground Redevelopment	28,000	1,500	26,500	26,500
Public Services	3,709,340	3,257,866	451,474	311,713
Town Hall - Fire Safety Works	67,150	70,149	-2,999	0
Planning & Regulation	67,150	70,149	-2,999	0
Health & Environment	0	0	0	0
TOTAL	22,599,887	18,788,098	3,811,789	3,860,799

HOUSING REVENUE ACCOUNT CAPITAL OUTTURN 2022/23

	Reprofiled Budget 2022/23 £	Outturn 2022/23 £	Variance 2022/23 £	Reprofile 2023/24 £
Decent Homes	2,000,000	2,046,785	-46,785	0
Roof Coverings/Modifications	750,000	773,148	-23,148	0
Windows & Doors	700,000	687,339	12,661	0
Sheltered Alarm Call System	0	23,176	-23,176	0
Door Entry Scheme	230,000	25,439	204,561	20,000
New Properties (Construction)	426,000	290,906	135,094	0
Byford Court - Rebuild	67,000	64,162	2,838	0
Acquisition of Properties	1,280,000	964,134	315,866	0
District Heating Boilers	265,000	234,566	30,434	0
Fire Works (General Purpose)	2,875,000	1,736,473	1,138,527	400,000
Level Access Showers	500,000	371,603	128,397	0
Aids & Adaptations	925,000	647,159	277,841	325,000
Central Heating	900,000	1,069,724	-169,724	0
Slabs to Tarmac	100,000	41,668	58,332	64,000
Lift Renewal Works	176,000	75,754	100,246	0
PIR Electrical Works	550,000	570,169	-20,169	0
Voids	550,000	756,451	-206,451	0
Structural/Concrete Repairs	4,308,000	5,315,962	-1,007,962	500,000
Environmental Works	202,000	72,950	129,050	120,000
Housing Management System	300,000	308,375	-8,375	0
CCTV Renewal - GP Flats	50,000	53,714	-3,714	0
Fire Damaged Properties	10,000	9,057	943	0
Garages	50,000	8,745	41,255	0
Contingency	100,000	0	100,000	0
Capital Salaries	572,000	309,188	262,812	0
TOTAL	17,886,000	16,456,647	1,429,353	1,429,000

GENERAL FUND CAPITAL BUDGET 2023/24

Appendix 2

	Approved Budget 2023/24 £	Carry Forward 2022/23 £	Revised Budget 2023/24 £
Transforming Bedworth	0	18,612	18,612
Grayson Place ph 1 & 2	34,000,000	1,865,295	35,865,295
Bridge to Living	7,887,500	334,494	8,221,994
Flood Alleviation	999,998	0	999,998
Towns Fund	9,287,000	793,553	10,080,553
Towns Fund - Parks Revival	0	6,538	6,538
CCTV - Wireless Technology	0	52,957	52,957
Business & Regeneration	52,174,498	3,071,449	55,245,947
ICT Strategy Programme	140,000	0	140,000
Changing Places	125,000	0	125,000
Camp Hill - Early final phase	0	25,000	25,000
Finance & Corporate	265,000	25,000	290,000
Empty Homes and Works in default	40,000	0	40,000
HEART - Disabled Facilities	5,125,000	0	5,125,000
Empty Property Loans	100,000	0	100,000
Green Homes Grant PH 3	0	405,359	405,359
Homeless Hostel Conversion	200,000	0	200,000
HUG2	733,000	0	733,000
Safer Streets - Stubbs Pool/The Dingle	38,000	3,917	41,917
UKSPF	0	43,361	43,361
Housing & Communities	6,236,000	452,637	6,688,637
Major Repairs	250,000	0	250,000
Vehicle & Plant Replacement	270,000	0	270,000
Sub-Regional Materials Recycling Facility	439,854	67,180	507,034
Leisure Strategy	0	230,904	230,904
Play & Teenage Provision	0	4,710	4,710
Fly Tipping Cameras	0	5,000	5,000
Bedworth Physical Activity Hub (BPAH)	21,898,000	-58,081	21,839,919
Pauls Land Pavilion	0	10,500	10,500
Cemetery Extension	100,000	0	100,000
Stockingford Community Centre Grant	0	25,000	25,000
Community Centre Grants	55,000	0	55,000
Buttermere Recreation Ground Redevelopment	421,000	26,500	447,500
Public Services	23,433,854	311,713	23,745,567
Miscellaneous Projects	100,000	0	100,000
General	100,000	0	100,000
TOTAL	82,209,352	3,860,799	86,070,151

HOUSING REVENUE ACCOUNT CAPITAL BUDGET 2023/24

	Approved Budget 2023/24 £	Carry Forward 2022/23 £	Revised Budget 2023/24 £
Decent Homes	1,900,000	0	1,900,000
Roof Coverings/Modifications	750,000	0	750,000
Windows & Doors	700,000	0	700,000
Sheltered Alarm Call System	18,000	0	18,000
Door Entry Scheme	140,000	20,000	160,000
New Properties (Construction)	4,539,000	0	4,539,000
Byford Court - Rebuild	3,011,000	0	3,011,000
Acquisition of Properties	512,500	0	512,500
Independent Unit Living - Remodelling	150,000	0	150,000
Conversion of Homeless Hostel	50,000	0	50,000
District Heating Boilers	310,000	0	310,000
Fire Works (General Purpose)	2,200,000	400,000	2,600,000
Level Access Showers	600,000	0	600,000
Aids & Adaptations	850,000	325,000	1,175,000
Central Heating	1,000,000	0	1,000,000
Slabs to Tarmac	60,000	64,000	124,000
Lift Renewal Works	30,000	0	30,000
PIR Electrical Works	400,000	0	400,000
Voids	760,000	0	760,000
Structural/Concrete Repairs	3,696,000	500,000	4,196,000
Environmental Works	70,000	120,000	190,000
Housing Management System	10,000	0	10,000
CCTV Renewal - GP Flats	10,000	0	10,000
Garages	30,000	0	30,000
Replacement Vehicles	1,750,000	0	1,750,000
Stock Condition Survey	200,000	0	200,000
Contingency	200,000	0	200,000
Capital Salaries	472,000	0	472,000
TOTAL	24,418,500	1,429,000	25,847,500

Cabinet

Report Summary Sheet

Date:

26 July 2023

Subject:

Annual Treasury Management Report 2022/23

Portfolio:

Finance and Corporate (Councillor S. Croft)

From:

Strategic Director – Finance & Governance

Summary:

To report the results of the Council's Treasury Management activities for 2022/23 as required by the Prudential Code.

Recommendations:

That it be recommended to Council that:

- The actual 2022/23 Treasury and Prudential Indicators detailed in this report and summarised in Appendix 1 be approved.
- The Annual Treasury Management Report for 2022/23 be noted.

Options:

None

Reasons:

It is a requirement of the CIPFA Prudential Code for the Treasury Outturn to be reported to Council annually following review by the Cabinet.

Consultation undertaken with Members/Officers/Stakeholders

N/A

Subject to call-in:

No – Statutory requirement for report to be submitted to Cabinet and Council prior to end of October.

Ward relevance:

None directly

Forward plan:

Yes

Building a Better Borough Aim:

Work

Building a Better Borough Priority:

Grow a strong and inclusive economy.

Relevant statutes or policy:

Local Government Act 2003
CIPFA Code of Practice on Treasury Management
CIPFA Prudential Code for Capital Finance in Local Authorities

Equalities Implications:

None

Human resources implications:

None

Financial implications:

As detailed within the report.

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

Investment and borrowing decisions have been based on the approved Treasury Strategy 2022/23 and with approved counterparties.

Environmental implications:

None

Legal implications:

Statutory requirement to report to Council per the Local Government Act 2003 and the CIPFA Prudential Code.

Contact details:

Vicki Summerfield – Strategic Director – Finance & Governance

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 26 July 2023
From: Strategic Director - Finance & Governance
Subject: Annual Treasury Management Report 2022/23
Portfolio: Finance & Corporate (Councillor S. Croft)

Building a Better Borough Aim: Work

Building a Better Borough Priority: Grow a strong and inclusive economy.

1. Purpose of Report

1.1 This Council is required through regulations issued under the Local Government Act 2003 to produce an Annual Treasury Report reviewing the treasury management activities and the actual prudential and treasury indicators for 2022/23. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.2 This report summarises the following:-

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- The actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed debt activity; and
- Detailed investment activity.

2. Introduction

2.1 During 2022/23 the minimum reporting requirements were that the full Council should receive the following reports:

- An annual treasury strategy in advance of the year (Council: 14th February 2022);
- A mid-year treasury update report (Council: 14th December 2022);

- An annual review following the end of the year describing the activity compared to the strategy (this report).

2.2 The regulatory environment places a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

2.3 This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Cabinet before they were reported to the full Council.

3. Recommendations

3.1 That it be recommended to Council that:

- The actual 2022/23 Treasury and Prudential Indicators detailed in this report and summarised in Appendix 1 be approved.
- The Annual Treasury Management Report for 2022/23 be noted.

4. The Economy and Interest Rates

4.1 UK Economy

The war in the Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession. The economic backdrop during the January to March period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending. Central Bank rhetoric and actions remained consistent with combatting inflation.

Q2 of 2022 saw UK GDP deliver growth of +0.1% q/q, but this was quickly reversed in the third quarter. Q4 GDP was positive at 0.1% q/q. Most recently, January saw a 0.3% m/m increase in GDP as the number of strikes reduced compared to December. In addition, the resilience in activity at the end of 2022 was, in part, due to a 1.3% q/q rise in real household disposable incomes. A big part of that reflected the £5.7bn payments received by households from the government under the Energy Bills Support Scheme.

Following the decision by the UK government to reverse some of the support to household energy bills announced previously, further support in the form of a cap on what energy suppliers could charge households was announced in the March Budget to run from April until end June 2023. Before the announcement, typical household bills had been due to rise to £3,000 a year from April.

Starting the year with CPI at 5.5%, this rose strongly throughout the year, peaking at 11.1% in October 2022. It is expected that the CPI measure of inflation will drop back towards 4% by the end of 2023. As of February 2023, CPI was 10.4%. RPI has followed a similar trajectory during the year peaking at 14.2% in October. RPI was 13.8% in February 2023.

