

Enquiries to Committee Services
Direct Dial: 024 7637 6204
Direct Email: committee@nuneatonandbedworth.gov.uk

Date: 24th December, 2021

Our Ref: KB

Dear Sir/Madam,

A meeting of the **AUDIT & STANDARDS COMMITTEE** will be held in the Council Chamber, Town Hall, Nuneaton, on **Tuesday 11th January at 6.00 p.m.**

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 H. Walmsley (Chair), M. Rudkin
(Vice-Chair), B. Beetham, T. Cooper, L.
Downs, J. Hartshorn, L. Hocking, J.
Kennaugh, K. Kondakor, J. Singh, R.
Tromans, and Mr G. Sonola

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 the Virgin Money building (formally the Yorkshire Bank) on the opposite side of the road.

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

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

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

Chair to advise the meeting that the meeting will be recorded for future broadcast.

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 9th November, 2021, attached **(Page 5)**

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 11)**. 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 or have their submitted statement read by an officer of the Council if notice has been received.
6. THE MAYORAL PROTOCOL – report of the Director – Planning and Regulation attached (**Page 13**)
7. THE CODE OF CONDUCT – report of the Director – Planning and Regulation attached (**Page 45**)
8. VOLUNTARY COUNCILLOR RECALL SCHEME - report of the Director – Planning and Regulation attached (**Page 55**)
9. E-PETITIONS SCHEME – report of the Director – Planning and Regulation attached (**Page 58**)

10. THE COMPLAINTS PROCEDURE – report of the Director – Planning and Regulation attached (**Page 73**)
11. 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).
12. 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.
13. REFERRAL OF INVESTIGATION 7/21 report of the Deputy Monitoring Officer
14. REFERRAL OF INVESTIGATION 9/21 report of the Deputy Monitoring Officer

NUNEATON AND BEDWORTH BOROUGH COUNCIL

AUDIT & STANDARDS COMMITTEE

9th November 2021

A meeting of the Audit & Standards Committee was held on Tuesday, 9th November 2021 in the Council Chamber, Town Hall, Nuneaton. The meeting was recorded and live streamed.

Present

Councillor H. Walmsley – Chair

Councillors B. Beetham, T. Cooper, L. Downs, L. Hocking J. Kennaugh, K. Kondakor, S. Markham, J. Singh, R. Tromans and Mr G. Sonola

Apologies: none

PART I – PUBLIC BUSINESS

ASC28 **Minutes**

RESOLVED that the minutes of the Audit and Standards Committee meeting held on 28th September 2021, be confirmed, and signed by the Chair.

ASC29 **Declarations of Interest**

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

ASC30 **The Annual Audit Letter for Nuneaton and Bedworth Borough Council**

A report of the External Auditors – Grant Thornton presented the Annual Audit letter which summarised the key findings arising from the work that the auditors carried out at Nuneaton and Bedworth Borough Council for the year ended 31 March 2020.

RESOLVED that the content of the report be noted.

ASC31 **Treasury Management Monitoring Q2 2021/22**

A report from the Head of Financial Services informed the committee of the treasury management activities of this authority in accordance with the CIPFA Code of Treasury Management.

RESOLVED that the content of the report be noted.

ASC32 **Disclosure and Barring Checks for Councillors**

A briefing note of the Equalities and Safeguarding Officer was submitted to the committee advising that under the current guidance unless the Councillors are performing regulated activity as described in the briefing note, they would only qualify for a basic DBS.

RESOLVED that:

- a) the briefing note be noted;
- b) a briefing note be circulated to the Audit and Standards Committee on protocol regarding what a councillor should or should not be doing in relation to their duties as a councillor; and
- c) the Disclosure and Barring Service Policy in relation to councillors and the ability for councillors to request a DBS check be referred to the Employment Committee for review.

ASC33 **Internal Audit Report – Delegated Authority 2021-22**

The Director - Finance submitted a report to the committee on the outcome of the Internal Audit looking at the effectiveness of the controls in place to mitigate the key risks to the Officer Delegated Authority arrangements.

RESOLVED that the report be noted

ASC34 **Internal Audit Report – Compensation Payments & Compromise Agreements 2021-22**

The Director – Finance submitted a report to the committee on the outcome of the Internal Audit establishing the number of compensation claims including compromise agreements in the last ten years.

RESOLVED that the report be noted.

ASC35 **Internal Audit Report – Community Groups Funding (in the last ten years) 2021 – 22**

The Director – Finance submitted a report to the committee on the outcome of the effectiveness of the controls in place to mitigate the key risks to the Community Groups funding arrangements.

Councillor Kondakor declared an other interest by way of his occasional use of the Pingles track by himself and his wife.

RESOLVED that the report be noted

ASC36 **Appointment of Electoral Registration Officer (ERO), Deputy ERO, Deputy ERO and Scale of Election Staff Fees**

The Director – Finance presented a report that proposed the Chief Executive be appointed as Electoral Registration Officer for Nuneaton and Bedworth, the Head of Elections be appointed as a Deputy Electoral Registration Officer and Deputy Returning Officer. In addition, it proposed a scale of fees to be used by the election staff, including the Returning Officer at Borough and other elections.

RESOLVED that it be recommended to Council that:

- a) the Chief Executive is appointed as Electoral Registration Officer;
- b) the Head of Elections is appointed as Deputy Electoral Registration Officer and Deputy Returning Officer;
- c) the proposed scale of fees attached at Appendix A of the report is approved; and
- d) the Chief Executive is given delegated authority to make minor amendments to the attached fees to reflect the National Joint Council Local Government Pay Award.

ASC37 **Review of Performance Management Framework and Risk Management Policy and Strategy**

The reviewed Performance Management Framework and Risk Management Policy and Strategy Performance documents were presented to Audit and Standards Committee for approval.

RESOLVED that the revised Performance Management Framework and Risk Management Policy and Strategy Documents be approved.

ASC38 **Review of the Register of Members' Interests and Gifts and Hospitality Registers 2019 -2021**

The Director – Planning and Regulation submitted a report to the committee to review the registration of Members' Interested and Gifts and Hospitality.

RESOLVED that

- a) the contents of the register of Members' Interests between 31st October and 20th October 2021 be approved; and
- b) the contents of the registers of Gifts and Hospitality for Members and Officers between 31st October and 20th October 2021, as set out in Appendix A of the report be approved

Vice Chair Councillor Makayla Rudkin now in the Chair due to Conflict of Interest by the Chair Councillor Hayden Walmsley in the following item.

ASC39 **Exclusion of the Public and Press**

SPEAKER: Councillor Hayden Walmsley

RESOLVED that 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 (ii) of Part I of Schedule 12A to the Act.

Councillor Hayden Walmsley left the meeting

Part II – Private Business

ASC40 **Referral of Investigation – Complaint 5/21**

An Investigation Report of the Deputy Monitoring Officer was presented to the committee for consideration.

RESOLVED that the report be noted and no further action be taken.

Councillor K. Kondakor requested that his vote against the above recommendation be written in the minutes.

Chair _____

Audit and Standards Committee - Schedule of Declarations of Interests – 2021/2022

	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
	B. Beetham	Employed by The George Elliott 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. Downs	River Bars Limited; Coventry Plus Beyond the Plane	NBBC representative on the Armed Forces Covenant Meeting	
	L. Hocking	Employed by Openreach	Member of: <ul style="list-style-type: none"> • Unite the Union • Communication Workers Union 	
	J. Kennaugh	County Councillor W.C.C.	Member of the W.C.C. Regulatory Committee Member of the Conservative	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
		Employed by UK Flooring Direct Ltd.	Party Member of UNITE the Union Nuneaton and Bedworth representative for the Equality and Inclusion Partnership NBBC Representative on Warwickshire Race Equality Partnership	
	K.A. Kondakor	Electronic Design Engineer (self-employed, semi-retired) Statistical data analyst and expert witness (self-employed)	100PERCENTRENEWABLEUK LTD	
	S. Markham	County Councillor – W.C.C.	Member of the following Outside Bodies: • Bedworth Neighbourhood Watch	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Singh			
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	Warwickshire County Councillor Member of the following Outside Bodies: • Nuneaton Neighbourhood Watch Committee • Nuneaton Festival of Arts	
	H. Walmsley	Chief of Staff to Julian Knight MP	Chartered Institute of Public Relations Member on the following Outside Bodies: • Friendship Project for Children • West Midlands Combined Authority Audit Group	Dispensation to speak and vote

**Audit and Standards Committee - Schedule of Declarations of Interests
– 2021/2022**

	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
	B. Beetham	Employed by The George Elliott 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. Downs	River Bars Limited; Coventry Plus Beyond the Plane	NBBC representative on the Armed Forces Covenant Meeting	
	J. Hartshorn	Employed by Nuneaton Library – Digital Inclusion – WCC (Senior Customer Service Assistant) COVID Community Testing – WCC – Team Leader (Casual)	Member of Nuneaton Conservatives	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	L. Hocking	Employed by Openreach	Member of: <ul style="list-style-type: none"> • Unite the Union • Communication Workers Union 	
	J. Kennaugh	County Councillor W.C.C. Employed by UK Flooring Direct Ltd.	Member of the W.C.C. Regulatory Committee Member of the Conservative Party Member of UNITE the Union Nuneaton and Bedworth representative for the Equality and Inclusion Partnership NBBC Representative on Warwickshire Race Equality Partnership	
	K.A. Kondakor	Electronic Design Engineer (self-employed, semi-retired) Statistical data analyst and expert witness (self-employed)	100PERCENTRENEWABLEUK LTD	
	M. Rudkin	Employee of Coventry City Council	Unite the Union	
	J. Singh			
	R. Tromans	RTC, Nuneaton AFL, Wellingborough	Warwickshire County Councillor Member of the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton Neighbourhood Watch Committee • Nuneaton Festival of Arts 	
	H. Walmsley	Chief of Staff to Julian Knight MP	Chartered Institute of Public Relations Member on the following Outside Bodies: <ul style="list-style-type: none"> • Friendship Project for Children • West Midlands Combined Authority Audit Group 	Dispensation to speak and vote

AGENDA ITEM NO.6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit & Standards Committee (11th January 2022)

From: Director – Planning & Regulation

Subject: The Mayoral Protocol

1. Purpose of Report

1.1 To approve recommendations from the Constitution Review Working Party

2. Recommendations

2.1 The Mayor's protocol be approved as shown at Appendix A; and

2.2 IT BE RECOMMENDED to Council that the Constitution be amended accordingly.

3. Background

3.1 On the 14th December, the Mayor's Protocol was reviewed by the Constitution Review Working Party and a number of changes recommended. These have now been incorporated into the final draft attached as Appendix A.

