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SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 8 SEPTEMBER 2020
Location Remote Meeting using Microsoft Teams
Officer to contact Democratic Services (01530 454512)



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Chief Executive

AGENDA

Item	Pages
PRAYERS	
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS	
Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	
5. QUESTION AND ANSWER SESSION	
To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Commercial Services.	

6. QUESTIONS FROM COUNCILLORS

To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the Chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Commercial Services.

7. MOTIONS

To consider the following motion received from Councillor S Sheahan:

"The UK economy shrank by an unprecedented 20.4% in April this year compared to the previous quarter. By June, Gross Domestic Product (GDP) was one sixth below its level in February.

Between April and June, the number of people in work fell by 220,000, but these figures do not include millions of people who are furloughed, those on zero-hours contracts but not getting shifts or people on temporary unpaid leave from a job.

140,000 redundancies across England, Wales and Scotland were notified to the Government in June and with the furlough scheme ending in October, the outlook for millions more is very worrying.

This Council believes that urgent action needs to be taken to tackle the threat to jobs, businesses and livelihoods, We therefore call upon the Government to

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- Target help to the industries and areas that need it most.
- Give our public services the resources to prepare for any second wave
- Get test, trace and isolate functioning properly to build public confidence
- Reform the furlough scheme so it helps people in the worst-hit sectors and targets funding to struggling industries
- Back businesses by setting up a £1.7 billion fightback fund to prevent firms going under and save our high streets
- Leave no-one behind by providing additional support to areas forced into local lockdowns, supporting the self-employed and helping those left out of existing schemes
- Keep workers safe by protecting workers rights, boosting sick pay, making workplaces safe and giving our NHS and care services the resources to avoid a second wave
- Drive job creation by investing in infrastructure, accelerating progress towards a zero-carbon economy and increasing access to skills and training opportunities."

8. PETITIONS

To receive petitions in accordance with the Council's Petition Scheme.

9. MINUTES

To confirm the minutes of the meeting of the Council held on 23 June 2020.

Item		Pages
10. UPDATE OF THE COUNCIL'S CONSTITUTION		
	Report of the Head of Legal and Commercial Services	17 - 82
11. SEEKING APPROVAL TO REMOVE NWLDC BYELAWS FROM PARCELS OF LAND OWNED BY WHITWICK PARISH COUNCIL		
	Report of the Strategic Director	83 - 86
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	Report of the Head of Legal and Commercial Services	87 - 90
13. SCRUTINY CROSS PARTY WORKING GROUP PROGRESS REPORT		
	Report of the Chief Executive	91 - 94
14. URGENT DECISIONS TAKEN BY CABINET/PORTFOLIO HOLDERS IN QUARTER 1 2020/21		
	Report of the Chief Executive	95 - 98
15. MEMBER CONDUCT ANNUAL REPORT 2019-20		
	Report of the Head of Legal and Commercial Services	99 - 108
16. APPOINTMENT OF PARISH REPRESENTATIVES TO THE AUDIT & GOVERNANCE COMMITTEE		
	Report of the Head of Legal and Commercial Services	109 - 112
17. APPOINTMENT OF REPRESENTATIVES ON COMMUNITY BODIES		
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MINUTES of a meeting of the ANNUAL COUNCIL held by MS Teams Live Event on TUESDAY, 23 JUNE 2020

Present: Councillor J Bridges (Chairman)

Councillors V Richichi, E G C Allman, R Ashman, R D Bayliss, C C Benfield, D Bigby, A S Black, R Blunt, R Boam, A J Bridgen, R Canny, J Clarke, D Everitt, T Eynon, M French, J Geary, L A Gillard, S Gillard, T Gillard, D Harrison, B Harrison-Rushton, M D Hay, G Hoult, J Hoult, R Johnson, J Legrys, K Merrie MBE, N J Rushton, A C Saffell, C A Sewell, S Sheahan, N Smith, J Windram, A C Woodman and M B Wyatt

Officers: Mrs B Smith, Mrs T Bingham, Mrs M Long, Miss E Warhurst, Mrs C Hammond and Mr T Delaney

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D Tebbutt.

2. DECLARATION OF INTERESTS

Councillor C Benfield declared a non-pecuniary interest in item 10.2 – Motions, as the Vice Chairman of the campaign to re-open the Ivanhoe Line.