The labour market remained tight albeit there was evidence of some potential loosening by the end of the period. The UK unemployment rate fell through 2022 to a 48-year low of 3.6% from July to September quarter, rising to 3.7% for the period October to February.

Bank Rate increased steadily throughout 2022/23, starting at 0.75% and finishing at 4.25%.

The £ has remained resilient, recovering from a record low of \$1.035 up to \$1.23. 2023 however is likely to see a housing correction as fixed-rate mortgages have moved above 4.5% and affordability has been squeezed despite proposed Stamp Duty cuts remaining in place.

4.2 World Economy

USA. After reaching 9.1% in June, inflation slowed for eight consecutive months to 6% in February 2023. The Federal Reserve continued raising interest rates over the period taking rates to a range of 4.75% - 5.00%.

EU. The Eurozone inflation rate has fallen to 6.9%, from a peak of 10.6% in October. The European Central Bank increased interest rates over the period with the deposit facility rate to 3.0% and the refinancing rate to 3.5% in March 2023. Like the UK, growth has remained more robust than anticipated but a recession in 2023 is still seen as likely by most commentators.

4.3 IFRS 9 fair value of investments

Following the consultation undertaken by the Department of Levelling Up, Housing and Communities [DLUHC] on IFRS 9, the Government has extended the mandatory statutory override for local authorities to reverse out all unrealised fair value movements resulting from pooled investment funds to 31st March 2025. Local authorities are required to disclose the net impact of the unrealised fair value movements in a separate unusable reserve throughout the duration of the override in order for the Government to keep the override under review and to maintain a form of transparency.

In 2022/23, the Council made a £362k loss on the movement in fair value of the investment held with CCLA (pooled property fund), with the net impact held in an unusable reserve as per the statutory override.

4.4 IFRS 16 leases

The implementation of IFRS16 which brings currently off-balance sheet leased assets onto the balance sheet has been delayed until 2024/25.

5. Treasury Position as at 31st March 2023

- 5.1 The Council's treasury management debt and investment position is organised by the treasury management service to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all

treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2022/23 the Council's treasury position was as follows:

DEBT PORTFOLIO	31.3.22 Principal	Rate/ Return	31.3.23 Principal	Rate/ Return
Fixed rate funding:				
-PWLB	£70.71m	3.15%	£62.21m	3.20%
-Market	£2.00m	4.10%	£2.00m	4.10%
Total debt	£72.71m	3.17%	£64.21m	3.22%
CFR	£103.28m		£99.54m	
Over / (under) borrowing	(£30.57m)		(£35.33m)	
Total investments	£40.12m	0.53%	£26.62m	3.67%
Net debt	£32.59m		£37.59m	

The Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's core cash resources comprised as follows:

Balance Sheet Resources (£m)	31.3.22	31.3.23
Balances	£7.81m	£7.47m
Earmarked reserves	£19.16m	£16.45m
Grants and contributions	£11.64m	£16.81m
Usable capital receipts	£2.50m	£3.43m
HRA Major Repairs Reserve	£2.06m	£2.02m

6. The Strategy for 2022/23

6.1 Investment strategy and control of interest rate risk

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield.

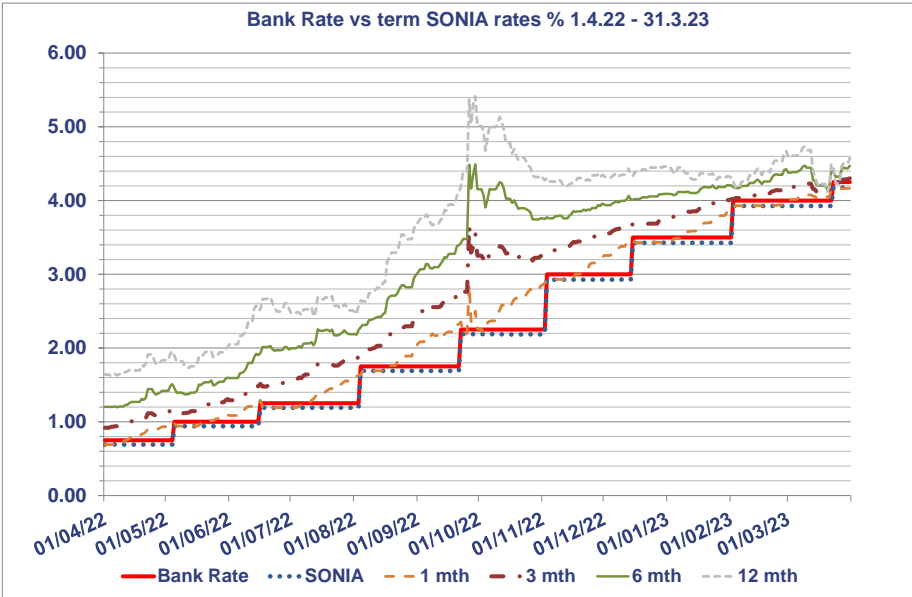
The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short dated cash rates, which had ranged between 0.7% - 1.5% at the beginning of April, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6-12 month maturities.

Given the risk of short-term unsecured bank investments, the Authority has diversified into higher yielding asset classes (CCLA fund) and continues to hold £2m in the pooled property fund.

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis.

Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates. Such an approach has also provided benefits in terms of reducing counterparty risk exposure, by having fewer investments placed in the financial markets.



6.2 Borrowing Strategy and control of interest rate risk

During 2022/23, the Council maintained an under-borrowed position. This meant that the capital borrowing need (the Capital Financing Requirement) was not fully funded with loan debt as cash supporting the Council’s reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were initially low and minimising counterparty risk on placing investments also needed to be considered.

A cost of carry generally remained in place during the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost – the difference between (higher) borrowing costs and (lower) investment returns. As the cost of carry dissipated, the Council sought to avoid taking on long-term borrowing at elevated levels.

The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this has been kept under review to avoid incurring higher borrowing costs in the future when this Authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Director of Finance & Enterprise therefore monitored interest rates in financial markets.

Interest rate forecasts were initially suggesting only gradual rises in short, medium and longer-term fixed borrowing rates during 2022/23 but by August it had become clear that inflation was moving up towards 40-year highs, and the Bank of England engaged in monetary policy tightening at every Monetary Policy Committee meeting during 2022, and into 2023, either by increasing Bank Rate by 0.25% or 0.5% each time. Currently the CPI measure of inflation is still above 10% in the UK but is expected to fall back towards 4% by year end.

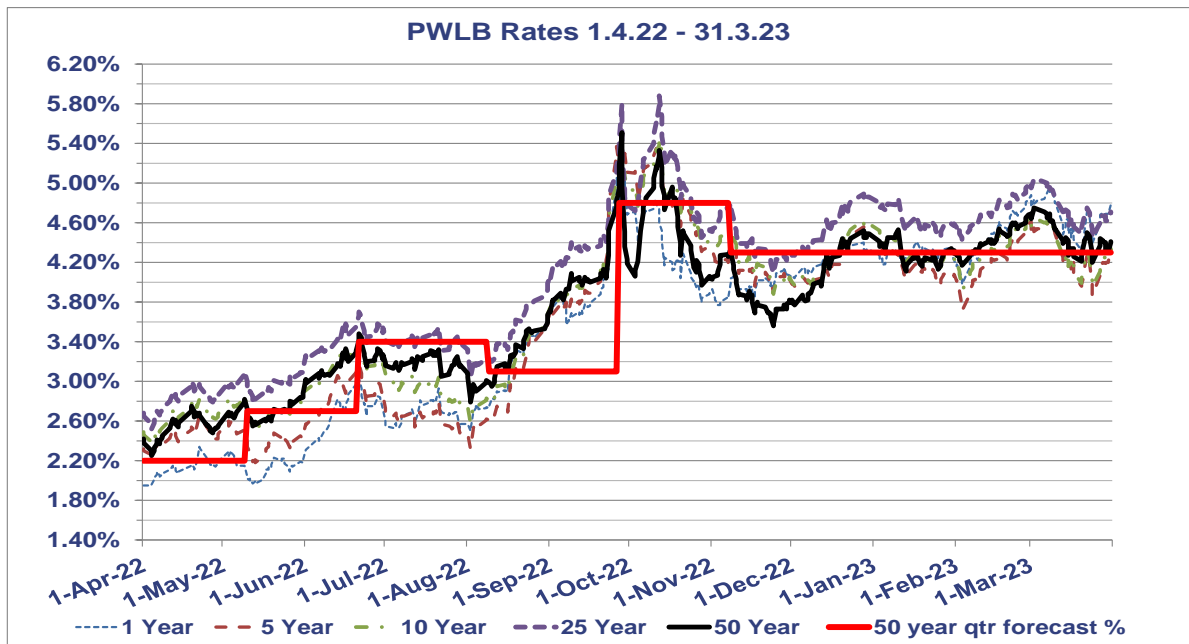
Interest rate forecasts at the time of compiling the 2022/23 Strategy were as follows:

Link Group Interest Rate View		20.12.21												
	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.25	0.25	0.50	0.50	0.50	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.25
3 month ave earnings	0.20	0.30	0.50	0.50	0.60	0.70	0.80	0.90	0.90	1.00	1.00	1.00	1.00	1.00
6 month ave earnings	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00	1.10	1.10	1.10	1.10	1.10
12 month ave earnings	0.70	0.70	0.70	0.70	0.80	0.90	1.00	1.10	1.10	1.20	1.20	1.20	1.20	1.20
5 yr PWLB	1.40	1.50	1.50	1.60	1.60	1.70	1.80	1.80	1.80	1.90	1.90	1.90	2.00	2.00
10 yr PWLB	1.60	1.70	1.80	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.10	2.20	2.30
25 yr PWLB	1.80	1.90	2.00	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.40	2.40	2.50	2.50
50 yr PWLB	1.50	1.70	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.20	2.20	2.30	2.30

The 12-month period to December 2022 has shown significant increases in interest rate forecasts.

