

Enquiries to Committee Services
Direct Dial: 024 7637 6000
Direct Email: committee@nuneatonandbedworth.gov.uk

Date: 3rd March 2023

Our Ref: MM

Dear Sir/Madam,

A meeting of the **AUDIT & STANDARDS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton, on **Tuesday, 14 March 2023** at **6.00pm**

Please note that meetings will be recorded for future publication on the Council's website.

Yours faithfully,

BRENT DAVIS
Chief Executive

To: All Members of the
Audit & Standards
Committee

Councillors R Baxter-Payne (Chair),
J. Sheppard (Vice-Chair), B. Beetham,
T. Cooper, L. Cvetkovic, L. Downs,
M. Green, J. Hartshorn, J. Kennaugh,
N. Phillips and R. Tromans.

A G E N D A

PART I - PUBLIC BUSINESS

1. ANNOUNCEMENTS

To advise the meeting participants of the procedure that will be followed by the Members of the committee.

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

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

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

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

The meeting will be live streamed to YouTube and will be available to view via the NBBC website.

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

3. MINUTES – To confirm the minutes of the meeting of the Audit and Standards Committee held on 10th January 2023 and the Extraordinary meeting held on 31st January 2023, attached (**Page 4**).

4. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

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

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 10**). 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 & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

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

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

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

5. PUBLIC CONSULTATION - Members of the Public will be given the opportunity to speak on specific agenda items, if notice has been received.
6. INTERNAL AUDIT PLAN 2023-24 – report of the Head of Audit and Governance **(Page 13)**.
7. RECOMMENDATIONS FROM THE CONSTITUTION REVIEW WORKING PARTY – report of the Director – Planning and Regulation **(Page 16)**.
8. ANY OTHER ITEMS - which in the opinion of the Chair should be discussed as a matter of urgency because of special circumstances (which must be specified).
9. EXCLUSION OF THE PUBLIC AND PRESS - Under section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph (i) and (iv) of Part I and II of Schedule 12A to the Act.
10. COMPLAINTS AGAINST MEMBERS: 20TH AUGUST 2022 TO 28TH FEBRUARY 2023 – report of the Monitoring Officer.
11. COMPLAINT 12/21 AND 2/22 – LETTERS OF APOLOGY – report of the Monitoring Officer.

NUNEATON AND BEDWORTH BOROUGH COUNCIL

AUDIT & STANDARDS COMMITTEE

10th January 2023

A meeting of the Audit & Standards Committee was held on Tuesday, 10 January 2023 in the Council Chamber, Town Hall, Nuneaton. The meeting was recorded and live streamed.

Present

Councillor R Baxter Payne – Chair

Councillors: B. Beetham, L. Downs, M. Green, J Sheppard (Vice- Chair), R. Tromans, D. Brown (substitution for Councillor L. Cvetkovik) S. Harbison (substitution for Councillor T. Cooper) and B. Hammersley (substitution for Councillor J. Hartshorn).

Apologies: Councillors T. Cooper, J. Hartshorn, L. Cvetkovik and N. Phillips.

PART I – PUBLIC BUSINESS

ACS27 **Minutes**

RESOLVED that the minutes of the Audit and Standards Committee meeting held on 8th November 2022, be confirmed, and signed by the Chair.

ACS28 **Declarations of Interest**

As substitute Councillors for this meeting, the Declarations of Interest for Councillors D. Brown, S. Harbison and B. Hammersley were not detailed in the Schedule attached to the agenda.

RESOLVED that the declarations of interest are as set out in the Schedule attached to these minutes, with the addition of the Declarations of Interest for Councillors D. Brown, S. Harbison and B. Hammersley.

ACS29 **Regulation of Investigatory Powers Act 2000**

A report of the Director for Planning and Regulation provided the Committee with the findings of the Inspector from the Investigatory Powers Commissioner's Office.