Councillor D Bigby declared a non-pecuniary interest in item 10.2 – Motions, as a supporting member of the campaign to re-open the Ivanhoe Line.

Councillor T Eynon declared non-pecuniary interests in item 10.2 – Motions, as a supporting member of the campaign to re-open the Ivanhoe Line and item 14 - Appointment of Representatives on Community Bodies, as an LCC appointed member to the Bardon Quarry Liaison Committee.

Councillor J Geary declared a non-pecuniary interest in item 10.1 – Motions, as a qualified pyro-technician with experience in fireworks and firework displays.

Councillor S Sheahan declared non-pecuniary interests in item 10.2 – Motions, as a member of Leicestershire County Council, and item 14 – Appointment of Representatives on Community Bodies, as an LCC appointed member to the Redbank Liaison Committee and the New Albion Liaison Committee.

3. APPOINTMENT OF CHAIRMAN

Councillor J Bridges said a few words regarding his year as Chairman, noting that it had been a very strange year, especially the past few months. He took the opportunity to thank all staff for their support, with a special mention to the Democratic Services Team who had guided him through his term of office. He offered a special thank you to Councillor V Richichi for all his support and due to the Chairman's work commitments, stepping in at the last minute to cover many engagements. He noted that Councillor V Richichi had gone above and beyond the call of duty. Councillor J Bridges then took the opportunity to thank all the residents of North West Leicestershire who had come together as a community during the unprecedented situation and added that if the district continued to pull together everyone would get through the times ahead.

Nominations were sought for the Chairman for the ensuing municipal year.

It was moved by Councillor R Blunt that Councillor V Richichi be appointed as Chairman of the Council for 2020/21.

The motion was seconded by Councillor R Ashman.

Upon being put to the vote it was

RESOLVED THAT:

Councillor V Richichi be appointed Chairman of the Council for 2020/21.

Councillor V Richichi then took the Chair.

4. APPOINTMENT OF DEPUTY CHAIRMAN

It was moved by Councillor R Blunt that Councillor J Hoult be appointed as Deputy Chairman of the Council for 2020/21.

The motion was seconded by Councillor R Ashman and

Upon being put to the vote it was subsequently

RESOLVED THAT:

Councillor J Hoult be appointed as Deputy Chairman of the Council for 2020/21.

Councillor J Hoult stated that he was very proud to be elected Deputy Chairman and he would carry out the role as best he could.

5. APPOINTMENT OF LEADER

It was moved by Councillor T Gillard that Councillor R Blunt be appointed as Leader of the Council for 2020/21.

The motion was seconded by Councillor K Merrie and

Upon being put to the vote it was subsequently

RESOLVED THAT:

Councillor R Blunt be appointed as the Leader of the Council for 2020/21.

Councillor R Blunt thanked Members for electing him to the role, which he took incredibly seriously and stated that there was a huge amount of work to be done. He pledged that he would do his very best for the people of North West Leicestershire.

6. CHAIRMAN'S ANNOUNCEMENTS

The Chairman took the opportunity to thank Councillor J Bridges for his kind words and stated that he had enjoyed every minute when supporting him. He thanked Members for appointing him as Chairman for the second time, which was a great pleasure. He noted that he would no longer be chairing the Audit & Governance Committee, which he was disappointed to be stepping away from. He highlighted the dedication of the Finance Team and all of the extra work that they had carried out over the past months to keep the Council going.

7. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader of the Council, Councillor R Blunt announced the appointments and delegations of executive functions for the forthcoming municipal year as follows:

Leader – Councillor Richard Blunt

Deputy Leader and Planning and Infrastructure Portfolio – Councillor Robert Ashman

Community Services Portfolio – Councillor Andrew Woodman

Corporate Portfolio – Councillor Nick Rushton

Housing, Property and Customer Services Portfolio – Councillor Roger Bayliss

Business and Regeneration Portfolio holder – Councillor Tony Gillard

As in previous years, the Executive responsibilities were to be delegated to the Cabinet to take decisions collectively.

He advised that in March he had taken the decision to delegate powers to Portfolio Holders to make individual urgent decisions during the COVID-19 period that allowed the Council to function and that, now the Council was in the recovery phase, the powers would be revoked with immediate effect.