Link Group Interest Rate View		19.12.22												
	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	
BANK RATE	3.50	4.25	4.50	4.50	4.50	4.00	3.75	3.50	3.25	3.00	2.75	2.50	2.50	
3 month ave earnings	3.60	4.30	4.50	4.50	4.50	4.00	3.80	3.30	3.00	3.00	2.80	2.50	2.50	
6 month ave earnings	4.20	4.50	4.60	4.50	4.20	4.10	3.90	3.40	3.10	3.00	2.90	2.60	2.60	
12 month ave earnings	4.70	4.70	4.70	4.50	4.30	4.20	4.00	3.50	3.20	3.10	3.00	2.70	2.70	
5 yr PWLB	4.20	4.20	4.20	4.10	4.00	3.90	3.80	3.60	3.50	3.40	3.30	3.20	3.10	
10 yr PWLB	4.30	4.40	4.40	4.30	4.10	4.00	3.90	3.80	3.60	3.50	3.40	3.30	3.30	
25 yr PWLB	4.60	4.60	4.60	4.50	4.40	4.20	4.10	4.00	3.90	3.70	3.60	3.50	3.50	
50 yr PWLB	4.30	4.30	4.30	4.20	4.10	3.90	3.80	3.70	3.60	3.50	3.30	3.20	3.20	

PWLB rates are based on gilt (UK Government bonds) yields through HM Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields.



Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years.

In recent years many bond yields up to 10 years in the Eurozone turned negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has been an inversion of bond yields in the US whereby 10-year yields have fallen below shorter-term yields. In the past, this has been a precursor of a recession.

However, since early 2022, yields have risen dramatically in all the major developed economies, first as economies opened post-Covid; then because of the inflationary impact of the war in Ukraine in respect of the supply side of many goods. In particular, rising cost pressures emanating from shortages of energy and some food categories have been central to inflation rising rapidly.

Gilt yields have been on a continual rise since the start of 2021, peaking in the autumn of 2022. Currently, yields are broadly range bound between 3% and 4.25%.

At the close of the day on 31 March 2023, all gilt yields from 1 to 50 years were between 3.64% and 4.18%, with the 1 year being the highest and 6-7.5 years being the lowest yield.

Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be a fall in gilt yields and PWLB rates across the whole curve over the next one to two years as Bank Rate first rises to dampen inflationary pressures and a tight labour market, and is then cut as the economy slows, unemployment rises, and inflation (on the Consumer Price Index measure) moves closer to the Bank of England's 2% target.

7. The Borrowing Requirement and Debt

7.1 The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR). The following summarises the CFR position, split between General Fund and the HRA:

CFR (£m): General Fund	31.3.22 Actual	31.3.23 Actual
Opening balance	14.96	19.81
Add unfinanced capital expenditure	5.34	4.91
Less MRP/VRP*	0.49	0.50
Closing balance	19.81	24.22

CFR (£m): HRA	31.3.22 Actual	31.3.23 Actual
Opening balance	79.11	83.47
Add unfinanced capital expenditure	4.36	0.36
Less VRP	0	8.50
Closing balance	83.47	75.32

8. Borrowing Outturn

8.1 Treasury Borrowing at the end of 2022/23 amounted to a total of £62.21m. Due to investment concerns, both counterparty risk and comparatively low investment returns, no borrowing was undertaken during the year.

8.2 The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

8.3 No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

8.4 During 2022/23, £8.5m in repayments of principal were made and interest of £2.2m was paid across both the General Fund and HRA.

9. Investment Outturn

9.1 Investment Policy

The Council's investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by the Council on 14th February 2022. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

9.2 Investments held by the Council

- The Council maintained an average balance of £38.10m of internally managed funds.
- The internally managed funds earned an average rate of return of 1.24%.
- Total investment income was £1,082k compared to a budget of £497k.

10 Conclusion

10.1 As is highlighted within this report, 2022/23 has seen a marked change in the financial markets but with no beneficial opportunities for rescheduling or repayment of debt.

10.2 Despite these difficulties, all the prudential limits and indicators are reported with no breaches during the year.

Appendix 1: Prudential and Treasury Indicators

During 2022/23, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Prudential and treasury indicators	31.3.22 Actual	31.3.23 Actual
Capital Expenditure <ul style="list-style-type: none"> • General Fund • HRA • Total 	£21.60m £14.80m £36.40m	£18.79m £16.46m £35.25m
Capital Financing Requirement: <ul style="list-style-type: none"> • General Fund • HRA • Total 	£19.81m £83.47m £103.28m	£24.22m £75.32m £99.54m
External debt	£72.71m	£64.21m
Investments	£40.12m	£26.62m
Net debt (debt less investments)	£32.59m	£37.59m

Capital Financing Requirement

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2022/23 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies, (such as the Government, through the Public Works Loan Board [PWLB], or the money markets), or utilising temporary cash resources within the Council.

The Council's (non HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively a repayment of the non-Housing Revenue Account (HRA) borrowing need, (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources, (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2022/23 MRP Policy, (as required by DLUHC Guidance), was approved as part of the Treasury Management Strategy Report for 2022/23 on 14th February 2022.

Borrowing activity is constrained by prudential indicators for gross borrowing and the CFR, and by the authorised limit.

In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2022/23) plus the estimates of any additional capital financing requirement for the current (2023/24) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2022/23. The table below highlights the Council's

gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	31.3.22 Actual	31.3.23 Actual
Gross borrowing position	£72.71m	£64.21m
CFR	£103.28m	£99.54m
(Under) / over funding of CFR	(£30.57m)	(£35.33m)

The authorised limit

The authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2022/23 the Council has maintained gross borrowing within its authorised limit.

The operational boundary

The operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

	2022/23 Original	2022/23 Outturn
Authorised limit	£160.12m	£120.28m
Operational boundary	£143.12m	£99.54m
Maximum gross borrowing position during year		£72.71m
Average gross borrowing position during year		£66.40m

Debt and investments

DEBT PORTFOLIO	31.3.22 Principal	Rate/ Return	31.3.23 Principal	Rate/ Return
Fixed rate funding:				
-PWLB	£70.71m	3.15%	£62.21m	3.20%
-Market	£2.00m	4.10%	£2.00m	4.10%
Total debt	£72.71m	3.17%	£64.21m	3.22%
CFR	£103.28m		£99.54m	
Over / (under) borrowing	(£30.57m)		(£35.33m)	
Total investments	£40.12m	0.53%	£26.62m	3.67%
Net debt	£32.59m		£37.59m	

The maturity structure of the £64.21m debt portfolio was as follows:

	31.3.22 actual	31.3.23 actual
Under 12 months	£8.50m	£7.50m
12 months and within 24 months	£7.50m	£10.00m
24 months and within 5 years	£32.00m	£34.75m
5 years and within 10 years	£16.71m	£3.96m
Over 10 years	£8.00m	£8.00m

Debt	31 Mar 2022 Actual	31 Mar 2023 Actual
Under 12 months	12%	12%
12 months to 2 years	10%	16%
2 to 5 years	44%	54%
5 to 10 years	23%	6%
10 to 20 years	5%	6%
20 to 30 years	-	-
30 to 40 years	3%	3%
40 to 50 years	-	-
Over 50 Years	3%	3%

The maturity structure of the investment portfolio was as follows:

INVESTMENT PORTFOLIO	31.3.22 Actual £m	31.3.22 Actual %	31.3.23 Actual £m	31.3.23 Actual %
Instant Access (Bank & Money Market Funds)	£9.93m	26%	£4.79m	18%
Notice Accounts and Fixed-Term Deposits	£28.0m	69%	£20.0m	75%
CCLA Property Fund	£2.19m	5%	£1.83m	7%
TOTAL TREASURY INVESTMENTS	£40.12m	100%	£26.62m	100%

Appendix 2: Approved countries for investments as at 31.03.2023

Based on lowest available rating

AAA

- Australia
- Denmark
- Germany
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland

AA+

- Canada
- Finland
- U.S.A.

AA

- Abu Dhabi (UAE)
- France

AA-

- Belgium
- Qatar
- U.K.

Cabinet

Report Summary Sheet

Date: 6th September 2023

Subject: Corporate Enforcement Policy and Corporate Debt Policy

Portfolio: Finance and Corporate (Councillor S. Croft)

From: Strategic Director – Finance and Governance

Summary:

This report is to present to Cabinet the newly created Corporate Enforcement Policy and the updated Debt Recovery Policy for consideration and approval

Recommendations:

That Cabinet approve the Corporate Enforcement Policy and Debt Recovery Policy and it be recommended to Council that the Constitution be updated accordingly.

Options:

1. Approve the policies, which will ensure that all types of debtors are treated consistently and the recovery of income due to the Council is maximised
2. Do not approve the policies, which could expose the Council to some form of challenge if an inconsistent approach is taken in the way that debt is recovered by the various service areas across the Council

Reasons: To ensure that the Council has robust policies in place to ensure the effective recovery of debt

Consultation undertaken with Members/Officers/Stakeholders

Consultation undertaken with senior managers responsible for the enforcement of debt across all services of the Council

Employees in Revenues and Benefits and Assistant Directors in Housing

Report taken to Management Team

Draft policies shared with the Leader of the Council (Councillor K. Wilson)

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Build a Better Borough:

All aims and priorities

Relevant statutes or policy: None

Equalities Implications:

Policies will ensure consistency in the way in which debtors are treated when recovering income due to the Council

Human resources implications: None

Financial implications:

The financial benefits to the Council from having both of these policies in place is to maximise the recovery of income due and improve current recovery rates

Health Inequalities Implications: None

Section 17 Crime & Disorder Implications: None

Risk management implications:

If the Council did not have effective debt recovery policies in place there is a risk of debtors being treated inconsistently and income due not being collected on a timely basis

Environmental implications: None

Legal implications: All relevant legislation is referred to in policies

Contact details:

Linda.downes@nuneatonandbedworth.gov.uk

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet, 6th September 2023

From: Strategic Director Finance and Governance

Subject: Corporate Enforcement Policy and Corporate Debt Policy

Portfolio: Finance and Corporate (Councillor S Croft)

Building a Better Borough Aim: All

Building a Better Borough Priority: All

1. Purpose of Report

1.1 The purpose of this report is to present the Council's Corporate Enforcement and Corporate Debt Policies for consideration and approval by Cabinet.

2. Recommendations

2.1 That the Corporate Enforcement Policy at Appendix A to this report and the Corporate Debt Policy at Appendix B be approved and it be recommended to Council that the Constitution be updated accordingly.