3.2 In brief, the changes reflect the fact that the budgets for the Civic Service and Civic Dinner were removed by Council. However, the amendments will give discretion to host such events, at the request of the Mayor, utilising the budget made available.

4. Appendices

The Proposed Mayor's Protocol is at Appendix A.

5. Background Papers (if none, state none)

None

PART 9 – PROTOCOL FOR THE OFFICES OF THE MAYOR and DEPUTY MAYOR

9A.1 INTRODUCTION

The following extract is taken from ‘The Role of the Civic Mayor in the 21st Century

“The Mayor, as First Citizen, has a unique, distinctive and increasingly important role to play in fostering socially inclusive and responsible communities.

Mayors are in a perfect position to communicate with all kinds of people - they can command the attention of their communities and, acting as a figurehead, enthuse and motivate people.”

These procedures have been developed as part of the Council's arrangements for managing the offices of the Mayor and Deputy Mayor of Nuneaton & Bedworth Borough Council. Non-compliance with these instructions may result in a breach of the Constitution, Part 5a Member Code of Conduct, Paras 5A.5 and 5A.6 as follows:

Paragraph 5A.5

You:

- a) must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.

Paragraph 5A.6

You:

- a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- b) must, when using or authorising the use by others of the resources of your Authority or of resources the use of which are controlled or influenced by your Authority;-
 - i. act in accordance with your Authority's reasonable requirements;
 - ii. ensure that such resources are not used improperly for political purposes (including party political purposes);
- c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).

This document contains details and information on Corporate, Civic, Ceremonial and other matters.

The year ahead will be challenging but, by adhering to these standing instructions, the year will be rewarding. These instructions also provide a framework for all of

those people who support Mayoral activities during the year and in setting budgets.

Note: These procedures will be reviewed every two years to consider any changing needs and demands of the roles.

a) **Purpose**

The Mayor is the Queen's representative in the Borough after the Queen herself and the Lord Lieutenant. The Mayor is the ceremonial head of the Council and of the Borough. The Mayor acts as the Council's figurehead for the community and represents the Council on a number of outside bodies (as listed below). It is important that the aims and objectives of the Council's Corporate and Community Plans are reflected within those duties.

- Nuneaton Festival of Arts Committee

For his or her year of office the Mayor may wish to appoint a Mayor's Chaplain for Civic and ceremonial occasions and as such is encouraged to seek agreement from that individual at the earliest available opportunity.

It is a considerable honour to be Mayor - the post has a unique status in the Borough as its First Citizen. Although it is an honour, it also brings responsibilities. As First Citizen, the Mayor is expected to act at all times in an appropriate manner that commands respect. As Elected Members, the Mayor/Deputy Mayor shall, when on Civic duty, demonstrate neutrality in respect of politics and religious beliefs.

Given the Mayor's status as the First Citizen of the Borough, support is given both in officer and financial resources to adequately carry out the duties. However, it must be borne in mind that any expenditure comes from the public purse, which we are under an obligation to spend wisely and strictly in accordance with the duties of Mayor/Deputy Mayor.

b) **Mayoralty Support Framework**

The Mayor and Deputy Mayor are supported in all secretarial, administration and diary functions and the maintenance of the Mayor's Parlour and associated rooms by the Mayor's Office.

The Town Centres & Marketing Manager is responsible for the planning and delivery of Civic Events.

9A.2 CORPORATE

a) Allowances/Expenses Paid Direct by the Council

The Council may pay the Mayor and Deputy Mayor such allowance as the Council thinks reasonable to meet the expenses of these offices. The allowance is not a salary, nor payment to replace lost salary, but for the Mayor and Deputy Mayor to use in connection with their office. This allowance is, however, taxable.

The allowances are paid in monthly instalments by direct debit into the account holder's nominated account in 12 equal payments over the Civic year. The first instalment will be paid at the start of each Civic year.

The level of allowances and expenditure on Mayoralty are set in the annual budget process and budgets for individual events will also be agreed at the beginning of the Civic year and identified for the Mayor.

The Council pays the following expenses direct:

- i. **Mayor Making** - The Council will provide a light buffet, teas/coffees and soft drinks. In addition, a budget is allocated for the provision of wine and beer. All administrative costs are met including the provision of small table decorations and printing.
- ii. **Civic Service or Carol Service** – Subject to the budget being available from the Civic Events & Transport Budget, the printing, advertising and light refreshments (floral arrangements by agreement) will be met by the Council.
- iii. **Palace Garden Party** - An allowance to cover refreshments and incidental costs before and after the Garden Party for all of the the Mayor's party (maximum four, including the Mayor and Mayoress/Consort).
- iv. **Civic Dinner** – Subject to the budget being available from the Civic Events & Transport Budget, the Council will also meet the costs of one Civic Dinner. The cost of the food, drinks and venue shall not exceed the allocated event budget, but typically, the Civic Dinner hosts up to 46 guests.
- v. **Home** - An answer phone can be provided at home if required during the Mayoral Year.
- vi. **Civic Album** - A digital photo frame will be presented to the out-going Mayor in recognition of the hard work carried out by the Mayor over the year, and as a token of the Council's gratitude. The digital content will be compiled during the year by the Graphics Team in accordance with the budget set. Alternatively, the Mayor may request a digital photo book created and printed on-line, instead of the digital photo frame or a leather bound Civic photograph album, by personally contributing any additional cost if they so wish.

- vii. **Incidental Hospitality** - See Section 9A.2.
- viii. **Cleaning, Provision and Maintenance of the Civic Robes and Chains** - The Council will meet all the costs involved in the provision and maintenance of the Civic Robes and Chains. These are expensive items and should be treated with great care.
- ix. **Civic Christmas Cards** - The Council will send Christmas cards to all those on the Civic List which has been drawn up as attached in Appendix A, which will be reviewed on an annual basis. The selection of the image/artwork for the card is made by the Mayor. The budget for the costs of the Civic Christmas Cards will be allocated each financial year.

In addition, the Council has provided a budget of £5,000 to be used for the provision of a chauffeur driven hire car for the events as indicated in section 9A.3 a) under the heading Civic Events & Transport Subject to attendance at those events, the balance of the budget may be expended upon other Civic Transport & Events such as the Civic Dinner and/or Civic Service at the Mayor's discretion, subject to the budgetary limits. The arrangements for transport shall be agreed in advance as part of the weekly diary meeting referred to in d) iv below.

The Mayor may request additional copies of the Civic Christmas Card, for sending to people not on the Civic List. However additional print and postage costs shall be met by the Mayor out of personal allowances. The Mayor should liaise with the Communications & Marketing Manager to arrange for additional cards.

If there are enquiries about the allowances or expenses payable, please contact the Committee Services & Member Support Officer or the Director - Planning & Regulation.

b) **Expenses Paid Privately by the Mayor**

The following expenses are not paid for by the Council:

- i. **Personal Photographs** - The Council pays for the official Civic photographs of the Mayor and of the Council, but the Mayor will be expected to pay for any extra prints required for private use.
- ii. **Wines and Spirits for the Mayor's Private Stock** - The Mayor has the facility of a lockable cupboard, refrigerator and kettle located in the Mayor's dressing room at the Town Hall, and a cupboard/refrigerator in the Mayor's room at the Civic Hall. The purchase and issue of stock is for the Mayor to arrange.
- iii. **Private and Social Luncheons** and any drinks provided to Members after Council or other meetings.
- iv. **Refreshments for Private Receptions** either in the Mayor's Parlour or in the Mayor's Room at the Civic Hall in Bedworth.

- v. **Tickets for Other Events** organised by outside bodies, other Councils, and individuals including neighbouring Civic Heads.
- vi. **The Purchase of Raffle Tickets** and the provision of prizes at events to which the Mayor is invited to attend or support.

The Mayor should budget for the above out of his or her Allowance.

c) **Hospitality**

It is appropriate for the Council, from time to time, to provide modest hospitality for its guests. These will sometimes, but not always, involve the Mayor or Deputy Mayor. This is quite distinct from any Mayor's personal hospitality. The following points are important:

- i. **Public Scrutiny** - Any hospitality provided from public funds should always stand up to public scrutiny.
- ii. **Certification** - Any expenditure on Civic hospitality is certified by the appropriate budget holder or their nominated representative. It is always wise to bear this in mind and consult with them in advance on any proposed use of hospitality over and above those listed below.
- iii. **Hospitality** - The Mayor shall not dispense hospitality gratuitously or without careful consideration. There are many routine visits to the Parlour and in these cases modest hospitality may be provided comprising of:
 1. Daytime Visits (up to 6.00pm): tea, coffee or soft drinks.
 2. Evening Visits (from 6.00pm): red/white wine, lager/beer or soft drinks.
 3. It is custom and practice for the Mayor to give visitors to the Parlour the opportunity to sign the Visitor's Book.
 4. Duration of Parlour Visits should not extend beyond two hours and can be arranged Monday-Friday inclusively. Formal Parlour visits will not be held on Saturdays or Sundays, the only exceptions being Remembrance Sunday and Freedom of the Borough Parades. Other circumstances may arise and will be addressed on an individual basis.

Notes:

- Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants including the Mayor and Mayoress/Consort at any time.
- Formal Parlour Visits shall be arranged through the Mayor's Office. All applications for a Parlour visit or for the attendance of the Mayor should be received in writing a minimum of 14 working days prior to the proposed date.
- It should be noted that the Council's Health and Safety Policies are continually reviewed and that Policy changes may impact on the arrangements described

within this document. In such circumstances, the approved health and safety arrangements have primacy and take precedence over any arrangements described in this document.

iv. **Private Arrangements**

Entertaining relatives, personal friends, or political associates are essentially private arrangements for the Mayor, and Council stocks shall not be provided for such purposes.

d) **Support Services**

i. **Administration/Secretarial Support** - The Mayor's Office is responsible for all secretarial matters arising from the offices of the Mayor/Deputy Mayor and as such, the Mayor/Deputy Mayor shall deal directly with it on all matters relating to engagements, correspondence and diary bookings etc.

ii. **Verbal Invitations** - The Mayor/Deputy Mayor shall not, under any circumstances, accept verbal invitations. Verbal requests should be referred to the Mayor's Attendant who shall furnish the applicant with an invitation request/briefing form for completion. All invitations for the Mayor/Deputy Mayor's attendance at events must be made in writing to the Mayor's Office. The Mayor/Deputy Mayor shall not approach organisations or individuals directly - once again, this should be done only through the Mayor's Office.

iii. **Personal Commitments:** The Mayor/Deputy Mayor shall notify the Mayor's Office of any work and/or personal commitments which may affect attendance at any Civic events. This includes any annual holiday that is planned during the Civic year.

iv. **Diary Meetings:** All invitations and correspondence received in writing will be discussed with the Mayor at the formal weekly diary meetings scheduled to occur at an agreed time and day each week.