He stated that the past twelve weeks had been unprecedented and he was extremely proud of the way the Council had responded to the situation. He highlighted that a number of services had been delivered remotely, critical help provided where needed and new services, such as the community hubs had been introduced. He noted that the Council had worked with volunteers to help provide support to the most vulnerable and those actions had helped many people to deal with self-isolation. He recognised further help the Council had provided such as support to individuals from entering financial hardship, insuring homes for those in need and working in partnership with colleagues across the County.

He informed Members that the community support network had help co-ordinate more than 500 volunteers and many amazing acts of kindness had been shown. He acknowledged the real community spirit that had not been seen in this lifetime and that many had risen to the challenge across the district, and plans were being put in place to recognise many of those local heroes.

He thanked staff and councillors for their dedication and hard work. He advised that 95% of the Government business grant had been delivered so far and that 250 applications had been received in relation to the discretionary grant scheme. He noted that there was still lots more to be done in relation to economic uncertainty but the Council was determined to play a key role in revitalising the local economy.

Councillor R Blunt acknowledged the loss of members of the community, with many families mourning their lost ones, and that it would take time for communities to recover. He advised that the Council would be there to support were it could.

Looking forward, he stated that the Council would need to focus on support to the economy and communities as they recovered from the past three months and that it would be a difficult road ahead. He advised the authority's regeneration plans remained key in supporting the high streets to grow again and it would work closer with businesses. He informed Members that the business case for the Future High Streets Fund bid had been submitted the week before and he thanked all who had contributed to the robust submission, with the outcome being announced in the autumn. He credited the Council and community for what they had achieved in a short space of time and offered his thanks to the Chief Executive for her professional behaviour during the situation.

Councillor S Sheahan echoed the comments of the Leader in relation to the hard work of the staff and volunteers, and the support that they had given to the vulnerable residents of the district. He noted that it had made a difference to them and local businesses. He acknowledged that the Chief Executive had been outstanding and a tower of strength through the process.

He advised that the Labour Group's shadow portfolio team would remain the same as the previous year and he acknowledged that the reference to individual portfolio holder decisions had been dropped as he had felt that the decision was brought in too quickly, as it did not allow proper scrutiny or response to the decisions that were being made. He felt it was not good for democracy and did not wish to repeat the decision in the future.

Councillor R Blunt welcomed Councillor S Sheahan's comments and advised that Leaders from all political groups had met during the past few weeks and they had all worked well to deal with the situation. He thanked them all for their hard work and acknowledged that the district would be proud of them.

8. QUESTION AND ANSWER SESSION

There were no questions received.

9. QUESTIONS FROM COUNCILLORS

Two questions had been received.

The Chairman invited Councillor R Johnson to ask his question addressed to Councillor R Ashman.

"Could the Portfolio holder for Planning and Infrastructure please tell me how many housing developments in my ward of Hugglescote St. Johns and Donington le Heath, have wheel washing facilities on their sites that are being used to clean HGV'S wheel before leaving their sites onto the highway.

As this is a recognised condition on all planning permissions."

The Chairman invited Councillor R Ashman to respond.

"The following development sites either under construction or with planning permission are subject to conditions requiring the provision of wheel washing facilities:

South East Coalville Consortium site (Bloor Homes, Davidsons Group, Harworth Estates and SECP Ltd)

Wainwright Road (Davidsons / David Wilson Homes)

Lower Bardon site (Davidsons)

Land South of Grange Road (Taylor Wimpey)

115 Station Road (Lychgate Homes)

The Green, Donington Le Heath (Williams Builders)

I can confirm that not all planning permissions are subject to a condition requiring the provision of wheel washing facilities. These conditions will only generally be attached where the County Highway Authority has requested them and they only tend to do so on the larger development schemes.

If wheel washing facilities have not been provided on any of the sites I have mentioned, this could be the subject of an investigation by the Council's Planning Enforcement scheme."

The Chairman invited Councillor R Johnson to ask a supplementary question.

He thanked Councillor Ashman for his response and asked:

"The list you have supplied may have this condition in their planning permissions but are they used or never been used.