3. Background

3.1 The Council's Debt Recovery Policy has been in place since 2013 but there has never been an Enforcement Policy setting out the enforcement options available to the Council and the principles that will be followed in deciding what action to take, whether it be formal or informal.

3.2 Investigations are carried out and enforcement action taken within several service areas, including:

- Environmental Health;
- Building Control;
- Development Control;
- Housing and Communities (including enforcement of housing legislation for private sector housing);
- Houses in Multiple Occupation and Void Properties;
- Highway and Car Park regulation;

- Licensing;
- Council Tax, Benefits and Business Rates; and
- Environmental Maintenance - Fly tipping, littering, Graffiti and Fly posting

Having a corporate policy will ensure consistency across all areas.

4. Body of Report

Corporate Enforcement Policy

- 4.1 The purpose of this policy is to provide an enforcement framework which ensures that the Council will carry out its enforcement functions in an equitable, practical, and consistent manner across all relevant services.
- 4.2 Due to the range of enforcement issues dealt with by the Council, there is no one approach which fits all and therefore when dealing with particular issues, some service areas have separate policies and links to these will be included within the policy for ease of reference. For the time being, these separate documents are included as a simple list in italics on the last page of the policy.

Corporate Debt Policy

- 4.3 The purpose of this policy is to provide a debt recovery framework that will maximise the amount of collectable debt without the need for enforcement action.
- 4.4 The policy sets out the good practice principles the Council will follow to assist the statutory debt recovery process, which includes:
 - Accurate and prompt billing.
 - Offering a range of payment options.
 - Agreement of affordable repayment arrangements for those customers experiencing financial difficulties.
 - Advice on ways to reduce bills and maximise income such as applying for a Hardship Payment or Discretionary Housing Payment.
 - Access to advice and information at every stage of the collection and recovery process.
 - Good customer care.
 - Partnership arrangements and secure referral systems.

5. Conclusion

- 5.1 The two policies work together to ensure that the Council maximises the level of debt recovered. The Debt Recovery Policy sets out the action the Council will take to encourage debtors to pay the amounts due and the Enforcement Policy sets out the more formal options available to the Council when debtors fail to make payment.
- 5.2 Once approved training sessions will be provided to all relevant employees to raise awareness of the policies and managers will monitor performance to ensure that these policies are complied with.

6. Appendices

A – Corporate Enforcement Policy

B – Corporate Debt Policy

7. Background Papers (if none, state none)

None



Corporate Enforcement Policy

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1. INTRODUCTION

- 1.1 Nuneaton and Bedworth Borough Council (The Council) is responsible for enforcing a wide range of legislation. This document sets out the Council's Enforcement Policy. The policy sets out the framework that will be applied across the regulatory services of the Council, in their various roles of protecting the public, the environment, consumers and those at work. These services include:
- Environmental Health;
 - Building Control;
 - Development Control;
 - Housing and Communities (including enforcement of housing legislation for private sector housing);
 - Houses in Multiple Occupation and Void Properties;
 - Highway and Car Park regulation;
 - Licensing;
 - Council Tax, Benefits and Business Rates; and
 - Environmental Maintenance - Fly tipping, littering, Graffiti and Fly posting
- 1.2 Due to the range of enforcement issues dealt with by the Council, there is no one approach which fits all and therefore when dealing with particular issues, some service areas have separate policies and links to these are included within this policy.
- 1.3 This Council takes breaches of legislation seriously and always carries out investigations where necessary. Enforcement includes any action taken by Officers aimed at ensuring that individuals or businesses comply with the law. The enforcement options will differ where different pieces of legislation are used, but the principles of application should remain constant.
- 1.4 Any reference within this Policy to staff, employees or Officers includes individuals employed to carry out duties on behalf of the Council. These Officers may be contractors, agency workers, partners, and employees of other Councils where there are joint working arrangements in place.
- 1.5 Enforcement includes visits, verbal and written advice on legal requirements and good practice, assistance with licensing compliance, written warnings, the service of statutory and fixed penalty notices including financial penalties, prohibitions, formal cautions, attachment to earnings (including some benefits and allowances), prosecution, seizure and detention, works in default, injunctions and liaison and cooperation with other enforcement authorities where appropriate.

2. PURPOSE OF THE POLICY

- 2.1 The purpose of this Policy is to set out the guiding principles by which legislation will be enforced by the Council to protect public health, safety, and the environment within the Council's jurisdiction and ensures that the Council will carry out its enforcement functions in an equitable, practical, and consistent manner.
- 2.2 It provides an enforcement framework in accordance with:
- The Central and Local Government Concordat on Good Enforcement;
 - The Legislative and Regulatory Reform Act 2006;
 - The Regulators Compliance Code;
 - The Crime and Disorder Act 1998; and
 - The Regulatory Enforcement and Sanctions Act 2008.

3 PRINCIPLES AND PROCEDURES FOR GOOD ENFORCEMENT

- 3.1 The Council has adopted the Central and Local Government Concordat on Good Enforcement. The Legislative and Regulatory Reform Act 2006 also places a duty on the Council to have regard to the 'Principles of Good Regulation' when exercising specified regulatory functions. Regulation is made up of the 3 E's Engagement, Education and Enforcement.
- 3.2 The 'Principles of Good Regulation', together with the principles set out in the Concordat, are intended to ensure:
- **Standards:** Provide and publish clear standards setting out the level of service and performance provided by the Council.
 - **Openness:** Provision of information and advice in plain language about how we carry out our work, including consultation with stakeholders.
 - **Helpfulness:** Provision of advice and assistance on compliance in a courteous efficient and prompt manner.
 - **Proportionality:** When making a decision on appropriate enforcement action, Officers will, where discretion is allowed, consider both the circumstances of the case and history of the parties involved and will ensure that the remedial action required is proportionate to the risks and/or disadvantage created by the non-compliance, that it reflects any advice issued by Central Government or other co-ordinating bodies and takes into consideration relevant advice, Policy and the aims of the Council.
 - **Consistency:** Duties to be carried out in a fair, equitable and consistent manner and with arrangements in place to promote consistency.
 - **Transparency:** Access to information regarding regulatory procedures and decisions to be freely available.

- **Accountability:** The Council will be accountable for the efficiency and effectiveness of its regulatory activities.
- **Targeting:** The Council accepts that its enforcement resources are limited and, where appropriate, they should be focused on those persons or companies whose activities give rise to the risks which are most serious or least well controlled on their own premises or public open space. Enforcement is informed through intelligence arising from an investigation or complaints, planned projects, special surveys, enforcement initiatives or as a requirement from a Government Department.
- **Confidentiality:** The Council will ensure information provided in confidence is treated accordingly.

4 ENFORCEMENT OPTIONS

4.1 The options available (but not limited to) are:

- Informal action and advice – written or oral;
- A range of Statutory Notices generally requiring some remedy within a specified timescale (or possibly immediately);
- Fixed Penalty and Civil Penalty Notices;
- Letter of warning;
- Simple Caution;
- Financial Penalty;
- Prosecution;
- Prohibition;
- Injunction;
- Injunctive Restraint;
- Seizure of goods, equipment, articles or records (paper or computer);
- Execution of work in default i.e. works required by a Statutory Notice where the recipient has not complied;
- A range of Statutory Orders;
- Compulsory purchase and enforced sale of properties or land;
- Attachment to earnings;
- County Court Enforcement;
- Bankruptcy and Winding-Up Petitions;
- Proceeds of Crime Applications.

5 ENFORCEMENT ACTION

5.1 All enforcement action, whether formal or informal, will be carried out in accordance with the principles set out in this Policy.

- 5.2 In deciding to take formal action and, if so, what type of action to take, Officers will consider the following:
- Any individual Enforcement Policy relevant to their practice area (see links below);
 - The seriousness of the breach or contravention;
 - The consequences of non-compliance in terms of risk to people, property, the community or the environment;
 - The individual's or company's past history in terms of compliance;
 - Confidence in management, level of awareness of statutory responsibilities and willingness to prevent a recurrence;
 - The likely effectiveness of the various alternative enforcement options;
 - The public interest, protecting public health, public expectation and the importance of the case in setting a precedent;
 - The application of any national or local guidance to the matter in question;
 - The aims and priorities of the Council;
 - Information received following liaison with other external enforcing agencies;
 - Relevant case law and guidance;
 - The likelihood of the contravener being able to establish a defence;
 - The information received following liaison with other authorities;
 - The reliability of witnesses.
- 5.3 The most efficient and effective action will be taken to achieve the desired compliance with the law. The decision will be taken in an objective and fair way in accordance with the principles set out in this Policy.

6 PROSECUTION

- 6.1 The Council will use discretion in deciding whether to initiate a prosecution. Other approaches to enforcement can sometimes promote compliance with legislation more effectively. However, where the circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.
- 6.2 Each case will be treated as unique and considered on its own facts and merits with due consideration to the Equalities Act 2010 and the Human Rights Act 1998. All the circumstances surrounding the case will be considered including the social benefits and costs associated with bringing the matter to the attention of the Courts.
- 6.3 The prosecution of offenders will be used judiciously but, without hesitation, against those businesses or individuals where the law is broken and the health, safety, well-being or amenity of the public, employees and consumers are subject to serious risk.

- 6.4 Legal advice will be taken to ensure that only those cases presenting a realistic prospect of conviction will be pursued. The Council will have due regard to the availability of any defences and to any explanation, apology or other issue referred to by the suspect by way of mitigation.
- 6.5 The decision to prosecute will consider the criteria set down in the Code for Crown Prosecutors, issued by the Crown Prosecution Service. Both stages of the 'Full Code Test' as set out in the Code for Crown prosecutors will be applied as set out below:

The Evidential Test

- 6.6 There must be sufficient evidence to provide a realistic prospect of conviction and the evidence must be admissible and reliable.
- 6.7 In determining the sufficiency of evidence, consideration should be given to the following factors:
- Availability of essential evidence;
 - Credibility of witnesses – are they likely to be seen as credible witnesses and whether they are likely to be consistent and fail under cross-examination? – are they willing to attend as witnesses? – could they be 'hostile' witnesses?
 - Where the case depends in part on admissions or confessions, regard should be had to their admissibility;
 - Where two or more defendants are summonsed together, the sufficiency and admissibility of evidence available against each defendant, in the event that separate trials are ordered.
- 6.8 In determining the admissibility of evidence, regard should be given to the requirements of the Police and Criminal Evidence Act 1984 and the Criminal Procedure and Investigations Act 1996 and associated Codes of Practice.