Note: At the close of each diary meeting, the Mayor will agree and commit to the day and time of the following week's meeting.

v. **Engagement Sheets** - To ensure efficient support to the Mayor/Deputy Mayor and to invite effective media interest, the Engagement sheets are issued to the Mayor/Deputy Mayor and the media on a weekly basis.

The Mayor's Office will be responsible for preparing the agreed two week engagement schedule indicating any special requirements (e.g. dress code or speeches which the Mayor/Deputy Mayor may be asked to make).

The schedule will be issued on a weekly basis confirming the

arrangements for the coming week and include a draft for the following week (i.e. in two weeks time) full copies of which are provided to both the Mayor and Deputy Mayor.

Apart from genuine emergencies and extenuating circumstances, it is understood and accepted that extra events will not be added to the coming week's schedule.

It is understood and accepted that once the Mayor or Deputy Mayor has agreed to attend a Civic function and their personal attendance has been confirmed formally in writing by the Mayor's Office, this engagement will be honoured. It is however accepted that occasionally extenuating circumstances may prevail.

- vi. **Appropriate Events** - In deciding whether to accept invitations, the Mayor shall always consider whether it is an appropriate event for the First Citizen of the Borough to attend.

Notes:

- The Mayor shall not decline any event on the grounds of personal political persuasion or any discriminatory grounds identified in the Council's Single Equalities Scheme.
- The Mayor should not attend in an official capacity any function, the purpose of which may be perceived as securing publicity or financial gain for any commercial venture. This could amount to the Mayor, as a Member, using his or her position to confer an advantage on another. Where there is an event involving a commercial enterprise that is considered significant, the Mayor shall attend, but appropriate restrictions on publicity will have to be agreed with the event organisers.

Subject to having the appropriate budget, the Mayor can accept any out of Borough invitations from:

- Lord-Lieutenant of Warwickshire
- High Sheriff of Warwickshire
- Chairman of Warwickshire County Council
- Chairman of Warwick District Council
- Chairman of Stratford on Avon District Council
- Lord Mayor of Coventry
- Mayor of Solihull
- Mayor of North Warwickshire
- Mayor of Rugby
- Mayor of Hinckley & Bosworth
- Warwick University

- Coventry University

The Mayor (or Mayor's representative) is also able to accept a number of invitations, within the parameters of the designated budget, to attend Charity fundraising events organised by the above Civic Heads though any expenses in the form of tickets, raffle prizes, etc, will be paid for from the Mayor's Personal Allowance.

The Mayor may also accept other appropriate within Borough invitations within the parameters of the Mayoralty budget, from organisations and individuals such as:-

- Local MP's
- Commanding Officer of 30th Signal Regiment
- North Warwickshire & Hinckley College
- King Edward VI College
- Educational, Youth and Community Organisations and establishments
- Religious and multicultural organisations

All invitations shall be discussed and agreed at the weekly diary meetings.

vii. **Routine Support:** There are well established procedures and practices by which the Mayor's Office will routinely deal with matters on behalf of the Mayor, and Deputy Mayor in particular:

1. **Incoming** post and Civic Inbox - acknowledged on the Mayor's and Deputy Mayor's behalf.
2. **Civic Diary** – Maintenance.
3. **Liaison** - Regular liaison with the Mayor, Deputy Mayor, Mace Bearer and Civic Events Team.
4. **Protocol** - Guidance to the Mayor and Deputy Mayor on any relevant matters.
5. **Speeches** - Background information for key note speeches, if requested by the Mayor, or Deputy Mayor, can be provided for the following:
 - George Eliot Fellowship Luncheon
 - Nuneaton Lions' Charter Dinner
 - Rotary Club of Arbury
 - Inner Wheel Luncheon.

Advice on other speeches can be obtained upon request.

viii. **Mail Protocol** - Neither the Mayor's nor Deputy Mayor's incoming nor outgoing mail will be seen by the Chief Executive. S/he shall need to be informed of any issues which the Mayor,

Deputy Mayor, and/or the Mayor's Office and Civic Events Team feel should be brought to his/her particular attention. The Mayor will see all incoming/outgoing correspondence or can agree a level of delegation to the Mayor's Office.

e) **Council Meetings**

It is usual for the Chief Executive to meet with the Mayor prior to each Council meeting, to discuss agenda matters.

It is customary for the Mayor, Deputy Mayor, Leader, Chief Executive, Director - Planning & Regulation and Chaplain (if appointed) to have tea in the Mayor's Parlour at about 5.00pm prior to the Council meeting.

Procedure and conduct of meetings are set out in the Council's Standing Orders. The Chief Executive and/or Director - Planning & Regulation will be available to advise.

f) **Working with the Media**

Local newspapers and radio will take a close interest in the Mayor's activities and engagements. The media will have good access to the Mayor and Deputy Mayor and may look for instant comments on Council policies or services, or on local/national/world events.

The Mayor or Deputy Mayor should avoid giving opinions on these matters and, if they wish to do so, they *shall obtain the agreement of the relevant Cabinet Member beforehand*.

The Council has adopted procedures for dealing with the media and these should be followed. The Communications & Marketing Manager will be able to advise on any media issues.

Note:

Prior to their issue, all press releases issued on behalf of the Mayor must be cleared by the Chief Executive. All press releases are issued via the Communications & Marketing Manager.

9A.3 CIVIC

a) Civic Events & Transport

Arrangements will be made to provide a Chauffeur-driven hire car for the specific events shown with an * in Appendix B for which a budget of £5,000 has been set aside. At the weekly diary meetings, the Mayor may also request the use of a chauffeur-driven hire car for other events, subject to the budget being available. Once the budget has been expended, the Mayor will have to make his own arrangements for travelling to any other events utilising his Mayoral Allowance whether or not the event is listed in the mayoral protocol. At his discretion, the mayor can request that the budget be allocated towards a Civic Service and/or Civic Dinner, subject to the budgetary limits not being exceeded.

b) Mayor's Parlour

The Mayor and Deputy Mayor will be informed, orally, of security arrangements to be observed in regard to the use of the Parlour.

Note: Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants at any time.

The Parlour is generally not used without the express permission of the Mayor. However, permission is not needed when, for example, the Deputy Mayor is substituting for the Mayor. In these cases, he or she is properly acting as host and is free to use the facilities of the Parlour.

Similarly, when there are visitors to the Council and it is considered appropriate for those visitors to sign the Visitors' Book located in the Parlour, the Director – Planning & Regulation shall have authority to arrange for the signing to take place in the presence of the most appropriate Member of the Council available at that time. The Mayor's Office staff may enter the Parlour to prepare it for such purposes.

The Silver Collection is notated and fully described, and a copy will be made available to assist the Mayor/Deputy Mayor in his/her delivery of "The Silver Talk". Should the Mayor/Deputy Mayor require any additional information on any of the items displayed in the Parlour, the Director – Planning & Regulation will be happy to arrange for the Mayor/Deputy Mayor to be briefed.

The Council operates a No Smoking Policy in all Council buildings and vehicles. This extends to the Mayor's Parlour at the Town Hall, in Nuneaton, the Mayor's Room at the Civic Hall in Bedworth and in the Civic Car.

c) The Civic Hall

Facilities for the Mayor are available at the Civic Hall which comprises of a Mayor's Room and private balcony box. The Mayor may extend Civic

hospitality to principal persons involved when events are promoted or sponsored by the Borough Council, by prior arrangement with the Chief Executive. The Mayor should not extend these facilities merely because of his or her attendance at functions at the Civic Hall, but may wish to offer personal hospitality out of his or her own stock.

The Box at the Civic Hall is usually available to the Mayor and/or Deputy Mayor when attending in an official capacity, i.e. the private balcony box shall not be used for informal events/entertainment. Its prime purpose is for use by the Mayor and/or Deputy Mayor and their invited guests when either the Council promotes an event, or is directly involved in the event.

Invited guests shall not use the private balcony box without the Mayor and/or Deputy Mayor in attendance. The only exception being the Mayor and/or Deputy Mayor's inability to attend due to unforeseen circumstances and at short notice.

The Civic Hall management will be pleased to make arrangements for artists, etc. to meet the Mayor and/or Deputy Mayor on request.

d) **Events in the Civic Calendar** (See Appendix B)

i) **Annual Meeting of the Borough Council and Mayor Making Ceremony**

The Mayor robes for this Ceremony.

The retiring Mayor invites selected guests, i.e.

- Mayor and Mayoress/Consort Elect
- Deputy Mayor and Deputy Mayoress/Consort Elect
- Mayor's Chaplain and Partner (if appointed)
- Mayor Elect's Chaplain and Partner (if appointed)
- Chief Executive and Partner into the Mayor's Parlour for tea and biscuits at 5.00p.m, prior to the Annual Council Meeting of the Borough Council and Mayor Making Ceremony.

The Annual Meeting commences at 6.00p.m.

The Mayor Elect may invite his or her own personal guests to the Annual Meeting; these should not exceed 30.

After the Annual Meeting, it is customary for the new Mayor to invite a small number of personal guests for a modest buffet in the Parlour.

Note: Fire regulations mandate that the Parlour is not suitable to accommodate more than 40 occupants at any time. For this purpose, the Mayor's additional guests should remain with other guests in Committee Rooms A and B.

e) **Civic Service or Civic Carol Service**

During the Civic Year the Mayor may choose to host either a Civic Service or a Civic Carol Service, which should be held between December and April.

The Mayor robes for the Service.

If there is to be a procession, Members of the Council and members of organisations participating will be given written instructions and an Order of Procession.

Following the Service the congregation will be invited to join the Mayor and Mayoress/Consort for tea, coffee, soft drinks and biscuits or mince pies as appropriate.

f) **Civic Dinner**

The Civic Dinner is a formal occasion. The venue for the Civic Dinner shall be at a suitable location within the Borough and funded from within the Civic Events & Transport Budget. Past venues have included Weston Hall and the North Warwickshire & Hinckley College.

g) **Remembrance Day Parades and Services**

The Nuneaton Remembrance Service is organised by the Nuneaton Remembrance Parade Group and Council Officers are members of that group.

The Mayor robes for this Service.