Davidsons on the former Louella farm site with some encouragement from me have a bowser on site.

The Harworth Estates civil engineers, Newline openly admitted in not having any facilities on site but with encouragement from me through their agent have complied.

Wainwright Road Davidsons have none on site.

Taylor Wimpey have never had wheel washing facilities on site.

115 Station Road is on a call in, so nothing happening there.

The Green have no wheel washing facilities on site.

And finally, the important one you missed out was the Barratts/DWH Grange Road who have no wheel facilities.

When this planning authority gives permissions for development, We expect a duty of care from these house builders to do their part in having wheel washing facilities at hand within the working site hours to stop mud and stones going onto our roads and blocking gullies.

There have been numerous times I have had to call both LCC Highways and our own planning enforcement team to intercede, to encourage developers to comply with their duty of care

What can be done Councillor Ashman, as you see, it in protecting the Council tax payer in my community from uncaring developers."

Councillor R Ashman noted that not all sites were covered in the response and that if sites were not following conditions then the issues needed to be raised to the relevant department to be investigated. He also asked that he be copied in to ensure that the issue was followed up.

The Chairman invited Councillor M B Wyatt to ask his question addressed to Councillor R D Bayliss.

"A number of council tenants from Greenhill, Broom Leys and Measham contacted me recently expressing their concerns that they were continuing to pay an additional charge which covers other services like grass cutting and cleaning of communal areas. In some cases, tenants have seen a reduction or no service at all during the corona virus lockdown.

I light of this can the portfolio holder for housing give an update on my request for a rebate to council tenants who have received a reduced or in some cases no service at all."

The Chairman invited Councillor R D Bayliss to respond.

“Thank you for your question Councillor Wyatt.

964 of our 4,250 tenants pay some form of service charge in addition to their basic rent, and as a result of the Corona Virus response we have not been able to provide all the services funded from these charges.

Officers have carefully examined the options available to compensate tenants for this reduced service, and we will be adjusting the weekly amounts due to reflect this in the 2021/22 budget setting process.

Any adjustments made during this financial year would require the recalculation and reduction of Housing Benefit and Universal Credit entitlements for any tenants claiming, making it impractical, particularly given the current position in response to the Corona Virus.

This will be communicated to tenants through the July edition of the tenants’ newsletter, InTouch.”

The Chairman invited Councillor M B Wyatt to ask a supplementary question.

Councillor M B Wyatt thanked Councillor R D Bayliss for his reply and he had no supplementary question. He thanked the administration for its positive response concerning an important financial issue that affected a number of Council tenants.

10. MOTIONS

Councillor M B Wyatt moved the motion as set out in the agenda and presented it to Members. He advised that he had brought the motion forward due to the number of residents that had expressed both their anger and annoyance at the noise level from the firework displays, which affected both residents with disabilities and animals. He noted that many enjoyed firework displays, but due to the adverse effect that it they had, the loud noises should no longer be part of them. He urged Members to support the motion.

Councillor A Woodman seconded the motion. He thanked Councillor M B Wyatt for putting forward the motion and remembered when fireworks were restricted to Bonfire Night and New Year’s Eve, which would allow pet owners to prepare for the disruption. He noted that it had become the norm for fireworks to be set off at random times of the year. He highlighted the numbers of cats and dogs that showed distress on hearing fireworks and the significant proportion of the residents of the United Kingdom that were diagnosed with autism. He stated, that with the facts in mind, it was sensible for the Council to look at ways it could mitigate the stress caused by the noise whilst maintaining the spectacle to be enjoyed. He believed that the Council could use its social media channels to promote the outcome of the motion and was happy to work with officers to set an example moving forward.

Councillor S Sheahan stated that there was nothing really to disagree with and that the Labour Group would be supporting the motion.

Councillor M Hay stated that, as someone who used to work as a pyro-technic, when a debate on the subject took place there were those that were affected in a negative way and as a former pet owner, whose cats were affected he empathised with the problem. He noted that one of the common themes when the subject came up was who the fireworks were in the hands of and that organised events were always deemed far safer and where held at appropriate times. He highlighted that the calls for restrictions on fireworks were more aimed at members of the public setting them off at random times. He expressed

concerns at the direction the motion was aimed, more at professional displays, than the nub of the matter, which was the general sale of the devices. He advised that there was no reason not to support the motion and asked that any public awareness campaign was well researched and fact based.