The Public Interest Test

- 6.9 When satisfied that sufficient evidence is available, consideration must be given to whether the public interest requires a prosecution.
- 6.10 The following considerations should apply:
- Seriousness of the offence – the degree of detriment or potential detriment to consumers, employees, or the environment. Current public attitudes to the particular breach of law should be considered.
 - The age of the offence – less regard will be paid to this if the length of time could be attributable to the defendant themselves, the complexity of the case or the

characteristics of the offence that have contributed to the delay in its coming to light.

- The age, circumstances, or mental state of the offender – less regard to this is given if there is a real possibility of repetition or the offence is of a serious nature. Whether the defendant is likely to be fit enough to attend Court should also be considered.
- The willingness of the offender to prevent a recurrence of the problem. If the circumstances that give rise to the offence have subsequently been rectified and there is little likelihood of a recurrence, then the case may be dealt with more appropriately by other means.
- The ‘newness’ of the legislation transgressed may be a consideration, especially where the offence is of a technical nature, and future compliance may be obtained by less formal means.
- Important but uncertain legal points that may have to be tested by way of prosecution.

7 SIMPLE CAUTIONS

7.1 A Simple Caution may be used as an alternative to prosecution. The aim of a Simple Caution is to deal quickly and simply with offences, save Court time and reduce the likelihood of re-offending.

7.2 A decision to offer a Simple Caution must be made having regard to:

- Home Office circular 30/2005 Cautioning of Offenders.
- Guidance to Police Officers and Crown Prosecutors issued by the Director of Public Prosecutions.
- LACORS Guidance on Cautioning of Offenders.

7.3 Following the offer of a Simple Caution, the individual or company concerned will be required to confirm acceptance within 14 days.

7.4 When considering whether to offer a Simple Caution, the following will be taken into account:

- Whether a Simple Caution is appropriate to the offence and the offender;
- Whether a Simple Caution is likely to be effective;
- Public interest considerations;
- The views of the victim and the nature of any harm or loss;
- Whether the offender has made any form of reparation or paid any compensation;
- Any known records of previous convictions or Simple Cautions relating to the offender.

- 7.5 A Simple Caution cannot be given where the offence is indictable only or where the offender is under 18 years of age. It may only be offered where the offence has been fully admitted by the offender.
- 7.6 The person administering the Caution will be an appropriate Senior Manager employed within the Council.
- 7.7 If the offender fails to admit the offence or does not agree to the Simple Caution, the case will be considered for prosecution.

8 ENFORCEMENT TOOLS AND REMEDIES

- 8.1 In the vast majority of cases the Council will try to resolve matters informally through negotiation and discussion. In some cases, informal resolution cannot be achieved, or the matter being enforced is so serious that the informal stage would be inadequate. In these cases, the Council has a wide range of alternative powers available. Certain breaches of legislation will require urgent and immediate attention, either because the time period for action is limited or because the effect of the activity causes significant harm to the public interest.
- 8.2 The Council has the power to issue a Requisition for Information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 330 of the Town and Country Planning Act 1990 and section 85 of the Private Water Supply Regulations 2016. This notice requires the recipient to provide information in respect of land/property in which they are suspected to have an interest. Not returning the form duly completed is an offence which can be prosecuted in the Magistrates' Court and lead to a fine of up to £5,000. For breaches of planning control, the Council also has the power to issue a Planning Contravention Notice which carries a similar penalty for failing to comply.
- 8.3 The Council can use civil remedies to recover any property or debts and any costs incurred, but the Council also has the power to prosecute a wide range of offences under section 223 of the Local Government Act 1972. Where there is enforcement action in a criminal court the Council can use Proceeds of Crime Act 2002 legislation to recover money.
- 8.4 There are three areas under the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 that must be considered by a Local Authority when conducting investigations. These are:
- Directed Surveillance.
 - Covert Human Intelligence Sources (CHIS).
 - Acquisition of Communications Data.
- 8.5 The Council has separate Policies and Procedural Guides relating to the use of RIPA and any Officer considering the use of it should follow these.

- 8.6 Where the Council uses CCTV, it does so in line with the appropriate regulatory guidance and legislation. The Council has a separate Policy which Officers must adhere to.

9 EVIDENCE GATHERING

- 9.1 There are numerous sources of evidence available to investigating officers, the following are examples of what can be used but the list is not exhaustive:
- Photographs;
 - Computer Records and open-source investigations including information from social media websites;
 - Communications data;
 - CCTV images including body camera footage;
 - Paper Records;
 - Samples (food, water, environmental, counterfeit goods);
 - Plans or sketches made at the scene;
 - Noise recording records;
 - Invoices;
 - Witness Statements;
 - Expert reports;
 - Forensics (including forensic examination of electronic devices);
 - Information from other agencies such as the Police, Department for Work and Pensions, The Department for Environment, Food and Rural Affairs, The Environment Agency, other Councils etc.

10 POWERS OF OFFICERS

- 10.1 Officers have a range of delegated powers set out within legislation to assist them in undertaking their duties. These can include the power to require answers to questions and the power to enter premises.
- 10.2 Officers have powers delegated to them, under the relevant schemes of delegation, to undertake duties relating to the Council.
- 10.3 Officers will always carry an identity badge and their authorisation card (warrant) with them, where they hold one. Where Officers do not have an authorisation card, delegation documentation can be supplied. In the event of any doubt regarding an Officers' powers, confirmation can be obtained by contacting the Officer's Line Manager who can provide any Statutory Notice describing their powers. It is an offence to obstruct an Authorised Officer who is conducting an inspection or investigation which could lead to prosecution.

11 FAIRNESS AND EQUALITY

- 11.1 All enforcement action and investigations will be carried out in a manner which complies with the requirements of legislation and codes of practice governing the collection of evidence and investigatory powers.

- 11.2 Officers will take care not to take any action which contravenes human rights and anti-discrimination legislation unless it is necessary and proportionate to do so.

12 TRAINING

- 12.1 The Council will ensure that all employees who are likely to deal with enforcement action are proficient and will receive regular and appropriate training to maintain competence in their enforcement field and in the various legal requirements associated with enforcement duties.

Links to other related policies

- *Private Sector Housing*
- *Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy*
- *Tenancy Fraud Policy*
- *RIPA Policy*
- *Environmental Health Enforcement Policy*
- *Revenue and Benefits Enforcement Policy*
- *CCTV*
- *Planning and Development Control Enforcement Policy*
- *Corporate Debt Policy*



Corporate Debt Policy

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1. Policy Vision & Objectives

1.1 The vision of corporate debt management for the Council is:

“To maximise the amount of collectible debt through the efficient collection of income within a framework of customer care and client sensitivity.”

1.2 The policy encompasses the following objectives:

To balance the effective collection of monies owed to the Council by adopting a holistic approach to the recovery of debts. The framework recognises the importance of helping people in debt to maximise their income and manage their financial affairs through both internal officer support and independent external partners and agencies.

2. Policy Aims

2.1 The key aims of this policy are to:

- Ensure a professional, consistent, and timely approach to recovery action for all the different types of debt owed to the Council.
- Fully consider the customer’s circumstances and ability to pay and so distinguish between those who won’t pay and those who genuinely can’t pay.
- Cost effectively pursue all debts ensuring that those with the means to pay do so.
- Promote a coordinated approach towards sharing debtor information (in line with relevant Data Protection legislation and GDPR) and managing multiple debts owed to the Council effectively.
- To administer an efficient debt collection process that is organised such that responsibilities are clearly defined, and processes are well understood and documented.
- To ensure that all amounts due are collected according to the agreed payment criteria and encourage payment by the most efficient method.
- To identify high risk customers e.g., those impacted by welfare reform changes, who are most likely to get into financial difficulties and to take proactive action to safeguard future revenue income and establish satisfactory payment arrangements.

- To treat individuals consistently and regardless of age, gender, disability, or sexual orientation and that an individual's rights under Data Protection and Human Rights legislation are protected.
- Notwithstanding the above, consider each individual's circumstances particularly if they are vulnerable, when deciding on the next course of action

Defining vulnerable

There is no legal definition of a vulnerable person, but the National Standards for taking control of goods says this could include:

- older people
- mental health issues
- disabled people
- the seriously ill
- the recently bereaved.
- single parent families
- pregnant women
- unemployed people
- those who have obvious difficulty in understanding, speaking, or reading English.

The list is not exhaustive, and cases will be considered on a case-by-case basis.

3. Responsibilities

3.1 The Strategic Director of Finance and Governance has a statutory responsibility for the efficient administration of the Council's financial affairs and to protect the Council's financial position. Consequently, all officers must comply with this policy. The policy principles set out below represent the standards that shall apply to all income collection systems throughout the Council.

3.2 Strategic Directors, Assistant Directors, Managers and Team Leaders who deal with the recovery of debts owed to the Council are all responsible for the operational delivery of this policy and the associated procedures. This includes responsibility for monitoring and reviewing, staff awareness and training, policy development and communication.