The Mayor and Clergy will meet in the Town Hall, Nuneaton, to robe. Members, Officers of the Council and invited guests will join the Mayor at the Town Hall to walk in procession to the War Memorial.

After the Service, there will be a March Past and the Mayor will take the Salute outside the Town Hall.

Invited guests (to whom tickets will be issued) may join the Mayor for refreshments after the March Past, comprising of tea, coffee, soft drinks and savoury snacks.

The Deputy Mayor attends the Bedworth Remembrance Service, which is organised by the Bedworth Branch of the Royal British Legion.

The Deputy Leader will be the nominated representative to attend the Bulkington Remembrance Service, which is organised by the Bulkington Branch of the Royal British Legion. Ward Members can attend other such services within their Wards as representatives of the Council.

h) **Armistice Day Parade and Service**

This Service is organised by the Bedworth Armistice Day Committee and is supported by the Council.

The Mayor robes for the Service.

Invited guests (to whom tickets will be issued) will congregate at the Civic Hall and will join the procession to the Cemetery.

Following the Service, there will be a March Past and the Mayor will take the Salute.

Invited guests (to whom tickets will be issued) may join the Mayor for tea/coffee/soft drinks after the March Past. The Bedworth Armistice Day Committee may host a buffet lunch after the Parade to which a selected number of guests may be invited, but this should not be assumed.

i) **Special Events and Promotions**

The Mayor is expected to take part in the Carnival Processions/Gala Day Celebrations for Nuneaton, Bedworth and Bulkington.

The Mayor is also expected to be present at the Christmas Lights Switch-ons at Nuneaton, Bedworth and Bulkington.

Other events (which may or may not take place) at which the Mayor is asked to be present include:

1. Civic Bonfires (The Mayor and Deputy shall alternate their attendance annually to the Nuneaton and Bedworth bonfires). For the Civic Year May 2015/16, the Mayor shall attend the Nuneaton bonfire and the Deputy Mayor the Bedworth bonfire)
 - Duke of Edinburgh Awards Presentation Evenings
 - Services to the Community Awards
 - Nuneaton Festival of Arts
 - Sports Personality of the Year Awards
 - Long Service Awards, Celebrate Success and Chief Executive Awards
 - Nuneaton Carnival Queen Selection Evening (Deputy Mayor).

Where the Council is made aware of a Borough resident reaching the age of 100 (or over), and the Mayor or Deputy Mayor receives an invitation to visit, an appropriate card and small gift will be organised by the Committee Services Office.

From time to time, the Mayor or Deputy Mayor may be asked to attend promotional events within the Borough linked to the activities delivered by the Council. Such requests shall be made through the Mayor's Office.

The Mayor may on occasion be asked to unveil corporate and commemorative plaques, but this should only take place with the agreement of the Director – Planning & Regulation .

Appropriate risk assessments will be carried out to ensure that procedures are all in place to ensure the safety of the Mayor and Deputy Mayor at events/activities. This will include identifying any events at which a Council Officer or appointed person should accompany the Mayor during the event, e.g. Christmas Lights Switch-on.

9A.4 Ceremonial

a) **The Mace Bearer**

The Mace Bearer bears the Council's Ceremonial Mace at meetings of the Full Council and other such special Civic events as those detailed below:

- All Full Council Meetings and Extraordinary Council Meetings.
- Annual Meeting of the Borough Council and Mayor Making Ceremony.
- Launch of the Poppy Appeal.
- Remembrance Sunday Service and Parade.
- Civic Service.
- Freedom of the Borough Parades.

Other dates may be added with the agreement of the Director – Planning & Regulation .

Where appropriate on such occasions, he or she will also announce the Mayor or Deputy Mayor.

b) **Attendance at Functions**

Procedures in relation to invitations and acceptance by the Mayor are well established and dealt with, in writing, by the Mayor's Office. The Director - Planning & Regulation, can give advice on any point not covered.

Note:

- If the Mayor cannot accept an invitation, and it is considered that the occasion necessitates a Civic presence, then the engagement may be offered to the Deputy Mayor. If the Deputy Mayor is also unavailable, the Leader or appropriate Portfolio Holder may stand in.

The Mayor will receive a variety of invitations during the Civic year. The main consideration is whether the Mayor's attendance at a particular event contributes to the Council's Corporate Plan Themes and priorities.

The following invitations have been identified and are ranked in priority order:

- **Council/Statutory or Tradition** - Chairing Council Meetings, attending Remembrance Services and Parades. These events are largely covered in the Protocol.
- **Civic Events – Civic Dinner; Civic Service.**
- **Promotional Events** - Council initiatives, projects and activities.
- **Community Events** - Community organised functions such as local amateur dramatics, faith groups, sports clubs, residents' groups, etc.
- **Charities** - Local fund raising activities.
- **AGMs or Open Days** - By invitation and suitability from partner organisations, local charities and community groups.
- **Civic Circuit** - Visiting other Civic Services, Dinners and Civic Days.
- **Other Social/Social Clubs/Organised Parties** - If appropriate.

Once an engagement has been accepted, the Mayor's Office will send out a pro-forma to the organisers to establish key information regarding the event.

The Mayor is sometimes called upon to give brief impromptu speeches at functions without warning. In these cases, a long speech is not necessary, just a few words to express genuine feelings about the event and demonstrate care for those present.

Prior to an event, the Mayor shall not make contact with the host to elicit any additional hospitality or benefits in kind. On an official occasion to which the Mayor has been invited, the Mayor shall not ask for an extension of the hospitality being provided.

At functions, it is usual and preferable that the Mayor should leave ahead of the last guests. However, it is not protocol for the Mayor to leave a Dinner except by arrangement, before the Toast to the Guests has been proposed and responded to.

If the Mayor is in any doubt as to protocol, advice is available prior to an engagement from the Head of Committee Services or during an engagement from the Attendant/Chauffeur.

The Mayor will be accorded precedence at all official functions called or hosted by him or her or the Council, which are held within the Borough. When other Civic dignitaries such as fellow Mayors or Chairs of the County Council, and particularly the Lord-Lieutenant and High Sheriff are present, guidance will be given on the correct procedures.

Guidance will be provided on the appropriate use of gifts from the Civic Stock for corporate functions, though gifts are the exception rather than the rule.

The Deputy Mayor, when representing the Mayor, is accorded the same precedence. There may be occasions when the Deputy Mayor is not available but it is appropriate for the Mayor to send a representative. Such occasions should be discussed with the Director - Planning & Regulation. Where it is agreed that it is appropriate to send a representative, the Leader must select that representative from serving Members of the Cabinet.

The Mayor and Deputy Mayor should avoid where possible being away on holiday at the same time. The Committee Services Office must be advised of all intended holiday dates so this situation can be avoided.

The Mayor or Deputy Mayor may be presented with gifts during their Civic Year. If the value is under £20.00, these can be retained for personal use. For a gift of higher value, the Mayor or Deputy Mayor should inform the Member & Committee Services Officer, who maintain a record of all gifts received. If the gift is of such a value that it should be retained or possibly displayed in the Mayor's Parlour the gift should, once registered, be handed to the Mayor's Office.

If the gift is of a nature that it could be used for the Mayor's Appeal then this can be done (the appropriateness of this will need to be considered especially the likely feelings of those who presented the gift/s).

c) **Robes and Mayoral Chains**

The Robes will be worn at the Annual Meeting of the Borough Council and Mayor Making Ceremony and on other specific occasions when appropriate.

The Council retains two Chains of Office:

- The Ceremonial Chain.
- The Civic Chain (known as "the Bedworth Chains").

The **Ceremonial Chain** is worn on the following occasions:

- Annual Meeting of the Borough Council and Mayor Making Ceremony.
- All Full Council Meetings and Extraordinary Council Meetings.
- Civic Service or Civic Carol Service.
- Launch of the Poppy Appeal.
- Remembrance Day Parade and Service.
- Freedom of the Borough Parades and Services.
- Civic Funerals.

The **Civic Chain** is worn on all other Civic occasions.

Note: The Chain not being worn will be locked in its specially commissioned case and locked out of sight in the designated cupboard.

The Chains cannot be worn outside the Borough without prior consent of the Mayor or the Chairman of the District or Borough concerned.

The Mayor will be responsible for custody of the Chains both before and after engagements.

When the Chains are not being worn, they should be locked within the specially designed case in order to avoid damage in transit.

When not in use, the Chains shall be kept in their secure location. The Chains shall not at any time be held overnight at another location.

Guidance on the care and maintenance of the Chains is provided by Thomas Fattorini Ltd, Birmingham. See Appendix D.

d) **Town Twinning**

All matters relating to Twinning arrangements are dealt with by the Portfolio Holder for Business & Regeneration and/or the Cabinet, in conjunction with the Mayor.

It should be noted that the difference in the powers of respective Mayors in France, Spain and Germany from those in this country is known and respected. So, whilst the focus on the Mayor is maintained in events as the host, figurehead or leading citizen, it is the political leadership rather than the Mayor who shall address policy and political matters.

9A.5 **Other**

a) **Mayor's Charity Appeal**

It is traditional for an incoming Mayor to nominate a Charity Appeal during their Year of Office. This is entirely voluntary and unrelated to the normal duties of being Mayor.

It is the Mayor's responsibility to establish a Fundraising Committee and appoint a Chair, Secretary and Treasurer. The Treasurer will be responsible for opening a bank or building society account into which all monies raised should be deposited. It is the Treasurer's responsibility to pay in all monies and keep accurate records of all monies raised. Guidance notes on setting up the Mayor's Charity Appeal are attached as Appendix E.

As it is not directly related to the duties of Mayor, the Council offers limited support to the Mayor's Appeal. The Council's support comprises of the costs and organisation of the Launch of the Mayor's Appeal, traditionally the day after the Annual Meeting of the Borough Council and Mayor Making Ceremony.

Notes:

Employee contributions in terms of time given to the Mayor's Appeal are given on an entirely voluntary basis and at no cost to the Council.

b) **Honouring Servicemen and Women of the Borough and other Dignitaries**

Sadly, in times of conflict there is a possibility that servicemen and women from the Borough will lose their lives in defence of our Country. Protocol for these circumstances are attached as Appendix F and Appendix G.

c) **Outside Bodies**

The Mayor, by virtue of the Office, may be asked to represent the Council on some community or charity organisations. This may include being asked to be President or Vice President for the Mayoral year.