Public Speakers: Mr P. Smith and Councillor K. Kondakor

RESOLVED that

- a) the findings of the Inspector from the Investigator Powers Commissioner's Office, as set out in Appendix 1 of the report, be noted; and
- b) that the Council's policy on the use of covert surveillance, as set out in Appendix 2 of the report, be approved.

ACS30 **Briefing Note**

A report of the Head of Audit and Governance provided the Committee with responses to the questions raised following the presentation of the Head of Audit and Governance Annual Report 2021-22 on 8th November 2022.

Public Speakers: Mr P. Smith and Councillor K. Kondakor.

RESOLVED that

- a) the additional information provided in section 4 of the report be noted; and
- b) a report on Post Project Reviews be presented at the next meeting of the Audit and Standards Committee.

ACS31 **Internal Audit Plan 2022-23**

The Head of Audit and Governance presented the proposed changes to the approved internal audit plan for 2022-23.

Public Speakers: Mr P. Smith and Councillor K. Kondakor.

RESOLVED that the proposed changes to the internal audit plan, as set out in Appendix A of the report, be approved.

ACS32 **Review of Risk Management Policy and Strategy**

A report of the Head of Audit and Governance was presented, providing the Committee with the updated Risk Management Policy and Strategy document.

Public Speakers: Mr P. Smith and Councillor K. Kondakor.

RESOLVED that

- a) the revised Risk Management Policy and Strategy document be approved; and
- b) that a recommendation be made to Council that the Constitution be updated accordingly.

ACS33 **Any Other Items**
Statement of Accounts 2021/22 Audit Update

A report of the Director for Finance and Enterprise and External Auditors, provided the Committee with an update regarding the progress on the External Audit of the 2021/22 Statement of Accounts.

Public Speaker: Councillor K. Kondakor.

RESOLVED that the progress report be noted.

Chair _____

Audit and Standards Committee - Schedule of Declarations of Interests – 2022/2023

	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 (Chair)	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	Employed at The George Eliot Hospital; 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 	
	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 	
	L. Cvetkovic	Head of Geography	The Bulkington Volunteers	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		(Teacher), Sidney Stringer Academy, Coventry	(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	Member on the following Outside Body: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. Secretary – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church Member of the George Eliot Fellowship. Member of the Nuneaton Education Strategy Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	J. Hartshorn	Employed by Asda Nuneaton	Member of Nuneaton Conservatives	
	J. Kennaugh	County Councillor W.C.C. Employed by FedEx Express UK Limited.	Member of the W.C.C. Regulatory Committee Member of the Conservative Party Member of UNITE the Union Member on the following Outside Bodies: <ul style="list-style-type: none"> • EQUIP 	
	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 (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Community Centre. Member of the Management Committee at the Mental Health Drop-in.	
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	W.C.C. Warwick Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Neighbourhood Watch Committee Hospice Charity	

NUNEATON AND BEDWORTH BOROUGH COUNCIL

AUDIT & STANDARDS COMMITTEE

31st January 2023

An extraordinary meeting of the Audit & Standards Committee was held on Tuesday, 31st January 2023 in the Council Chamber, Town Hall, Nuneaton. The meeting was recorded and live streamed.

Present

Councillor R Baxter Payne – Chair

Councillors: B. Beetham, T. Cooper, L. Downs, M. Green, J Sheppard (Vice- Chair),
R. Tromans and N. Phillips.

Apologies: Councillors L. Downs, J. Hartshorn and L. Cvetkovik.

PART I – PUBLIC BUSINESS

ACS34 **Declarations of Interest**

RESOLVED that the declarations of interest are as set out in the Schedule attached to these minutes.

ACS35 **Regulation of Investigatory Powers Act 2000**

A report of the Director for Finance and Enterprise and the External Auditors, provided the Committee with the final option on the Statement of Accounts for 2020/21.

Public Speaker: Councillor K. Kondakor

RESOLVED that

- a) the Annual Auditor Report for the Statement of Accounts be noted; and
- b) the Annual Audit Report be recommended to Council for noting.