Councillor M B Wyatt thanked Members for their contribution and looked forward to future reports on the issue.

The Chairman then put the following motion to the vote. It was

RESOLVED THAT:

This Council notes:

- That firework displays are common throughout the world and are the focal point of many cultural and religious celebrations.
- The rising number of complaints about all year round noise nuisance from fireworks
- The impact loud bangs have on some people with mental ill health, some people who are anxious about loud noises, some people with a disability for whom loud noises can be extremely disturbing and those people suffering from post-traumatic stress disorder.
- The distress suffered by many household pets and wild animals because of the use of fireworks.
- Increasing public health concerns surrounding the use of fireworks

This Council believes that everyone has a right to enjoy firework displays. This Council also believes that this should not be at the expense of the amenity of others and notes the work done by the people of Collecchio in the province of Parma in Italy to introduce legislation to reduce acoustic stress.

This Council believes that with the increasing availability of quieter fireworks which can create “quieter” or “low noise” or “silent” displays which reduce the noise nuisance and impact on others, it is time for the Council to investigate the creation of more peaceful firework displays that can be enjoyed by all.

This Council therefore resolves to:

1. To require all public firework displays within the local authority boundaries on council owned land to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people
2. To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
3. To investigate whether quieter or low noise fireworks could be used at council events as an alternative to the existing fireworks provision.

Councillor S Sheahan moved the motion as set out in the agenda and presented it to Members. He noted that he had been given three files of documents in relation to the re-opening of the Ivanhoe Line by Frank Straw, the last Labour Leader of the Council, and that the documents were a testament to the importance of the Ivanhoe Line, that was attached to the communities that stood to benefit from it. He advised that the motion aimed to set out a few steps which the Council could undertake to position itself to throw some weight behind the line. He outlined the two reasons for bringing forward the motion, which were the community group, CRIL, and the same worrying economic circumstances, under which the Ivanhoe Line was conceived back in the 1980s. He stated that restoring

the passenger line between Burton and Leicester held the promise of a transformative effect on the local economy, whilst reaping environmental benefits.

Councillor S Sheahan informed Members that strategic plans were supportive of the line and that functional partnerships needed to be built with LCC, CRIL and others to create a sense of shared responsibility and shared endeavour.

Councillor J Legrys seconded the motion and reserved his right to speak.

Councillor T Eynon stated that she was pleased to be able to support the motion, as when she first moved to the area and worked in London, she was reassured that there would be a train line within a matter of years to help with the commute, however, the line never appeared. She advised that it was a source of frustration that nothing was ever done, but highlighted that it was a new era, and that a paper, that had been considered by LCC Cabinet that day, had made reference to the potential re-opening of the line. She was pleased to see that the project had moved forward with a sense of enthusiasm and that all the Councils along the line had put up money to support the project. She felt that cross party support was needed and, if included in strategic plans, it would help with getting the support from Government.

Councillor C Benfield welcomed the motion and noted the effort that the Council could bring in the identification of suitable sites for stations, along with ways of getting users to the stations such as cycle ways and bus routes. He highlighted that the wider implications of the line would be dealt with by the Department of Transport and that it was a very exciting time. He was behind the motion.

Councillor J Legrys advised that he was happy to second the motion, as it was essential that all the Councils along the line were supporting the project and he was keen on CRIL being the lead body. He was very supportive of the what the Council was doing with regards to bringing the line back and was aware that locations of stations needed to be established and that it needed to go in the Local Plan. He was pragmatic that the Council could achieve what it could and that the momentum was pushing an open door on the subject.

Councillor D Bigby noted that the Labour group had looked at including a clause in the motion to ask the Council to look at identifying sites for stations and protecting them under the Local Plan, but were advised that it would not be possible. He felt it was unfortunate as suitable sites were available now and during the time of the feasibility study, the sites were lost. He hoped that once the study was completed, the sites identified and concluded that the Ivanhoe Line was a cost effective proposition, the Council could move to protect the sites until the project had started.

Councillor A Black asked that the large businesses close to the line be consulted and possible investment sought.