It is preferable for the Mayor to accept such offices only of organisations where activities relate to the whole area of the Borough. Furthermore, it is advised that a Vice-Presidency should only be accepted where such Office is not inconsistent with the Mayor's standing in the Borough. The Director – Planning & Regulation will be happy to give advice prior to accepting an Office.

d) **Formalities**

It is, of course, important for the Mayor and Deputy Mayor to recognise the formal nature, dignity and responsibilities of that Office.

In the company of others, employees will be expected to be formal, in address and manner. 'Mr/Madam Mayor', 'Madam Mayoress/Consort' will be the normal form of address, or alternatively Sir or Madam.

Finally, remember that the Director - Planning & Regulation and his officers are there to help in any way they can. A list of Officers and their roles is attached as Appendix G. It is a considerable honour to be elected Mayor and Deputy Mayor, and these honours are to be enjoyed.

CIVIC CHRISTMAS CARD LIST

- All Members of the Borough Council
- All Members of the County Council (within the Borough)
- Chief Executive
- Directors
- Civic Heads:
 - Warwickshire County Council
 - North Warwickshire Borough Council
 - Rugby Borough Council
 - Stratford Upon Avon District Council
 - Warwick District Council
 - Coventry City Council
 - Solihull Met. Borough Council
 - Hinckley & Bosworth Borough Council
 - Mayors of all Twin Towns
- Three MPs
- Lord Lieutenant of Warwickshire
- High Sheriff of Warwickshire
- Mayor of the West Midlands Combined Authority
- Chief Executive of the George Eliot Hospital Trust
- 30th Signal Regiment
- Royal Regiment of Fusiliers
- Queen's Gurkha Signals
- Mayor's Chaplain
- Chief Constable
- Police & Crime Commissioner
- Police - Nuneaton and Bedworth Stations
- West Midlands Ambulance Service

- Fire Stations - Nuneaton and Bedworth
- Organisations of which the Mayor is Chair

- Organisations the Mayor attends as Member
- Editors of:
 - Nuneaton News
- Chair of the Coventry & Warwickshire LEP
- Chair of Nuneaton Business Alliance
- Anker Radio
- Free Radio
- BBC CWR
- Various Charitable Organisations
(e.g. Manager of Bedworth and District CAB, Advice Rights, DIAL)

APPENDIX B

TABLE OF EVENTS IN CIVIC CALENDAR

Event	Comments	Robes to be Worn
Annual Meeting of the Borough Council and Mayor Making	Tea and Biscuits at 5pm in Mayor's Parlour. Annual Council commences at 6pm. Up to 30 guests may be invited. Following Annual Council, the new Mayor may invite a small number of personal guests for a modest buffet in the Parlour.	Y
Attendance at the Royal Garden Party, Buckingham Palace	Civic Chain to be worn with Borough Emblem. Out of pocket expenses up to £100 to be met from the budget provided by the Council.	N*
Civic Service or Civic Carol Service	At the Mayor's discretion, host either a Civic Service or Civic Carol Service between December and April. Following the Service members of the congregation will be invited to join the Mayor and Mayoress/consort for tea, coffee, soft drinks, biscuits or mince pies as appropriate.	Y
Civic Dinner	At the Mayor's discretion, host a Civic Dinner. Recommended dress code – Black Tie.	N
Remembrance Day Parade	After the Service and March Past in Nuneaton, invited guests (with tickets) may join the Mayor for refreshments. The Deputy Mayor attends Bedworth Remembrance Service.	Y
Armistice Day Parade and Service	Following a procession to Bedworth Cemetery and March Past the Mayor and invited guests (with tickets) may be invited to attend a buffet lunch by the	Y

	Bedworth Armistice Day Committee but this should not be assumed.	
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Event	Comments	Robes to be Worn
Special Events and Promotions	<p>The Mayor is expected to take part in the Carnival Procession/Gala Day Celebrations for Nuneaton, Bedworth and Bulkington.</p> <p>Also to be present at the Christmas Lights Switch-on at Nuneaton, Bedworth and Bulkington.</p> <p>Civic Bonfires will be alternated each year between the Mayor and Deputy Mayor to Nuneaton and Bedworth (eg:2011/12 the Mayor shall attend Nuneaton).</p> <p>When an invitation is received, a card and small gift will be given to a Borough resident reaching the age of 100 or more.</p> <p>Other Possible Events:-</p> <ul style="list-style-type: none"> • Duke of Edinburgh Awards Evening • Service to the Community Awards • Nuneaton Festival of Arts • Sports Personality of the Year Awards • Long Service, Celebrate Success/ Chief Executive Awards • Nuneaton Carnival Queen Selection Evening (Deputy Mayor) 	

APPENDIX C**PREPARATION FOR WEARING REGALIA****‘Getting Dressed’**

Please use the gloves provided whenever handling the regalia as oils and residue on skin, even after washing, can cause a chemical reaction with the gold plate and the sterling silver link underneath. The effects of this reaction are very slow and difficult to detect until it is too late. Therefore the less the regalia is handled with ‘naked’ hands the longer it will look pristine.

- a) We recommend that an Assistant is always provided to aid the Official Wearer when putting on the regalia. Attempting to do this alone often results in accidental damage.
- b) Always remove the Chain from its case by holding it at either side (where the shoulder fittings are located) to protect the Official Wearer from swaying hooks or pins. This is the easiest way to put the Chain in the correct position for ‘dressing’.
- c) The Chain should be put on first, from the back and over the head, with the centre link (the one that holds the pendant) towards the front – centre.
- d) The Pendant should then be attached. The Official Wearer should take the majority of the pendant’s weight to enable the Assistant to easily observe where any retaining chain needs to be attached.
- e) Attach the retaining Chain behind the neck (approximately over the collar bone, i.e. forward from the shoulder seam on the jacket between 1 and 2 inches) to ensure the retaining Chain takes the weight of the Pendant. Finally, arrange the jacket collar so that it covers the retaining chain.

After the Event and Storage Care

- a) When removing the regalia, detach the Pendant first. The retaining chain should then be disconnected before finally removing the official wearer’s Chain (from behind to protect them from being injured by the shoulder hooks or pins).
- b) It is important that the retainer is completely removed from the Chain after each occasion, as the position for fastening the retaining chain will change slightly each time, depending upon the official wearer’s clothing.
- c) Wherever possible we suggested that you store the retaining chain in a separate bag within the case. This will help to prevent any damage to enamelled areas.

GUIDANCE NOTES ON SETTING UP MAYOR'S CHARITY APPEAL

Background

It has been traditional for the incoming Mayor to nominate a Charity Appeal during the Year of Office.

There is no requirement to do this and it is not related to the official duties of a Mayor. It is, therefore, a choice for each Mayor to make. As it is not related to the official duties of the Mayor, public funds cannot be used to support the Appeal, either through employee or financial resources, except in a limited way, for example, helping with the launch and receipt of money which is handed direct to the Mayor rather than collected by the Organising Committee.

As it is the Mayor's sole decision on whether to have an Appeal, it needs very serious consideration at an early stage - preferably as soon as becoming Deputy Mayor.

Important Principles

As the Appeal will be directly associated with the Mayor, as First Citizen of the Borough, it is vital that:-

- a) It is an appropriate charity which is supported. A local connection is always useful, e.g. Hospice, although national charities which would cover the needs of the Borough would also be appropriate, e.g. Guide Dogs for the Blind.
- b) There is an accountable fund raising group which reports to the Mayor and is independent of the Council. In the case of a national charity and some local charities, there may already be a properly constituted body who have audited financial arrangements. It may be possible for a volunteer group to act for the charity but all accounting and banking arrangements must be agreed with the charity.
- c) If the Mayor chooses a charity which does not have an existing accountable body, then one would have to be formed. The Mayor shall consider who would comprise the constituted body, how it could be formed, the financial arrangements, and ensure that all financial transactions are properly audited. The Mayor is advised to get separate, independent legal advice on this course of action.
- d) The fund raising body has the capacity and expertise to undertake the Appeal. For some small organisations this could be a daunting task. An alternative is to look for an organisation to carry out the Appeal on behalf of the specific nominated charity, e.g. Lions or Round Table.
- e) There may be initial set-up costs, e.g. to launch the Appeal or draw up a Constitution. An existing charity or organisation may be prepared to underwrite the set-up costs, the Council will help with the launch day.
- f) The Mayor and Fund Raising Committee need to give very careful consideration to setting a target - this puts additional pressure on the Mayor and Organising Committee, especially as the Press is likely to take an active interest.

- g) Care should also be taken in nominating a particular use for any money raised unless a full feasibility study has been undertaken. This is particularly the case of building projects, where costs may be difficult to predict and planning permission and/or building regulations may be required. Consideration also needs to be given to whether a particular use will give rise to subsequent maintenance or running costs and that these can be sustained in the long term.
- h) If the Mayor does choose to nominate more than one charity, there must be an agreement between the charities and the Mayor that all functions are run for the benefit of all the charities, and they have equal share of time and resources. This should be decided prior to the launch of the Appeal.
- i) In organising a fund raising event, the risk of the income not covering costs must be carefully considered, and any costs incurred must be open to public scrutiny. Any losses will have to be borne by the fund raising group.

Detailed Financial Arrangements

- a) Whether it is an established charity or a special fund raising body, it should set up a separate bank account for the Mayor's Appeal so that it can be audited separately at the end of the year.
- b) A Treasurer and Deputy Treasurer shall be nominated from the fund raising group if an existing charity organisation is not being used, who shall be responsible for maintaining account details - i.e. income and outgoings. The Bank will give advice on setting up a bank account. Accountants should be appointed at the beginning of the Appeal. Early advice from the accountants on the financial arrangements for the Appeal should be sought.
- c) As with other charities and organisations, it is a normal banking requirement to have two from four signatories for the signing of cheques.
- d) Two persons should count all cash income, a receipt for the amount counted should be returned to the event organiser, and a copy retained for audit purposes. Arrangements for banking of the cash should consider the security of the person taking the money to the bank - in cases of large sums of money, it might be advisable that two people go.
- e) The Mayor should be sent a monthly bank statement. The Mayor should also inspect the account records on a monthly basis.
- f) At the end of the Mayor's year, the accounts should be audited by independent (or charity) accountants and on completion of the audit the account should be closed and all remaining money sent to the nominated charity or charities.
- g) The costs of the audit are to be borne by the Mayor's Charity account. A copy of the final statement and the audited accounts should be sent to the Mayor and Head of Internal Audit.
- h) If the Mayor is concerned with any aspect of the bank statement or accounts, he or she should ask the Treasurer to investigate, who will then advise the Mayor on appropriate action. If the Treasurer has any concerns or questions, these will be addressed direct to the Mayor.
- i) Any cheques directly received by the Mayor should be given to the Treasurer. Any cheques received by Council officers will first be receipted and shown to the Mayor and then given to the Treasurer with the receipt.