Chair _____

Audit and Standards Committee - Schedule of Declarations of Interests – 2022/2023

	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 (Chair)	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	Employed at The George Eliot Hospital; 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 	
	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 	
	L. Cvetkovic	Head of Geography	The Bulkington Volunteers	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		(Teacher), Sidney Stringer Academy, Coventry	(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	Member on the following Outside Body: <ul style="list-style-type: none"> • Hammersley, Smith and Orton Charity 	
	M. Green	Employed by Horiba Mira – Calibration Technician	Chair of Education Standards Committee – St Thomas More School Executive Member – Nuneaton Conservatives. President – St Vincent De Paul Society at Our Lady of the Angels Church. Our Lady of the Angels Church Member of the George Eliot Fellowship. Member of the Nuneaton Education Strategy Board Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children. 	
	J. Hartshorn	Employed by Asda Nuneaton	Member of Nuneaton Conservatives	
	J. Kennaugh	County Councillor W.C.C. Employed by FedEx Express UK Limited.	Member of the W.C.C. Regulatory Committee Member of the Conservative Party Member of UNITE the Union Member on the following Outside Bodies: <ul style="list-style-type: none"> • EQUIP 	
	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 (Vice-Chair)		Partnership member of the Hill Top and Caldwell Big Local. Director of Wembrook Community Centre.	Dispensation to speak and vote on any matters of Borough Plan that relate to the Directorship of Wembrook Community Centre

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Member of the Management Committee at the Mental Health Drop-in.	
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	W.C.C. Warwick Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Neighbourhood Watch Committee Hospice Charity	

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit and Standards Committee – 14th March 2023

From: Head of Audit and Governance

Subject: Internal Audit Plan 2023-24

1. Purpose of the Report

- 1.1 The purpose of this report is to set out the proposed Internal Audit Plan for 2023-24.

2. Recommendation

- 2.1 That the Internal Audit Plan at Appendix A be approved.

3. What the Committee is being asked to consider?

- 3.1 That the approach taken to develop the Audit Plan is sound.
- 3.2 That the breadth of the Plan is sufficient to allow the Head of Audit and Governance to give an opinion on the overall control environment.

4. Internal Audit Plan

- 4.1 The Public Sector Internal Audit Standards (PSIAS) require an annual internal audit plan to be developed using a risk-based assessment process. The assessment process used at Nuneaton and Bedworth Borough Council (NBBC) considers factors such as: -
- The extent of change and development;
 - Staffing issues, e.g., inadequate training, high vacancy levels or extensive delegation;
 - The complexity of the system;
 - Previous audit findings, agreed action plans and the length of time since the last review;
 - Frauds detected or investigated;
 - The sensitivity of the system, for example the impact to the Council of something going wrong; and
 - The value and volume of transactions.
- 4.2 From the assessment, a risk score is allocated to each system, which is then used to prioritise audits and determine the frequency of each review. On completion of each review the assessment is updated to ensure that it remains reasonable and is based on sound judgement.

- 4.3 There are some high-profile areas such as data quality and asbestos management that require an annual review. For the key financial systems there is a three-year rolling programme in place which is reflective of the high value and volume of transactions within each system. The Director – Finance and Enterprise has also requested that time be put aside to carry out some value-for-money reviews during the year, to address issues as and when they arise.
- 4.4 Due to limited internal audit resources and additional work pressures the 2022/23 plan was revised, and this Committee approved the changes in January 2023. Some audit reviews were deferred until 2023-24 and these are marked with an asterisk in Appendix A.
- 4.6 Follow-up reviews are completed 6 to 12 months after the final audit report has been issued to ensure that all agreed actions have been addressed as planned.