4. Legal Framework for Recovery

Council Tax:	Local Government Finance Act 1992 The Council Tax (Administration and Enforcement) Regulations 1992 (as amended)
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Housing Rents:	Housing Act 1985 and 1996 Landlord and Tenant Act 1985
Housing Benefit: Overpayment	Social Security Administration Act 1992 (Housing Benefits) Local Authority Financial Regulations The Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001. Section 123 of the Social Security Administration Act 1992. Section 134 of the Social Security Administration Act 1992 (Housing Benefit) Section 139 of the Social Security Administration Act 1992 (Council Tax Benefit) Sections 130, 131 of the Social Security Contributions and Benefits Act 1992 The Housing Benefit (General) Regulations 1987 – and subsequent varying regulations The Council Tax Benefit (General) Regulations 1992 – and subsequent varying regulations Housing Benefit (Recovery of Overpayments) Regulations 1997 Social Security (Overpayment and Recovery) Regulations 2013
NNDR:	Local Government Finance Act 1988 The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989
Sundry Income:	Local Government Act 1972 Accounts and Audit Regulations 1996
Penalty Charge Notices:	The Traffic Management Act 2004 The Road Traffic Regulations Act 1984 The Nuneaton & Bedworth Off-Street Parking Places (No 2 Order) 2011
All Services:	The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020 Insolvency Act 1986

5. Corporate Debt Framework

- 5.1 The Council has a duty to recover outstanding debts but must ensure that its policies and procedures are fair to everyone. The Council has, in line with best practice, developed a corporate framework for debt recovery that provides a consistent approach across the Council.
- 5.2 With the changing situation of more people having to pay council tax and more customers finding themselves in a multiple debt situation (either to the Council or other creditors) due to the impact of welfare reforms and/or low income, the Council regularly reviews how we need or can better support those customers in debt in terms of delivering and/or facilitating real “hands on” support.
- 5.3 This updated framework relates to the following types of debt (although this list is not exhaustive):
- Council Tax – the charge payable on all domestic properties.
 - Business Rates – the charge payable on all commercial properties.
 - Housing Rents and Former Tenants Arrears – the charges levied on Council owned properties and garages.
 - Temporary Housing costs
 - Overpayment of Housing Benefit – this occurs when benefit is paid, and the claimant is not entitled to some or all the Housing Benefit that has been given.
 - Sundry Debts – the fees and charges made for a wide and varying range of Council services including leaseholder service charges, rechargeable repairs, and court costs.
 - Penalty Charge Notices.
- 5.4 Any money due to the Council contributes to services delivered by the Council for residents of the Borough and Warwickshire.
- 5.5 This framework will help us to achieve the collection of these monies and align to the Councils wider financial inclusion commitments to improve the help and advice available for residents to manage their Council bills, including access to services, money management information and digital support.
- 5.6 This document is supported by more detailed procedural guidance for staff, which are regularly reviewed and monitored to ensure they are consistent and timely in application for recovering monies.

6. The principles of good practice

- 6.1 It is recognised that people do not pay their Council bills in a timely way for a variety

of reasons. Some people will have genuine difficulty in paying and if this is the case, we will make every effort to help those who engage with the Authority to minimise the impact of debt on them by referring them to the Financial Inclusion Support or Tenancy Support Officers. Others may deliberately set out to delay or not make payments. In all cases appropriate methods of enforcement will be used to secure payment.

6.2 The Council is committed to following these good practice principles to assist the statutory debt recovery processes:

- Accurate and prompt billing will take place.
- A range of payment options will be available.
- Agreement of affordable repayment arrangements for those customers experiencing financial difficulties.
- Advice on ways to reduce bills and maximise income such as applying for a Hardship Payment or Discretionary Housing Payment.
- Referral to the Citizens Advice Bureau for advice on other benefits, e.g. Universal Credit
- Access to advice and information will be provided at every stage of the collection and recovery process and will be available online.
- Appropriate and proportionate recovery action will be taken.
- There will be a regular and realistic review of doubtful debts.
- Good customer care is a minimum expectation.
- Efficiency and cost effectiveness must be demonstrated.
- Partnership arrangements and secure referral systems will be in place.
- Timely monitoring and reporting of performance will be undertaken.

How we will deliver on these commitments is outlined in the remainder of this document.

7. Accurate and prompt billing

7.1 For the policy to be effective we will ensure that:

- accurate and clear bills are produced promptly, and e-bills will be available where requested.
- a prompt response is made to changes in circumstances and applications (for example exemptions, discounts, and reliefs).
- prompt and accurate delivery of benefit award entitlements is in place.

7.2 The information provided on the bill will be clearly written, without the use of jargon (except where statutory wording is prescribed) and will show:

- what the bill or liability is for.
- the amount due and, where appropriate, the instalment amounts and payment due dates.
- how to make a payment with bar codes used where possible on letters.
- a contact point for enquiries - including e-mail and website details.

In the case of Housing Benefit Overpayments, we will also provide:

- the amount of deduction from future benefit – if the overpayment is to be recovered this way.
- the person's right to request a written statement and the timescale for this.
- confirmation that Underlying Entitlement has been discussed (a method in which to reduce the overpayment)
- the person's right to appeal and the timescale for this.

8. A range of payment options

8.1 It is acknowledged that the easier it is to pay, the more likely it is that payment will be made. We will provide a choice of convenient methods of payment for bills and invoices and details of these options will be advised on each bill.

8.2 The range of payment options, dependent on debt type, currently includes direct debit on a variety of dates, cash at post offices, banks, Pay Zone outlets, or debit/credit card (which can be made 24 hours a day, 7 days a week using the automated telephone line or website).

8.3 We will provide information on outlets where payments can be made via our website and documentation. Wherever possible, Housing Benefit Overpayments will be recovered from ongoing benefit entitlement.

8.4 In all cases we will actively encourage people to contact us early if they are in arrears.

9. Affordable repayment arrangements

9.1 We recognise that people do not pay their debts for a variety of reasons. Some customers will have difficulty in paying and we recognise the need to agree payment arrangements that reflect the ability to pay as well as the level of debt owed.

- 9.2 By enabling people who fall into arrears to come to payment arrangements appropriate to their circumstances, we can help to reduce the risk of further action and unnecessary additional costs becoming payable. For example, making Council Taxpayers aware of their statutory right to pay over 12 monthly instalments as opposed to 10 with no penalty added.
- 9.3 We may require customers to complete an income and expenditure form and to provide documentary evidence to help us to assess their circumstances and confirm details before we can agree an arrangement especially where additional time to pay beyond the statutory period allowed is made, or payment will exceed a financial year end.
- 9.4 Where customers fail to make contact or fail to maintain arrangements, recovery action will escalate accordingly.
- 9.5 Computer systems, processing and information about outstanding debts will be available to all members of the Revenues and Benefits Services, Housing Services and Customer Services Team, in order that we can adopt a coordinated approach to payment arrangements, particularly for multiple debts.
- 9.6 If it is identified as part of this process that a resident requires additional support to pay their Council bills then a referral will be made to the Financial Inclusion Support Officers (or Tenancy Support Officer if a Council Tenant), to assess what support, if any, can be offered.

10. Advice on ways to reduce bills and maximise income.

- 10.1 We welcome the involvement of welfare agencies in connection with recovery of debts and recognise the benefits that these organisations can offer both the customer and the Council in helping customers prioritise debts and maximise income. We will continue to work with such agencies whenever possible.
- 10.2 We also recognise the importance of providing financial inclusion awareness training to all our staff involved in the recovery of debts as well as having dedicated officers to assist residents with money management help and support.

This enables us to:

- provide 1-2-1 help and guidance to those customers identified as requiring urgent assistance with their money issues.
- inform customers of their entitlement to Housing Benefit and council tax support, discounts, reliefs, and exemptions.
- inform customers of the general availability of other income related benefits such as Job Seeker's Allowance, Child Tax Credits, Working Tax Credits,

Pension Credit or Universal Credit.

- direct customers for help and advice on all potential state benefit entitlements
- direct customers who need help and advice on money management matters to Citizen's Advice Bureau or online Government sponsored support sites.
- inform customers who are at a serious stage of recovery to seek independent help and advice from appropriate organisations.

11. Access to advice and information at every stage of the collection and recovery process

11.1 Keeping our customers informed about the recovery process, the consequences of not making payments and where they should go for help and advice if they do not wish to discuss the matter directly with the Council is important.

We will:

- invite and encourage customers to contact us as soon as they begin experiencing difficulties paying their accounts.
- ensure that advice and information given to customers by members of staff is consistent and that customers are treated fairly and equally.
- keep customers informed of the action being taken at each stage of the recovery process and of the sanctions that will apply if non-payment continues.
- provide documents in large print when requested.
- assist customers with language difficulties by offering a translation service where appropriate.
- ensure that all documents use plain English.
- provide clear information on payment methods on all documentation.
- advise customers where to get help and advice about benefit and money matters via letters and links to our website.
- ensure that members of staff providing advice at the Magistrates' Court have access to account information.
- maximise personal phone contact with customers by experienced Council officers during normal office hours.
- provide facilities to enable customers to discuss their debts in a confidential manner.
- make notes on our online systems of all contacts made.

11.2 In addition to the information shown on bills and invoices, we will also provide the

following information via the Council's website:

- a system to enable customers to receive council tax and business rate bills electronically.
- on-line forms (for example applying for benefits, notifying of change of circumstances, etc.) and links to benefit information.
- general information about debt recovery, housing benefit, council tax, business rates and sundry debts
- access and signposting to appropriate help and advice

11.2.1 Where possible we will also periodically update our records from information held by the CRM or Enforcement Agents website of contact details such as telephone numbers and email addresses to provide as many ways as possible to contact customers direct.

12. Appropriate recovery action is taken.

12.1 We will follow the principles of enforcement outlined below:

- our action will be **proportional** – we will strike a balance between the potential loss of income to the Council and the costs of taking a course of action.
- our approach will be **consistent** – with the aim of achieving consistency in the advice we give, the use of our powers and in the recovery procedures we use.
- our actions will be **transparent** – to help customers to understand what is expected of them and to explain the reasons for taking any recovery/enforcement action.

12.2 We will always seek to make realistic arrangements for customers to clear outstanding debts by regular payments wherever possible.

12.3 Provided an offer of payment is reasonable (this will have regard to the permitted deduction level possible under an attachment of earnings order or attachment of benefits) and fairly reflects the individual's income and expenditure, the mutually agreed arrangement will be accepted, and further enforcement action will be suspended. The exception to this approach will be when the case has been referred to our Enforcement Agents or if the debt is subject to a Court Order.

12.3.1 The arrangement where possible will seek to recover all monies within the financial year in question. An early review date of the arrangement will be agreed to review

the situation if this is deemed appropriate.