- j) Any cash received directly by the Mayor should be put in a sealed envelope or bag and handed to the Democratic Services Office at the first opportunity. The Democratic Services Office will arrange for the money to be counted in accordance with the Council's cash handling procedures and given to the Mayor at the first opportunity. The Mayor will sign for the monies given. The Mayor shall then pass the monies to the Treasurer.
- k) No Council officer shall have any role in the financial arrangements of the charity above and beyond those activities described in this appendix.
- l) The Mayor and/or Organising Committee may wish to consider insurance cover against theft or loss before money is banked. All money received should be handled by nominated officers of the fund raising group or charity.

Other Aspects

- a) The Mayor can seek the advice of the Director - Planning & Regulation who is authorised to provide advice and assistance on the appropriateness of nominating a particular Charity.
- b) Employees may be prepared to give their time voluntarily to the charity but this must not affect their work commitments, and it should not be prejudicial to their job duties. No officer should use the Council's resources on Appeal work and this should not be expected of any officer.
- c) If any officer is prepared to help the Charity in their own time, they will not be acting in any capacity on behalf of the Council.
- d) If the Mayor is not happy with the arrangements put in place and feels they may reflect on his/her status as First Citizen and Chair of the Council, he/she should alert the Director – Planning & Regulation immediately.

APPENDIX E**SERVICEMEN AND WOMEN OF THE BOROUGH WHO HAVE LOST THEIR LIVES IN DEFENCE OF OUR COUNTRY**

Sadly, in times of conflict there is a possibility that servicemen and women from our Borough will lose their lives in the defence of our country. In these circumstances the protocol to be adopted is as follows:

a) Borough Flag

The Borough Flag shall be flown at half-mast for a period of 24 hours to announce the loss of a serviceman or woman of the Borough on first public notification, then again from 0800 until 1700 on the day of the funeral.

b) Family Correspondence

As first citizen of the Borough, it is appropriate for the Mayor (or in the Mayor's absence the Deputy Mayor) to write to the bereaved family to express their condolences on behalf of the Borough for their loss. It is not thought appropriate that the family should receive additional formal letters from either officers of the Council or from Members.

c) Books of Condolence

A Book of Condolence shall be opened for the public at Nuneaton Town Hall and Bedworth Civic Hall. These shall remain open for a period of six weeks, after which time arrangements will be made for the Books to be received by the family.

Appendix F**Protocol for The Borough Flag**

A new Borough Flag was purchased in the autumn of 2010.

1. At the discretion of the Chief Executive, in consultation with the Leader of the Council, the Borough Flag is flown in place of the Union Flag on the following occasions:

- The death of a serving Councillor
- The death of a serving MP
- The death of an ex-Mayor
- The death of a serving Mayor
- The death of a Freeman of the Borough
- The death of an Honorary Alderman of the Borough
- The death of a citizen of the Borough on active service in Her Majesties' Armed Forces
- The Day of Annual Full Council (Mayor Making).

2. On the Death of a Serving Councillor

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral

3. On the Death of a Serving MP

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral

4. On the Death of an Ex-Mayor

The Borough Flag is flown at half-mast from sunrise on the day of the funeral to immediately after the funeral. (add two hours to the commencement of the funeral and lower Flag then e.g. Funeral at 10.30am, flag flies from sunrise to 12.30pm).

5. On the Death of a Serving Mayor

The Borough Flag is flown at half-mast from the day of the announcement of death to immediately after the funeral. (add two hours to the commencement of the funeral time and lower Flag then).

6. On the Death of a Freeman of the Borough

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

7. On the Death of an Honorary Alderman of the Borough

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

8. On the Death of a Citizen on Active Service

The Borough Flag is flown at half-mast from sunrise to sunset on the day of the funeral.

9. Annual Full Council (Mayor Making)

The Borough Flag is flown at full mast from sunrise to sunset on the day of Annual Council.

APPENDIX G

OFFICER CONTACTS

Mayoral Office Administration	
Appropriate Director 024 7637 6233	Responsible for all matters set out in the Mayor's Protocol, relating to expenditure in regard to Civic administration duties.
Member & Committee Services Officer 024 7637 6619	To act if both the Chief Executive and Director are absent.
Mayor's Office 024 7637 6439	Carries out day to day operation of the Mayoralty activities including secretarial and administrative support for Mayoralty activities.

Civic Events	
Appropriate Director 024 7637 6347	Responsible for all matters relating to Civic events.
Communications & Marketing Manager 024 7637 6599	Responsible for Corporate Communications
Town Centres & Marketing Manager 024 7637 6549	Responsible for the day-to-day management of Civic events. Supports the Civic events, activities and is responsible with the Town Centres & Marketing Team for the delivering the day-to-day operations of the Civic events.

AGENDA ITEM NO.7

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit & Standards Committee (11th January 2022)

From: Director – Planning & Regulation

Subject: The Code of Conduct

1. Purpose of Report

1.1 To recommend adoption of the Code of Conduct set out in Appendices A & B

2. Recommendations

2.1 IT BE RECOMMENDED TO COUNCIL that:

2.1.1 The code of conduct as set out in Appendix A be adopted, subject to the modifications recommended in Appendix B.

3. Background

3.1 On 14th December 2021, the Constitution Review Working Party considered a report in connection with a proposal to adopt the Code of Conduct used by Warwickshire County Council. This was to achieve the aim of having a single Code used by both organisations. This as to avoid different outcomes from the same conduct between the two organisations.

3.2 The Council adopted its current Code of Conduct for Members and arrangements for dealing with complaints in 2012. In January 2019 the Committee on Standards in Public Life published a report following its review of the Local Government Ethical Standards. One of the recommendations of the review was that the LGA review the current model code of conduct and create an updated model members code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

3.3 The best practice recommendations from the Committee for Standards in Public Life also recommended that Principal Authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

4. The County Council Code

4.1 The County Council's Code is reproduced at Appendix A. This has been updated in July 2021, to reflect some of the changes advocated by the Committee on Standards in Public Life, but broadly reflects the simplified code previously advocated by the LGA in 2012.

4.2 In discussion with the County Council's Monitoring Officer, it has also emerged that the County Council's Code does not deal with non-pecuniary interests. This was view taken by the County Council on the basis that it doesn't deal with planning or licensing matters and, therefore, the requirement wasn't necessary. As this Council does deal with such matters, it would be necessary for the Code to address such matters. A suggested addition to the Code is given at Appendix B, although this can be shortened, if the Working Party wished to dispense with the statutory guidance.

5. Appendices

Appendix A: The County Council code of conduct

Appendix B: The recommended addition to the code related to non-pecuniary interests

6. Background Papers (if none, state none)

The Committee on Standards in Public Life report Ethical Standards Best Practice for Local Authorities (January 2019)

LGA report on Civility in Public Life and the review of the model Code of Conduct

Member Code of Conduct 2021 Warwickshire County Council

This Code applies to all elected and co-opted members of the Warwickshire County Council. The term 'councillor' in this Code means both elected and co-opted members. This Code of Conduct applies when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

As a Councillor:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the Council, any other body to which I am appointed by the Council and the office of councillor:
 - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
 - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits
 - d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **HONESTY:** I will be truthful and I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **LEADERSHIP:** I will promote and support these principles by leadership and example
3. **As a Councillor** I will act in accordance with the principles in paragraph 2 and in particular, I will

- a. Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.
- b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- c. Not bully, harass or unlawfully discriminate against anyone or seek to compromise the impartiality of officers of the Council
- d. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Council in a proper manner.
- e. Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a councillor. This includes not accepting gifts or hospitality which could give rise to a perception of influence over the way I perform my duties.
- f. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
- g. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- h. Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other councillors to account.
- i. Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.
- j. Not disclose confidential information (be that confidential by virtue of legislation or otherwise) without express authority and/ or unless the law requires it.
- k. Not prevent people gaining access to information to which they are lawfully entitled.
- l. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- m. Always treat people with respect, including the organisations and the public I engage with, fellow members and those I work alongside.
- n. Undertake Code of Conduct training provided by my local authority, cooperate with any Code of Conduct investigation and/or determination.
- o. Not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.

- p. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.

- 4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the Monitoring Officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.

- 5. I will register any gifts and hospitality I am offered (even if declined) with an estimated value of [£20] or more within 28 days of receipt with the Monitoring Officer.

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit & Standards Committee (11th January 2022)

From: Director – Planning & Regulation

Subject: Voluntary Councillor Recall Scheme

1. Purpose of Report

1.1 To approve recommendations from the Constitution Review Working Party

2. Recommendations

2.1 A joint letter be sent from the Chair of this Committee and the Leader of the Council to the Secretary of State for Levelling Up, Housing and Communities seeking the introduction of a national recall scheme for local Councillors.

3. Background

3.1 On the 14th December 2021, the Constitution Review Working Party considered the options for a local recall scheme for Councillors based on the provisions of the Recall of MP's Act 2015 which came into force on 4th March 2016

3.2 The 2015 Act were introduced in response to the MP's expense scandal that occurred in the run up to the 2010 General Election and this Act introduces a process by which Members of Parliament can lose their seat in the House of Commons before the end of their term if there is a successful petition to recall them.

3.3 The 2015 Act sets out the conditions for triggering a recall petition and the procedures that must be followed in running a petition, as well as the rules which govern people and organisations who campaign for or against a recall petition.

3.4 In summary, an MP recall petition can be opened by the Petition Officer (i.e. the Local Returning Officer) where they are notified by the Speaker of the Commons that an MP has been:-

3.4.1.1 Convicted of any offence in the UK and received a custodial sentence (including a suspended sentence) or ordered to be detained, other than solely under mental health legislation, after all appeals have been exhausted,

3.4.1.2 Suspended from the House of Commons following the report and recommendation from the Committee on Standards for a

specified period (i.e. at least 10 sitting days or at least 14 calendar days if sitting days are not specified), or

3.4.1.3 Convicted of an offence under section 10 of the Parliamentary Standards Act 2009 for providing false or misleading information for allowance claims.

3.5 The Petition Officer then arranges for the petition to be open for six weeks and the electors are given the opportunity to sign the petition in person at a signing station or sign by post or by proxy.

3.6 For a recall petition to be successful 10% of eligible registered voters need to sign the petition. If the 10% threshold is reached the petition officer informs the Speaker of the House of Commons and on the giving of that notice the seat becomes vacant, triggering a by-election. If the 10% threshold is not reached the recall fails and the MP retains their seat.