Councillor R Ashman moved the following amendment:

“In the wake of the Coronavirus Pandemic and the predictions of an economic downturn this council welcomes the investment from Central Government, Leicestershire County Council, North West Leicestershire District and other councils, to support funding the feasibility study for opening the Ivanhoe Line.

This Council resolves to:

Work with all agencies to support the restoration of the Ivanhoe Line as part of the proposals to improve the rail and public transport connectivity across NW Leicestershire District and the East Midlands.

Recognise the importance of the East Midlands Councils and North West Leicestershire District Councils evidence to the Rail Needs Assessment for the Midlands and North, which includes the benefits of restoring the Ivanhoe Line, a request to accelerate plans for the electrification of the Midland Mainline and to improve the overall connectivity to Segro, East Midlands Airport, Castle Donington, Kegworth and the Northern Parishes with the rest of the District and the East Midlands.

Closely align proposals for the restoration of the Ivanhoe Line with the wider environmental agenda, including climate change, air quality and road congestion.

Form a working partnership with the County Council and other interested parties, including CRIL, with a clear remit to take all practical steps available, including supporting necessary feasibility studies, to move the project forward.

Ensure that the Council's commitment to the Ivanhoe Line is reflected in all relevant strategic plans, including the local plan.”

Councillor R Ashman advised that the administration supported the feasibility study and the re-instatement of the Ivanhoe Line, but felt that it should be linked to work being carried out to improve connectivity across North West Leicestershire and the Midlands as a whole. He thanked all the MPs across the region for their continued efforts to re-open the line and securing funding of £50k towards the study, and along with funding from LCC and Local Councils, the study could be properly funded. He informed that proposals had been put forward to the Government to improve connectivity across the Midlands as a whole, which not only included the Ivanhoe Line but a list of other projects. He stated that was important that the transport infrastructure and connectivity, as part of the significant development that was taking place in the district, be considered, and could be done by looking at a variety of transport options. He hoped that Members supported the motion.

Councillor R Blunt seconded the amendment.

Councillor S Sheahan felt that the amendment was harmless enough and the Labour group would be voting accordingly.

The Chairman then put the amendment to the vote. The motion was declared CARRIED.

Councillor S Sheahan stated that he was very happy with the supportive nature of the comments and the amendment was harmless. He felt that the substantive motion that was before them was very good and he had no problems with supporting it as it stood.

The Chairman then put the substantive motion, as amended, to the vote. The motion was declared CARRIED.

It was therefore

RESOLVED THAT:

“In the wake of the Coronavirus Pandemic and the predictions of an economic downturn this council welcomes the investment from Central Government, Leicestershire County Council, North West Leicestershire District and other councils, to support funding the feasibility study for opening the Ivanhoe Line.

This Council resolves to:

Work with all agencies to support the restoration of the Ivanhoe Line as part of the proposals to improve the rail and public transport connectivity across NW Leicestershire District and the East Midlands.

Recognise the importance of the East Midlands Councils and North West Leicestershire District Councils evidence to the Rail Needs Assessment for the Midlands and North, which includes the benefits of restoring the Ivanhoe Line, a request to accelerate plans for the electrification of the Midland Mainline and to improve the overall connectivity to Segro, East Midlands Airport, Castle Donington, Kegworth and the Northern Parishes with the rest of the District and the East Midlands.

Closely align proposals for the restoration of the Ivanhoe Line with the wider environmental agenda, including climate change, air quality and road congestion.

Form a working partnership with the County Council and other interested parties, including CRIL, with a clear remit to take all practical steps available, including supporting necessary feasibility studies, to move the project forward.

Ensure that the Council's commitment to the Ivanhoe Line is reflected in all relevant strategic plans, including the local plan.”

11. PETITIONS

No petitions were received.

12. MINUTES

Consideration was given to the minutes of the meeting held on 25 February 2020.

The Chairman advised that he was aware that Councillor S Sheahan had been liaising with Democratic Services in relation to some minor amendments to the minutes and that both parties were happy with the revised wording.

It was moved by Councillor V Richichi, seconded by Councillor J Hault and by affirmation of the meeting it was

RESOLVED THAT:

Subject to the amendments agreed by Councillor S Sheahan, the minutes of the meeting held on 25 February 2020 be approved and signed by the Chairman as a correct record.