- 12.5 This policy is in the spirit of a “firm but fair” approach to debt recovery and helps distinguish the genuine “can’t pay” customers who the Council is keen to help manage their debt from the “won’t pay”. The success of this framework is dependent upon the commitment of those who “can’t pay” maintaining contact with the Council and advising of any unexpected situations that will prevent them from meeting their agreed repayments.
- 12.6 Any reminders we issue will convey a willingness to discuss matters with customers and encourage them to make contact if they cannot pay as advised. They will also make the customer aware of the consequences of failing to pay or keeping to arrangements.
- 12.7 If a customer fails to make contact or maintain arrangements, we have a duty to collect what is due and will use all legal means available to recover debts. This includes:
- attachment of earnings
 - deduction from benefits
 - enforcement agent action
 - debt collection action
 - blameless tenant recovery
 - possession proceedings
 - county court proceedings
 - charging orders
 - insolvency proceedings including bankruptcy and winding up
 - committal to prison proceedings
- 12.8 Some of these methods of recovery may incur additional costs that will need to be passed on to the debtor.
- 12.9 Whilst we will seek to recover monies due within the financial year in question, in cases of genuine financial hardship, this may be unrealistic and therefore the Council will negotiate repayment levels that consider individual financial circumstances and accept that for appropriate cases payment arrangements may fall into the next financial year. This will involve completion of an income and expenditure form and will require the debtor to agree to be referred for money management advice and assistance were considered appropriate. Use of a common income and expenditure form with standard thresholds, for money spent on housekeeping, utility bills etc., according to family size, will be used wherever possible by internal Council Departments.

12.10 The authorisation levels for write off are:

- Up to £10.00 Revenues and Benefits/Housing Team Leaders
- Up to £1,000.00 Revenues and Benefits/Housing Managers
- Up to £5,000.00 Assistant Director of Finance/Social Housing & Community Safety
- Up to £7,500.00 Strategic Director of Finance & Governance
- £7,500.01 and above Single Member Decision
- Any Insolvent Assistant Director of Finance/Social Housing & Community Safety
-
- Deceased Assistant Director of Finance/Social Housing & Community Safety
-
- Statute Barred Assistant Director of Finance/Social Housing & Community Safety
-

12.10 Where there is insufficient income available to clear all debts, payment will be appropriated in the following order except in exceptional circumstances: -

- Housing Rent.
- Housing Benefit Overpayments
- Sundry Income
- Council Tax
- NNDR

12.11 Where contact or payments are not made for sundry debts, we will suspend any non-statutory services.

12.12 Despite our procedures for recovering debts, there are always cases that may be deemed impossible or not cost effective to pursue. There are a variety of reasons this might happen, these include:

- The amount outstanding is below an agreed lower limit.
- The customer has left an address and we are unable to trace them.
- The customer has died and there are not sufficient funds from their estate to pay the amount owed.
- The customer is bankrupt or if the company is insolvent (however we do submit a claim in bankruptcy and any payments received from the receiver are credited to the account accordingly)

- It is uneconomical to pursue the debt due to health, or financial reasons. In determining “uneconomic”, account must be taken of the overall impact on the Council of non-pursuit of that debt including the likelihood that other customers may then also choose not to pay their outstanding debts. We will use write off as a final option where there is no realistic chance of recovery, and it is considered inappropriate to use other methods of recovery.
- Statute barred – An invoice is irrecoverable if six years have elapsed from the date of the invoice, date of service or last payment date, whichever is the later. If the debtor acknowledges the debt the six years runs from this date. All debts, which are statute barred, will be processed through the agreed write off procedures as irrecoverable.
- Inability to pay – if after all attempts to help a customer meet their payment obligations such as through providing budgeting advice there is still an inability to pay some, or all their debt then write off may be considered. However, this will be the extreme exception and will only be made after working with the customer to find an alternative solution.

12.13 We will monitor all outstanding debts to ensure that they are recoverable and will take prompt action when irrecoverable debts are identified to write them off in accordance with our financial regulations. This includes an appropriate level of authority that has been delegated to officers for write off purposes and will ensure recovery action is proportionate to the level of the debt due.

12.14 The formal 'writing off' of any debts will not rule out recovery action being taken in the event that a customer's circumstances change.

13. Customer Care

13.1 In order to provide good customer care we will:

- ensure that debts are collected in an efficient and empathetic way.
- provide advice and guidance on ways to reduce bills and maximise income.
- advise customers on how to complain/appeal if they are unhappy with the service they have received.
- encourage constructive comments from customers about how we can improve our services.
- ensure that services are accessible, including making services physically accessible to people with disabilities.

13.2 Customers will be provided with the contact details of the originating department on any invoices, recovery notices or letters issued in order that they have access

to officers with detailed and specific knowledge of the goods and/or services always provided.

- 13.3 Offices will be available to take customer queries by telephone between 9.00am to 5.00pm Monday to Friday, and a face-to-face appointment can be arranged if required. Email contact and relevant information will be available at all times via the Councils website.
- 13.4 All customers will be encouraged to take ownership of their financial affairs. Whilst it is not the role of the Council to provide a debt counseling service, where customers are facing clear financial hardship, a referral may be made to the Council's Financial Inclusion Support Officers, or they will be made aware of external debt counseling services provided by the Citizens Advice Bureau and other information on how customers can get help and advice with debt online. This will also include information on help that can be received from utility companies in paying their debts to those companies.

14. Efficiency and cost effectiveness

- 14.1 We will seek to ensure that our recovery and enforcement activities are delivered in the most efficient and cost-effective manner. This will include the use of external suppliers of services such as civil enforcement agents and the use of specialist suppliers of other recovery and legal services such as instigating insolvency proceedings and charging orders.
- 14.2 The use of civil enforcement agents and any other debt collection agency will be conducted in accordance with the Council's procurement policy, and they will adopt practices and policies that reflect the total value of debts owed and collect monies in line with agreed protocols with the Council.
- 14.3 We will seek to maximise the use of technology to improve efficiency and ensure the most up-to-date information is available online where possible to both the Council and our external agents.

15. Partnership Arrangements

- 15.1 Relationships with partner organisations are a key component in any Corporate Debt Framework. The Council's resources and debt counseling skills are limited, and it is unable to assist all individuals who have significant and complex multiple debt problems. In response to this, the Council has a relationship with the Citizen's Advice Bureau as well as other complimentary partners coordinated via its involvement with the Northern Financial Inclusion Partnership and will introduce procedures for referring customers for debt counseling and wider personal support in these situations.

This will involve:

- Developing a comprehensive online referral claim form, improved income and expenditure form, a multiple debt referral form and comprehensive website that includes signposting to other debt related sites and charities. This is used by front line staff to advise and refer customers for help and advice and has recently been developed to enable self-referral.
 - Working with Act on Energy to help address fuel poverty and Severn Trent to promote greater awareness of water schemes available to people.
 - The Councils Financial Inclusion Support Officers undertaking targeted campaigns with those affected by some of the welfare reforms i.e., Benefit Cap.
 - Shared management arrangement with North Warwickshire BC to share key officers, and Financial Inclusion expertise to maximize capacity and to develop common approaches and policies.
- 15.2 In a more proactive way, the Council also works closely with its Civil Enforcement Agents ensuring that they operate within the Council's Code of Practice and deal with cases sympathetically, including returning sensitive cases to the Council for action.
- 15.3 Civil Enforcement action will continue to be monitored to ensure compliance to the contract. Our relationships with both our Enforcement Agencies Bristow and Sutor and Jacobs are continually developing to ensure close working partnerships.
- 15.4 The introduction of a new contract and the development of these partnerships has drawn on best practice and procedures implemented over several years and compliments other Council policies such as the Rent Arrears Policy and Discretionary Council Tax Policy ensuring customers are dealt with in a fair and consistent way.
- 15.5 Our ongoing activities help to promote positive engagement with the public around providing advice on all types of welfare benefits, improving access to benefits information, and promoting more effective and joined up working relationships with external advice agencies. Work also continues alongside the Job Centre Plus to prepare those impacted by universal credit as well as other Councils across Warwickshire.

16. Monitoring and Reporting

- 16.1 We will monitor our policies and procedures to ensure that they are effective.

Monitoring will include:

- quality checks on work processes to ensure fairness and consistency.
- audit and quality checks on work processed by individuals.
- rate of collection – to identify our performance against the monetary measures set for the collection of debts.
- regular benchmarking with other Councils
- number of cases at each stage of the recovery process
- a review of trends and changes in recovery action
- complaints received – to assist us with making service improvements.
- Regular reporting to the Councils Management Team and Members regarding collection performance.

17. Review of this framework

- 17.1 The Council is committed to continuous improvement and so it is inevitable that new approaches and ways of working will be introduced. This framework will be reviewed as appropriate (no longer than every 2 years) to enable it to be updated where necessary and to consider any service improvements or changes.

Cabinet

Report Summary Sheet

Date: 6th September 2023

Subject: Capital Forecast Q1 2023/24

**Portfolio: Finance and Corporate (Councillor S Croft)
Housing & Communities (Councillor C Golby)**

From: Strategic Director – Finance & Governance

Summary:

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

Recommendations:

To consider the Q1 forecasted capital outturn position for 2023/24 for the General Fund and HRA.

To recommend to Council for approval an update to the Capital Budget for 2023/24 as detailed at part 4.10 of the report.

Options:

To accept the report or request further information on the outturn position.

To recommend approval of the updated 2023/24 capital budget to Council

Reasons:

To ensure the Council has an accurate capital budget.

Consultation undertaken with Members/Officers/Stakeholders

Councillor Croft, Management Team and relevant officers

Subject to call-in:

Yes

Ward relevance:

None directly.

Forward plan:

Yes

Building a Better Borough Aim:

Work

Building a Better Borough Priority:

Grow a strong and inclusive economy.

Relevant statutes or policy:

Local Government Finance Act

Equalities Implications:

None

Human resources implications:

None

Financial implications:

Detailed in the report.

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

None.

Environmental implications:

None

Legal implications:

None

Contact details:

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NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet – 6th September 2023

From: Strategic Director - Finance & Governance

Subject: Capital Monitoring Q1

Portfolio: Finance & Corporate (Councillor S Croft)

Building a Better Borough Aim: Work

Building a Better Borough Priority: Grow a Strong & Inclusive Economy

1. Purpose of Report

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

2. Recommendations

2.1 To consider the Q1 forecasted capital outturn position for 2023/24 for the General Fund and HRA.

2.2 To recommend to Council for approval an update to the Capital Budget for 2023/24 as detailed at part 4.10 of the report.

3. Background

3.1 Nuneaton and Bedworth Borough Council has a large capital programme to provide community value and improve facilities. The Q1 outturn position for 2023/24 updates on how the programme is progressing.