3.7 While there were discussions at the bill's Committee Stage and second reading to extend the recall scheme to other elected officials including local councillors no recommendations were made in relation to this in the final report.

3.8 Only one local council, Kingston Upon Thames has introduced its own system based on the MP recall scheme with the intention of providing residents with a democratic means of holding locally elected politicians to account where they are not properly representing residents. However, it is 'voluntary' as there is no statutory backing to support it. Under the scheme if a petition is successful a councillor is asked to consider resigning. If they refuse the only recourse is for the Council's Audit, Governance and Standards Committee to consider what further action should be taken for breach of a non-statutory protocol, within their Code of Conduct.

3.9 At the time of introducing the local scheme in 2015, Kingston Upon Thames also made representations to the LGA, and via Kingston's Members of Parliament for the promotion of legislation to introduce a power to recall local councillors on a national basis but there have been no developments on this front.

3.10 The Constitution Review Working Party while sympathetic to the aims of the Voluntary Recall Scheme introduced by Kingston Upon Thames, did not consider it appropriate to recommend the introduction of a 'voluntary' scheme locally without the statutory backing. They felt the process would need to be considered properly and if each local council started to introduce its own scheme this could lead to variations across the country and cause confusion and unfairness, hence the recommendation at 2.1 of the report.

4. Appendices

None.

5. Background Papers (if none, state none)

Link to House of Commons Report on MP Recall Elections dated 9th November 2021 - <https://commonslibrary.parliament.uk/research-briefings/sn05089/>

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit & Standards Committee (11th January 2022)

From: Director – Planning & Regulation

Subject: E-Petitions Scheme

1. Purpose of Report

1.1 To approve recommendations from the Constitution Review Working Party

2. Recommendations

2.1 To pilot an e-petition scheme using an online process developed by IT or using Change.org;

2.2 To delegate authority to the Director – Planning & Regulation, in consultation with the Chair of this Committee and the Portfolio Holder for Finance and Corporate, to consult on a NBBC led e-petition scheme for the Council;

2.3 To approve the amended Petitions Scheme as shown at Appendix A; and

2.4 To RECOMMENDED to Council that the Constitution be amended accordingly.

3. Background

3.1 On the 14th December 2021, the Petitions Scheme was reviewed by the Constitution Review Working Party to consider the introductions of an e-petition scheme for the Council and several changes were recommended. These have now been incorporated into the final draft attached at Appendix A.

3.2 In brief, the changes reflect the following:-

3.2.1 Piloting an e-petition scheme using an online process developed by IT or using Change.org;

3.2.2 Amending the signature requirements for the e-petitions as follows:

3.2.2.1 Signatures between 0-25(inclusive) to be dealt with as a complaint.

3.2.2.2 Signatures between 26-749(inclusive) to be dealt with by the Monitoring Officer and referred either to the appropriate service unit or OSP to be dealt with.

3.2.2.3 Signature 750 and over to be referred to Full Council for debate.

3.2.3 To specify that the e-petition will only be accepted within a reasonable period and at maximum 6 months of it becoming live.

3.3 Use of on-line system

3.3.1 The working party considered the use of Change.org and recommended its use as a pilot. This was discussed with IT and they confirmed that using change.org would require an identified process directing people to change.org, then once completed the organisers would have to download and/or print the results of the petition and send them to a nominated email/postal address.

3.3.2 A request was made for IT to set up a petitions web-page with a link to change.org to test the concept of using this as a tool for e-petitions. IT have also suggested the use of a form on the website to enable people to upload attachments and give details of the petition. Based on this IT are in the process of setting up a draft version of an online petitions scheme. A brief Summary of the process will be as follows:-

- Customer submits petition – auto acknowledgment receipt
- NBBC review the petition – accept or decline
- If accepted, petition sits in a database and customer notified automatically
- If declined, customer notified with reason automatically
- Petitioners can sign up to any petition from a list – information is captured in database
- Petition auto closes after agreed duration
- Petition data emailed to team for review

3.4 Based on the information contained in the attached report, the working party suggested the above recommendations be put to the next Audit and Standards Committee for approval.

4. Appendices

The Proposed Petition Scheme at Appendix A.

5. Background Papers (if none, state none)

None

5K PETITIONS SCHEME

5K.1 PETITIONS

Nuneaton & Bedworth Borough Council welcomes petitions and recognises that petitions are one way in which people are able to let us know their concerns.

5K.2 WHAT IS A PETITION?

We will treat as a petition any communication that is signed by or sent to us on behalf of 25 people. Less than 25 signatures will be considered a complaint and dealt with under the Council's Complaints Procedure.

5K.2.1 Types of Petitions

There are different types of petition, as set out below.

- a) Petitions between 0 – 24 signatures will be dealt with as a Complaint.
- b) Ordinary Petitions – requiring 25 – 749 signatures will either be dealt with by the appropriate Service Unit at the Council or referred to the relevant Overview & Scrutiny Panel. To determine how the petition is to be handled, the Petitions Officer will consult with the chair of the appropriate OSP and agree whether the matter should be referred to the Panel.
- c) Petitions for Debate – Petitions of 750 or more will be referred to a meeting of the Council.

5K.2.2 What should a petition contain?

A petition should include:–

- a) A clear statement covering the subject of the petition and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Public Authority, we will redirect the petition to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation of that decision;
- b) The full name and contact details of the “petition-organiser” must be provided. Contact details must be a full postal address where the signatory lives. If a petition does not identify a petition organiser, we will contact the first or second signatories to the petition to agree who should act as the petition organiser. If no signatory can be identified from the petition and hence no petition organiser can be contacted, the Council will consider the petition to be frivolous or vexatious and deal with it accordingly within the terms of this Scheme.

- c) Each signatory to a petition must state their full name, full postal address and signature.
- d) The Petitions Officer shall consider any petition over 25 signatures and determine (a) its validity and (b) the process to be followed in dealing with the petition having regard to the criterion in this Scheme. If the Petitions Officer considers a petition to be frivolous or vexatious, abusive, unlawful or otherwise inappropriate, it will be rejected.

In the period immediately before an Election or Referendum a petition will be dealt with differently. This is to comply with the Code of Practice on Local Authority Publicity used by the Secretary of State under S. 2 of the Local Government Act 1986.

5K.2.3 What will the Petitions Officer do when he or she receives your petition?

The response to a petition will depend on what a petition seeks and how many people have signed it. The range of possible outcomes are:-

- a) taking the action requested
- b) considering the petition at a Council meeting
- c) holding an inquiry into the matter
- d) holding a public meeting
- e) commissioning research
- f) Referring the petition to an Overview & Scrutiny Committee
- g) rejecting the petition.

Petitions will be acknowledged within 10 working days. The Petitions Officer will let the petition organiser know what will be happening with the petition and when he or she can expect to hear from the Petitions Officer again. That notification will be published on the website unless the Petitions Officer considers that in all the circumstances it would be inappropriate to do so.

If the outcome requested in a petition can be undertaken immediately, the acknowledgement may confirm this and the petition will be closed.

In some cases, the Petitions Officer may seek to resolve the request directly, by getting the relevant Cabinet Member or officer to take appropriate action.

Unless the matter has been resolved immediately the Petitions Officer will provide a substantive response to the petition organiser setting out how the petition is to be handled. This substantive response will be provided as quickly as possible and no later than 15 working days after the date the petition is acknowledged.

At the same time as providing a substantive response to the petition organiser, the Petitions Officer will inform Group Leaders and relevant Ward Members (if appropriate) of receipt of the petition.

Within five working days of acknowledging a petition, the Petitions Officer will publish details of the petition on the Council's website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will be included.

The Petitions Officer will ensure that the website is kept up to date to ensure that petitioners can track progress of their petition.

5K.2.4 The role of Ward Members

When a petition is received which particularly affects a specific Ward, the Petitions Officer will send a copy of the petition to each relevant Ward Member at the same time as providing a substantive response to the Petitions Organiser.

5K.2.5 What happens to Petitions for Debate at Council?

Petitions for Council debate will be reported to the next convenient Ordinary Meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.

The Petition Organiser will be invited to address the meeting for up to three minutes on the subject of the petition.

5K.2.6. What happens to a Petition at an OSP?

Petitions will be reported to the next convenient meeting of the relevant Overview & Scrutiny Panel. An officer, identified either by name or by post title either in the petition or as nominated by the Petitions Officer, will be required to answer questions on the conduct of a particular matter at the Panel.

In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions that he/she would like put to the officer at the meeting. These questions will be provided to the Chair of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Panel for a maximum of three minutes. The relevant officer will report to the Panel in relation to the petition. Members of the Panel may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer. After the relevant person has attended before the Overview & Scrutiny Panel, the Panel will make recommendations to the Council and a copy of the minutes will be sent to the petition organiser.

5K.2.7.What happens to an Ordinary Petition?

The Petitions Officer will arrange for each Ordinary petition to be considered by the relevant Director in consultation with the relevant Portfolio Holder. Where a formal decision is required, the relevant Director will be responsible for ensuring that an item is placed on the next appropriate Cabinet Agenda; or Single Member Decision (as appropriate).

The petition organiser will be invited to the meeting at which the decision is to be considered and given the opportunity to address the decision maker for three minutes. The Chair may then ask questions of the petition organiser. Where appropriate. Ward Members present may also address the Chair on the matter for up to three minutes (each).

Cabinet/Single Members will ask the relevant officer(s) to advise the meeting, after which the matter will be open for debate among members of the decision-making body. Where the matter is to be determined by a Cabinet Member, he/she will take a decision on the matter. That decision may be a determination of the matter, or may be a decision to refer the matter for investigation and report back, or to refer it up to a meeting of Council or Cabinet.

Within five working days of the consideration of the petition, the Petitions Officer will notify the petition organiser of the decision and advise him/her that if he/she is not satisfied with that decision, he/she may require the matter to be reported to the next convenient meeting of the appropriate Overview & Scrutiny Panel for review. The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

Upon review, if required, the Panel can refer the issue to the Cabinet for further consideration together with the Panel's recommendations upon how the matter should be determined. Cabinet shall consider the matter afresh, having regard to any recommendations from the Panel. Cabinet is free to make any decision that it feels is appropriate, including accepting the Panel's recommendations; confirming the original decision that led to the review, or substituting a different decision. For the avoidance of doubt, there is no further right of review of Cabinet's decision and the decision shall be considered final. At this stage the petition shall be treated as disposed of and the website amended to reflect this.

At each stage, the Petitions Officer will enter the relevant information on the website at the same time as it is sent to the petition organiser.