13. APPOINTMENT OF COMMITTEES AND GROUPS, ELECTION OF CHAIRMEN AND DEPUTY CHAIRMEN

Councillor T Gillard presented the report to Members

It was moved by Councillor T Gillard, seconded by Councillor N Smith and by affirmation of the meeting it was

RESOLVED THAT:

- a) The appointments to the Committees and Groups as set out in the additional papers be agreed.
- b) The Chairmen and Deputy Chairmen of the Committees and Groups as set out in the additional papers be agreed.

14. APPOINTMENT OF REPRESENTATIVES ON COMMUNITY BODIES

Councillor T Gillard presented the report to Members

It was moved by Councillor T Gillard, seconded by Councillor N Smith and by affirmation of the meeting it was

RESOLVED THAT:

Representatives be appointed to serve on the community bodies as set out in the additional papers.

15. SCHEDULE OF MEETINGS 2020/21

Councillor T Gillard presented the report to Members

It was moved by Councillor T Gillard, seconded by Councillor J Hoult and by affirmation of the meeting it was

RESOLVED THAT:

The schedule of meetings for 2020/21 be approved.

16. APPOINTMENT OF INDEPENDENT PERSONS

Councillor N J Rushton presented the report to Members

It was moved by Councillor N J Rushton, seconded by Councillor R Blunt and by affirmation of the meeting it was

RESOLVED THAT:

The term of office of the Independent Persons be extended to the end of the 2020-2021 Municipal year.

17. URGENT DECISIONS TAKEN BY CABINET/PORTFOLIO HOLDERS IN QUARTER 4 2019/20

Councillor R Blunt presented the report to Members

He highlighted the special urgency procedure as set out in the Constitution and the decision that was made to delegate the powers to individual portfolio holders. He reminded Members that the power to make individual decisions had now been revoked.

It was moved by Councillor R Blunt, seconded by Councillor S Sheahan and by affirmation of the meeting it was

RESOLVED THAT:

The report be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.00 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	UPDATE OF THE COUNCIL'S CONSTITUTION	
Presented by	Councillor Nick Rushton Corporate Portfolio Holder	
Background Papers	Audit and Governance Committee Report and Minutes – 22nd July 2020	Public Report: Yes
Financial Implications	None	
	Signed off by the Deputy Section 151 Officer: Yes	
Legal Implications	None other than as contained within this report	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To approve the proposals to amend and improve the Council's Constitution set out in this report.	
Recommendations	<ol style="list-style-type: none"> 1. THAT THE AMENDMENTS TO THE COUNCIL'S CONSTITUTION SET OUT IN THIS REPORT ARE ADOPTED 2. THAT THE COUNCIL FUNCTIONS RELATING TO THE ISSUE OF PAVEMENT LICENCES PURSUANT TO SECTIONS 1-7 OF THE BUSINESS AND PLANNING ACT 2020 (PAVEMENT LICENCES) BE DELEGATED TO THE DIRECTOR OF PLACE 3. THAT THE COUNCIL AUTHORISES THE MONITORING OFFICER TO MAKE THE AGREED AMENDMENTS AND ANY CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE OF THE DOCUMENT 	

1. INTRODUCTION

- 1.1 The Local Government Act 2000 requires each Local Authority to prepare, keep up to date and publicise the document known as the Constitution.

- 1.2 The Constitution should be logical, integrated and accessible to Members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process. The Monitoring Officer has delegated powers to make any necessary changes to the Constitution to reflect changes of fact and law, and decisions of the Council and of the Cabinet.
- 1.3 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes, or to clarify and improve processes within the Authority to reflect best practice.
- 1.4 In parallel with this process the Legal Services Team reviews any proposed legislation which is likely to require amendments to the Constitution.
- 1.5 Relevant Managers within the Council have been consulted as to whether they require any changes to be made to the Constitution in relation to their service areas and although this has yielded very few requests, those that have been requested are reflected within this report.