4. Body of Report

4.1 The Council's capital programme covers many projects for both the General Fund and Housing Revenue Account.

4.2 General Fund projects are developed in line with strategies reported to Cabinet/Council and are funded through Section 106 developer contributions, grant funding (from the Government and other external providers), internal and external borrowing plus capital receipts generated through asset sales.

- 4.3 HRA projects are mainly for refurbishment of council houses, disabled adaptations to council housing plus new build. They are funded from HRA reserves, capital receipts from Right to Buy plus grant income.
- 4.4 The capital budget for 2023/24 of £106,627,852 was approved in February 2023 at Council with an updated budget position reported of £111,917,651 to Cabinet in July 2023.
- 4.5 A summary of the General Fund and HRA forecasted expenditure versus budget is below alongside financing of the programme with further detail included in Appendix 1.

	Approved Budget £	Revised Budget £	Forecast Actual £	Variance £
Business & Regeneration	55,245,947	56,867,694	26,054,347	-30,813,347
Finance & Corporate	290,000	298,000	298,000	0
Housing & Communities	6,688,637	7,558,637	7,558,637	0
Public Services	23,745,567	23,885,426	5,120,507	-18,764,919
Planning & Regulation	0	0	0	0
Health & Environment	0	0	0	0
Miscellaneous Schemes	100,000	92,000	92,000	0
General Fund	86,070,151	88,701,757	39,123,491	-49,578,266
HRA	25,847,500	25,847,500	25,847,500	0
Total	111,917,651	114,549,257	64,970,991	-49,578,266

General Fund

- 4.6 The budget for the capital programme was updated in July 2023 to include carry forward of underspends from 2022/23.
- 4.7 Projects are projected to underspend by £49.6m on the General Fund although the HRA at this stage is expected to be on target. This will be monitored with carry forwards being requested if required as part of the budget round in February 2024.
- 4.8 The key projected underspends on the General Fund are detailed below:
- Bridge to Living – the tender exercise has now concluded and is the process of evaluation. Works on site are currently delayed with expenditure on the project not expected to progress until 2024.
 - Bedworth Physical Activity Hub – a tender exercise has concluded for this project, and a revised scheme is to be reported to Cabinet in September. Due to this delay, it is expected that the start on site will be in early 2024.

- Grayson Place – phase 1 of the redevelopment is underway but phase 2 is unlikely to be started in 2023 due to the requirement for a tender exercise. Progress will be kept under review and the forecast may alter as the development moves forward.
 - Towns Fund projects – The Weddington Road Cycle Lane is due to cost less than budgeted and the balance of the funding is to be transferred to support the Museum and Parks Revival project. The Digital Skills and Inclusion project is part of the overall Grayson Place development, and this is likely to progress as part of phase 2 in 2024.
- 4.9 There is one projected overspend of £75k which is on the Play Areas. A budget was created in the revenue account for renewal and replacement, but the works required are capital. It is proposed that a revenue contribution to capital is undertaken to balance the accounts and the budgets will be updated as part of the 2024/25 budget setting process.

Budget Update

- 4.10 Cabinet approved an update to the Museum and Parks Revival project in May 2023 which has been included in Appendix 1 and is funded through the Towns Fund plus S106. Visiting Nuneaton: Changing Perspectives budget of £60k from Towns Fund has been cancelled and reallocated to the Museum and Parks Revival project.
- 4.11 The Corporate Programme Board has approved a business case to purchase a hook lift vehicle which is to be funded from earmarked reserves set-aside for vehicle replacements. It has also approved two projects to be fully funded through S106 at Ambleside Sports Club and Sandon Park Pavilion.
- 4.12 The capital element of the UKSPF had a carry forward budget of £43k approved in July 2023 but this has now been updated to include the 2023/24 allocation of funding.
- 4.12 As part of the revenue budget, £75k was allocated from the General Fund for renewal and replacement of parks. The nature of these works are capital and therefore it is proposed to make a contribution from revenue into capital and create a capital budget to monitor.
- 4.13 Due to successfully spending grant funding for Green Homes, a further £500k has been allocated to the Council for 2023/24. The budget has been updated to reflect.
- 4.14 Finally, a tender exercise for the Changing Places project has concluded and it is to cost £8k more than originally budgeted. It is proposed to transfer the shortfall from the miscellaneous £100k set aside for projects each year to enable the project to be delivered.

- 4.15 All of the proposed budget adjustments are highlighted in yellow in Appendix 1.
- 4.10 The progress of all projects will be monitored during the year with further updates reported to Cabinet.

HRA

- 4.11 The capital budget for the HRA was approved as £24,418,500 in February 2023 but an updated budget position was reported to Cabinet in July 2023 of £25,847,500 to include carry forwards of underspends from 2022/23.
- 4.12 Management of the HRA capital programme is based on scheduled works and progression of new build and acquisition targets. The budget as a whole is utilised by need of the customer and the most efficient use of resources to ensure value for money and will therefore fluctuate against the initial forecasted expenditure by line in any one year.
- 4.13 There is a review of the HRA Business Plan currently underway and this will determine the spend pattern and expected profile of works in line with the changes and updates to legislative requirements.
- 4.14 Any amendments to the HRA capital programme after review of the Business Plan will be reported to a future Cabinet.

Capital Reserves

- 4.15 Reserves are held by the Council for capital purposes either generated through sales of assets, setting aside sums from underspends and receipts of grants for capital purposes.
- 4.16 The Council's capital reserve position at the end of March 2023 is as follows.

	2022/23 £
Capital Receipts	618,525
Capital Grants	16,814,944
Earmarked Capital	2,612,970
General Fund Total	20,046,438
Capital Receipts	341,077
1-4-1 Receipts	2,466,956
Earmarked Capital	5,310,558
Major Repairs Reserve	2,020,823
HRA Total	10,139,414
NBBC Total	30,185,852

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

5. Conclusion

5.1 The capital programme is fully funded in its present form and there is expected to be slippage on projects in 2023/24. The biggest risk to the Council at this stage is the current economic landscape with inflation, price increases for building supplies plus continual rises in interest rates.

5.2 Adjustments to the programme in light of the difficulties around cost and delivery will be reported to Cabinet but projects are continually under review for viability. Interest rates on projects where prudential borrowing is required will be carefully assessed for affordability prior to progressing. The only project paused at this stage is the Bedworth Physical Activity Hub.

6. Appendices

6.1 Appendix 1 – Q1 Forecasted General Fund Capital Outturn 2023/24

7. Background Papers

7.1 None.

GENERAL FUND CAPITAL MONITORING

AS AT JUNE 2023

Project	Approved Budget	Revised Budget	Current Forecast	Forecast Variance	Comments
Grayson Place	35,865,295	35,865,295	17,865,295	(18,000,000)	Phase 1 costs
Bridge to Living	8,221,994	8,221,994	150,000	(8,071,994)	Delay to start
Flood Alleviation	999,998	999,998	999,998	0	
Weddington Road Cycle Lane	1,703,000	1,703,000	1,400,000	(303,000)	Reduction in cost expected
Museum and Parks Revival	6,538	1,688,285	1,688,285	0	
George Eliot Visitor Centre	27,500	27,500	27,500	0	
Digital Skills & Innovation	5,438,353	5,438,353	1,000,000	(4,438,353)	Linked to Grayson Place - enabling works
Visiting Nuneaton : Changing Perspectives	60,000	0	0	0	
The Saints	545,700	545,700	545,700	0	
Corporation Street/Queens Road Junction	2,225,000	2,225,000	2,225,000	0	
Transforming Bedworth	18,612	18,612	18,612	0	
E-mobility Hub	81,000	81,000	81,000	0	
CCTV - Wireless Technology	52,957	52,957	52,957	0	
Business & Regeneration	55,245,947	56,867,694	26,054,347	(30,813,347)	
ICT Strategy Programme	140,000	140,000	140,000	0	
Changing Places	125,000	133,000	133,000	0	
Camp Hill Regeneration Scheme	25,000	25,000	25,000	0	
Finance & Corporate	290,000	298,000	298,000	0	
HEART	5,125,000	5,125,000	5,125,000	0	
Empty Homes Works in Default	40,000	40,000	40,000	0	
Empty Property Loans	100,000	100,000	100,000	0	
Green Homes Phase 3	405,359	905,359	905,359	0	Allocated an additional £500k
Homeless Hostel Conversion	200,000	200,000	200,000	0	

Safer Streets - Stubbs Pool/The Dingle	41,917	41,917	41,917	0	
Home Upgrade Grant 2	733,000	733,000	733,000	0	
UK Shared Prosperity Fund Projects	43,361	413,361	413,361	0	100% External Grant
Housing & Communities	6,688,637	7,558,637	7,558,637	0	
Major Repairs	250,000	250,000	250,000	0	
Vehicle & Plant Replacement	270,000	270,000	270,000	0	
Sub-Regional Materials Recycling Facility	507,034	507,034	507,034	0	
Bedworth Physical Activity Hub	21,839,919	21,839,919	3,000,000	(18,839,919)	Project paused - Cabinet update Sept
Leisure Strategy	230,904	230,904	230,904	0	
Sandon Park Pavilion Improvements	0	26,859	26,859	0	S106 - business case approved
Play & Teenage Provision	4,710	4,710	4,710	0	
Fly Tipping Cameras	5,000	5,000	5,000	0	
Cemetery Extension	100,000	100,000	100,000	0	
Community Centre Grants	55,000	55,000	55,000	0	
Buttermere Recreation Ground Redevelopment	447,500	447,500	447,500	0	
Ambleside Sports Club - Table Tennis Provision	0	75,000	75,000	0	S106 - business case approved
Stockingford Community Centre	25,000	25,000	25,000	0	
Pauls Land Pavilion	10,500	10,500	10,500	0	
Hook Lift Vehicle	0	38,000	38,000	0	Earmarked - business case approved
Play Areas	0	0	75,000	75,000	Revenue budget, Capital spend
Public Services	23,745,567	23,885,426	5,120,507	(18,764,919)	
Miscellaneous Schemes	100,000	92,000	92,000	0	Transferred to Changing Places
TOTAL GENERAL FUND	86,070,151	88,701,757	39,123,491	(49,578,266)	