LINDA DOWNES

Operational Audits

- Absence Management
- Assisted Burials
- Customer Feedback *
- Economic Development
- Electoral Services *
- Food Hygiene and Inspection
- General Ledger *
- Grounds Maintenance
- Homelessness
- Leaseholder Management *
- Licensing *
- VFM reviews

Annual Reviews

- Asbestos Management
- Data Quality
- Water Bodies
- Transport (Driver Checks)

Financial Audits

- Car Park Income
- Rental Income
- Treasury Management

Follow-up Reviews

- Accounts Payable
- Corporate Credit Cards
- Corporate Governance
- Council Tax
- Emergency Planning
- External Grants and Funding
- Fuel Cards
- Housing Lettings
- Housing Repairs and Stock Control
- NNDR
- Resource Management
- Payroll
- Sports Development

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit and Standards Committee – 14th March 2023

From: Director – Planning and Regulations

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 20th December 2022 and 19th January 2023 the Constitution Review Working Party met to 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.

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 Head of Planning & Building Control

The Scheme of Delegation to the Head of Planning & Building Control is set out in Part 3E.8 of the Constitution AND REPRODUCED AT Appendix B with the proposed changes highlighted. It was recently amended to outline changes to the call-in process for elected members. However, part of the Scheme, in connection with public call-in required updating. This now clarified that a call in can occur where 5 letters of support are received but the Head of Planning & Building Control is minded to refuse the application. The changes now mean that the matter will be referred to Planning Applications Committee in these circumstances.

One further proposed amendment is to make it clear that, where the chair is to be consulted on a matter, the vice chair will fulfil this function should the chair be unavailable or have a conflict of interest in the matter.

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.

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;

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

Will include:-

- i. being an advocate for your ward;
- ii. helping electors in your ward by attending to casework;
- iii. attending community events and meetings;
- iv. attending Council meetings;
- v. helping decide Council service priorities, including budget decisions;
- vi. developing and/or scrutinising Council decisions;
- vii. monitoring Council performance; and
- viii. maintaining the highest standards of conduct and ethics.

5E.2 POLICY MAKING AND PERFORMANCE MONITORING

a) Monitoring Council Performance

Overview & Scrutiny Panels have been set up to look at the work of a Council, and the policies that it may be implementing. You might be involved in Best Value Reviews of the Council from time to time.

b) Partnership Working

Increasingly, Councils and Members work with the private, public and voluntary sectors in the area. There are partnerships to deliver regeneration programmes, to co-ordinate facilities in a town centre, to promote economic development, or to develop a vision and strategy for the area. Some Members will represent the Council on these bodies.

c) **Official Council Meetings**

Read reports, attend and participate in Council meetings (including Extraordinary and Special Annual meetings), assigned Committees (e.g. OSPs, Planning, Licensing, etc.), meetings of outside bodies (as assigned), any other Council/outside meetings (as necessary); and

Be prepared to take well informed and sometimes difficult decisions for the benefit of the Borough as a whole.

d) **Training and Support**

Upon becoming a Councillor you will receive an initial NBBC orientation for the post. To undertake knowledge/skill development training, as the requirements of new legislation dictate, or take-up of additional responsibilities which may be required (i.e. roles such as Leader of the Council, Opposition Party Leader, Cabinet Member, or Chair of a Committee).

e) Support for your Role

Members must:-

- i. comply with Council procedures;
- ii. complete a declaration and register of Members' interests;
- iii. Take personal responsibility for your own development, participating fully in the training and development programme in order to build understanding, knowledge and skills that you need to undertake your role effectively;
- iv. learn more about Local Government issues;
- v. identify and work with local stakeholders;
- vi. develop communication skills;
- vii. comply with the Member's Code of Conduct and Protocol for Member/Employee relations.

Also:-

- viii. be aware of Council Policy.

3E.8 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 – 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.

- ii. Where [five] or more letters of objections for Minor applications and [] for major applications have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period, unless the objection does not, in the 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') or are matters as set out in Schedule 2 below.
- 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.