5K.2.8.The role of the Petition Organiser

The petitions organiser will maintain contact details with the Petitions Officer whilst the petition is being considered.

Where the petition is not accepted for consideration, the petition organiser will be advised by the Petitions Officer of the rejection, and the grounds for rejection.

The petition organiser may nominate another person to address any meeting and to answer any questions on the matter.

The petition organiser must notify the Petitions Officer of his/her intention to appeal to an Overview & Scrutiny Panel against the decision relating to the petition within 10 working days of being notified of that decision. The petition organiser may attend and address any meeting for three minutes whenever the petition is on the agenda for consideration.

5K.2.9. Petitions, which will not be accepted or published

- a) Frivolous or vexatious petitions or timewasting
- b) Rude or abusive
- c) Unlawful Petitions

Any petition which, in the opinion of the Council's Monitoring Officer would require the Council to do something that is or is likely to be unlawful if carried out.

- d) Otherwise inappropriate
- e) Defamatory.

i) Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

ii) Repeat Petitions

Where a petition will not normally be considered where they are received within six months of another petition being considered by the Council on the same matter.

ii) Rejected Petitions

Petitions will not be reported if in the opinion of the Petitions Officer, they are rude, offensive, defamatory, scurrilous or time wasting, or do not relate to something which is the responsibility of the Authority, or over which the Authority has some influence.

- f) Petitions that do not affect the functions of the Council or the Borough.

- g) Decisions about regulatory matters, eg. Individual decisions of Planning or Licensing matters.
- h) Employee related matters.

The Head of Paid Services will inform the petitions organiser for the non-acceptance in the Council's acknowledgement of the petition.

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 website or the NBBC led scheme**

5K.2.11 **What can you do if you feel your petition has not been dealt with properly?**

If you feel that your petition has not been dealt with properly, the petition organiser has the right to request that the relevant Overview & Scrutiny Panel reviews the steps taken in response to the petition. The Panel will endeavour to consider your request at its next Ordinary Meeting or the following meeting. Should the Panel determine that your petition has not been dealt with adequately, it may use any of its powers to deal with the matter.

These powers include instigating an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered, the petition organiser will be informed of the results. The results of the Review will also be published on the website.

5K PETITIONS SCHEME

5K.1 PETITIONS

Nuneaton & Bedworth Borough Council welcomes petitions and recognises that petitions are one way in which people are able to let us know their concerns.

5K.2 WHAT IS A PETITION?

We will treat as a petition any communication that is signed by or sent to us on behalf of 25 people. Less than 25 signatures will be considered a complaint and dealt with under the Council's Complaints Procedure.

5K.2.1 Types of Petitions

There are different types of petition, as set out below.

- a) Petitions between 0 – 24 signatures will be dealt with as a Complaint.
- b) Ordinary Petitions – requiring 25 – 749 signatures will either be dealt with by the appropriate Service Unit at the Council or referred to the relevant Overview & Scrutiny Panel. To determine how the petition is to be handled, the Petitions Officer will consult with the chair of the appropriate OSP and agree whether the matter should be referred to the Panel.
- c) Petitions for Debate – Petitions of 750 or more will be referred to a meeting of the Council.

5K.2.2 What should a petition contain?

A petition should include:–

- a) A clear statement covering the subject of the petition and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Public Authority, we will redirect the petition to that other Authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation of that decision;
- b) The full name and contact details of the “petition-organiser” must be provided. Contact details must be a full postal address where the signatory lives. If a petition does not identify a petition organiser, we will contact the first or second signatories to the petition to agree

who should act as the petition organiser. If no signatory can be identified from the petition and hence no petition organiser can be contacted, the Council will consider the petition to be frivolous or vexatious and deal with it accordingly within the terms of this Scheme.

- c) Each signatory to a petition must state their full name, full postal address and signature.
- d) The Petitions Officer shall consider any petition over 25 signatures and determine (a) its validity and (b) the process to be followed in dealing with the petition having regard to the criterion in this Scheme. If the Petitions Officer considers a petition to be frivolous or vexatious, abusive, unlawful or otherwise inappropriate, it will be rejected.

In the period immediately before an Election or Referendum a petition will be dealt with differently. This is to comply with the Code of Practice on Local Authority Publicity used by the Secretary of State under S. 2 of the Local Government Act 1986.

5K.2.3 What will the Petitions Officer do when he or she receives your petition?

The response to a petition will depend on what a petition seeks and how many people have signed it. The range of possible outcomes are;-

- a) taking the action requested
- b) considering the petition at a Council meeting
- c) holding an inquiry into the matter
- d) holding a public meeting
- e) commissioning research
- f) Referring the petition to an Overview & Scrutiny Committee
- g) rejecting the petition.

Petitions will be acknowledged within 10 working days. The Petitions Officer will let the petition organiser know what will be happening with the petition and when he or she can expect to hear from the Petitions Officer again. That notification will be published on the website unless the Petitions Officer considers that in all the circumstances it would be inappropriate to do so.

If the outcome requested in a petition can be undertaken immediately, the acknowledgement may confirm this and the petition will be closed.

In some cases, the Petitions Officer may seek to resolve the request directly, by getting the relevant Cabinet Member or officer to take appropriate action.

Unless the matter has been resolved immediately the Petitions Officer will provide a substantive response to the petition organiser setting out how the petition is to be handled. This substantive response will be provided as quickly as possible and no later than 15 working days after the date the petition is acknowledged.

At the same time as providing a substantive response to the petition organiser, the Petitions Officer will inform Group Leaders and relevant Ward Members (if appropriate) of receipt of the petition.

Within five working days of acknowledging a petition, the Petitions Officer will publish details of the petition on the Council's website, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser's name and contact details will be included.

The Petitions Officer will ensure that the website is kept up to date to ensure that petitioners can track progress of their petition.

5K.2.4 The role of Ward Members

When a petition is received which particularly affects a specific Ward, the Petitions Officer will send a copy of the petition to each relevant Ward Member at the same time as providing a substantive response to the Petitions Organiser.

5K.2.5 What happens to Petitions for Debate at Council?

Petitions for Council debate will be reported to the next convenient Ordinary Meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council, which are not convened to consider the subject matter of the petition.

The Petition Organiser will be invited to address the meeting for up to three minutes on the subject of the petition.

5K.2.6. What happens to a Petition at an OSP?

Petitions will be reported to the next convenient meeting of the relevant Overview & Scrutiny Panel. An officer, identified either by name or by post title either in the petition or as nominated by the Petitions Officer, will be required to answer questions on the conduct of a particular matter at the Panel.

In advance of the Panel meeting, the petition organiser will be invited to submit a list of questions that he/she would like put to the officer at the

meeting. These questions will be provided to the Chair of the Panel, who will decide whether they are appropriate, and to the officer concerned, in advance of the meeting.

At the meeting, the Chairperson will invite the petition organiser to address the Panel for a maximum of three minutes. The relevant officer will report to the Panel in relation to the petition. Members of the Panel may question the officer, and the Chairperson may invite the petition organiser to suggest questions for him/her to put to the officer. After the relevant person has attended before the Overview & Scrutiny Panel, the Panel will make recommendations to the Council and a copy of the minutes will be sent to the petition organiser.

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The Petitions Officer will arrange for each Ordinary petition to be considered by the relevant Director in consultation with the relevant Portfolio Holder. Where a formal decision is required, the relevant Director will be responsible for ensuring that an item is placed on the next appropriate Cabinet Agenda; or Single Member Decision (as appropriate).

The petition organiser will be invited to the meeting at which the decision is to be considered and given the opportunity to address the decision maker for three minutes. The Chair may then ask questions of the petition organiser. Where appropriate, Ward Members present may also address the Chair on the matter for up to three minutes (each).

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Upon review, if required, the Panel can refer the issue to the Cabinet for further consideration together with the Panel's recommendations upon how the matter should be determined. Cabinet shall consider the matter

afresh, having regard to any recommendations from the Panel. Cabinet is free to make any decision that it feels is appropriate, including accepting the Panel's recommendations; confirming the original decision that led to the review, or substituting a different decision. For the avoidance of doubt, there is no further right of review of Cabinet's decision and the decision shall be considered final. At this stage the petition shall be treated as disposed of and the website amended to reflect this.

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- h) Employee related matters.

The Head of Paid Services will inform the petitions organiser for the non-acceptance in the Council's acknowledgement of the petition.

5K.2.10 Who should you send a petition to?

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Coton Road
Nuneaton
CV11 5AA

Or to petitions@nuneatonandbedworth.gov.uk

The Council accepts e-petitions from the change.org website

5K.2.11 What can you do if you feel your petition has not been dealt with properly?

If you feel that your petition has not been dealt with properly, the petition organiser has the right to request that the relevant Overview & Scrutiny Panel reviews the steps taken in response to the petition. The Panel will

endeavour to consider your request at its next Ordinary Meeting or the following meeting. Should the Panel determine that your petition has not been dealt with adequately, it may use any of its powers to deal with the matter.

These powers include instigating an investigation, making recommendations to Cabinet and arranging for the matter to be considered at a meeting of the Full Council. Once the appeal has been considered, the petition organiser will be informed of the results. The results of the Review will also be published on the website.

AGENDA ITEM NO. 10

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Audit & Standards Committee (18th January 2022)

From: Director – Planning & Regulation

Subject: The Complaints Procedure

1. Purpose of Report

1.1 To approve recommendations from the Audit & Standards Sub-committee

2. Recommendations

2.1 The Complaints Procedure be approved as shown at Appendix A; and

2.2 IT BE RECOMMENDED to Council that the Constitution be amended accordingly.

3. Background

3.1 On the 20th December 2021, the Complaints Procedure related to complaints against Members was reviewed by the Audit & Standards Sub-committee and a number of changes recommended. These have now been incorporated into the final draft attached as Appendix A.

3.2 In brief, the changes reflect the procedure adopted by Warwickshire County Council, with minor changes to reflect the local requirements of this Council. The key changes to the procedure are as follows:

3.2.1 An emphasis upon informal resolution as the preferred outcome;

3.2.2 The filter stage to be undertaken by an Assessment Sub-committee drawn from this committee, supported by the Monitoring Officer; and

3.2.3 A simplified assessment process, with a greater emphasis upon value for money.

4. Appendices

The proposed Complaints Procedure is at Appendix A.

5. Background Papers (if none, state none)

Warwickshire County Council complaints procedure.

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 subject Member and the complainant to establish whether informal resolution is achievable. 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
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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 ungrouped 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

APPENDIX A

- 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