- iv. Where five or more letters of support have been received from neighbours, interested parties or statutory consultees within the 21 day consultation period and the Head of Planning & Building Control is minded to refuse the application.

- v. Where a Member requests and the Head of Planning & Building Control agrees (having consulted the chair of the Planning Applications Committee (or vice chair where the chair is unavailable or otherwise unable to act in the matter)) 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 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 Head of Planning and Building Control, in consultation with the chair (or, if applicable, vice-chair) of Planning Application Committee.

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

- vii. The terms of a legal agreement needs to be agreed other than where a contribution is in accordance with a tariff agreed in adopted Supplementary Planning Guidance.

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

- ix. The applicant is a member or an 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, (i) confirm Tree Preservation Orders, and (ii) grant any consent necessary for works to trees.
- g) After consultation with Ward Members, determine applications for telecommunications masts which cannot be considered by Planning Applications Committee within 56 days of receipt.
- h) Negotiate terms of S106 TCPA90 obligations.
- i) Lodge representations to the Traffic Commissioner in respect of Goods Vehicles Operators' Licence applications.

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 Head of Planning & Building Control's opinion, directly affected by the proposal, irrespective of when the request to speak is received. If there are vacant speaking slots, these will be allocated to those not directly affected who wish to speak, on a first come, first served basis.

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

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.

- 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 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 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
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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

- 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

- 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

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) Monitoring Officer (or his/her representative) presents the report and evidence of disputed facts, calling witnesses allowed by the Panel.
- b) Monitoring Officer/representative makes any further representations from the Complainant to the Panel.
- c) Subject Member asks questions via the Panel to the Monitoring Office/representative (and witnesses).
- d) The Panel (who may ask questions at any time) put their questions to the Monitoring Officer/Witnesses.
- e) Subject member presents their case as to why he/she believes they have not breached the code and call evidence of disputed facts, calling witnesses allowed by the Panel.
- f) The Monitoring Officer/rep may ask questions via the Panel to put to the Subject Member (and witnesses).
- g) The Panel (who may ask questions at any time) may ask questions addressed to the Subject Member/Witnesses.
- h) Monitoring Officer/representative makes final representations as to why it is believed the Code of Conduct has been broken.

- i) Member makes any final representations as to why they believe the Code of Conduct has not been broken.
- j) When the Chair and the Panel is satisfied that all necessary information has been obtained and the parties have been given a reasonable opportunity to put their case, the Panel and Legal Advisor will consider the matter in private, following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972.
- k) The Panel will then proceed to adjudicate on the complaint. The Panel may recall the parties to clarify any point of uncertainty. If recall is necessary, all parties will return (other than witnesses who do not need to be present).
- l) Once a decision has been made the Panel will recall the parties and the Chair will announce its decision.
- m) If the decision is that the Panel has determined that there was a breach of the Code and that they are minded to impose a sanction, the Monitoring Officer/representative and Member will be invited to make any oral or written representations of mitigation as to whether a penalty should be set and what form it should take.
- n) The Panel will consider what sanction (if any) to impose in private, following a resolution pursuant to Part 1 of Sched 12A of the Local Government Act 1972, and may be accompanied by the Legal Advisor.
- o) The Panel will recall the parties and the Chair will announce its decision.
- p) The Hearing Panel may then consider in open session whether there are any recommendations which the Authority should make arising from consideration of the allegation. For example, for rectifying any deficiency in the Authority's decision making procedures, or for preventing or deterring any further breaches of the Code of Conduct.

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.
- 5.6 The speaker can address the Committee from the allocated speaker's chair or, if preferred, they can stand or remain seated and speak from their seat. When finished, or the three minutes are up, questions of clarification may be asked of the speaker by any member of the Committee or Cabinet to help clarify any points made.
- 5.7 The Chair will then invite members of the Committee or Cabinet to debate the matter, once it has been proposed and seconded. Speakers will not be permitted to speak further on the item and cannot participate in the debate on the item.