2. PROPOSED CHANGES

Proposed Changes to the Constitution are detailed below:

- 2.1 **Change to Part 4, Paragraph 4.7 (Contract Procedure Rules) – Rule 1.4 (c)**
 - 2.1.1 NWLDC's Standing Orders, contained within the Constitution, are made pursuant to S.135 of the Local Government Act 1972. They have been prepared in accordance with the Public Contracts Regulations 2015 (PCR 2015), the Authority's policies and to facilitate small and medium enterprises in the local area the opportunity to enter into the Authority's supply chain.
 - 2.1.2 The Standing Orders contained in Part 4, Paragraph 4.7 of the Constitution (the Contract Procedure Rules) set out how the Council will invite tenders, obtain quotations and award contracts for supplies, services or works. Financial Procedures provide the framework for managing the Council's financial affairs. They are supported by more detailed Financial Management Standards which set out how the procedures will be implemented.
 - 2.1.3 Where the Council is disposing of goods, officers are required to seek advice from the Head of Finance and have regard to the provisions of the Financial Procedure Rules contained in Part 4, Paragraph 4.8 of the Constitution.
 - 2.1.4 Pursuant to Paragraph 4.7, sub-section 1.4. of the Contract Procedure Rules, the Rules referred to in 2.1.3 above do not apply to:
 - (a) contracts with local authorities for the joint delivery of services or discharge of functions, save the obligation to secure value for money for the Authority;
 - (b) transactions for the sale, purchase or lease of land or property;
 - (c) Contracts which benefit from any exemption to the Public Contracts Regulations 2015 contained in Regulation 12 of those regulations.
 - 2.1.5 It is proposed to widen Contract Procedure Rule 1.4 (c) above by also including reference to Regulation 10 of the PCR 2015. This will then allow the Council to

award service contracts specifically excluded from the PCR 2015. As currently drafted our Contract Procedure Rules would require us to undertake a competitive tender where this is not required by the PCR 2015. The inclusion of Regulation 10 at Contract Procedure Rule 1.4 (c) does not prohibit us from undertaking a competitive tender should we so wish in order to ensure value for money, it simply removes the necessity to complete one where not practical or appropriate.

- 2.1.6 It is proposed that the revised Contract Procedure Rule at Part 4, Para 4.7 subsection 1.4 (c), attached at Appendix A, are adopted.

2.2 Change to Part 4, Paragraph 4.1 Council Procedure Rule 4.3

- 2.2.1 The Council Procedure Rules (CPR's) are set out in Part 4 of the Constitution and constitute the Council's statutory procedural standing orders which apply to the running of Council meetings. By virtue of Rule 4.2 of the CPR Rule 4.2 applies many of these CPR's to the Authority's boards and committees. CPR 10 which relates to questions raised by the public at Cabinet and ordinary meetings of the Council, and which is set out in the appendix to this report, does not apply specifically to boards and committees. However, by virtue of Rule 4.3, CPR 10 has been specifically applied to Scrutiny Committee.

- 2.2.2 Although the Terms of Reference of the Local Plan Committee refer to questions made by the Public at its meetings, there is no specific application of CPR 10 by virtue of Rule 4.3 and for clarity and consistency purposes, it is now proposed to reference the application of CPR 10 to the Local Plan Committee by virtue of CPR Rule 4.3.

- 2.2.3 It is proposed that the revised Council Procedure Rules at Part 4, paragraph 4.1 Rule 4.3, attached at Appendix B are adopted.

2.3 Addition to Council Procedure Rules - Remote Meeting Procedure Rules (Temporary Standing Order 4A)

- 2.3.1 During the current Covid 19 pandemic, everyone is experiencing a fast paced period of change and uncertainty. Indeed, following the closure of the Council Offices, and requirements to limit social interaction and safeguard those in vulnerable health groups, it has been necessary to change the way meetings are held to enable remote access.

- 2.3.2 Remote meetings of the Council, and its various committees and sub-committees have been successfully held remotely since April 2020. To regularise the position it is therefore requested that a suitable set of rules around remote meeting procedures be added to the existing CPR whilst the relevant regulations referred to below remain in force. These additional rules will be referred to as "The Remote Meetings Procedure Rules" and are attached at appendix C to this report. All available legal and senior officers have been consulted.

- 2.3.3 "The Remote Meetings Procedure Rules" are required to be incorporated into the Constitution for the purpose(s) of giving operational effect to the provision(s) as contained under Section 78 of the Coronavirus Act 2020 ("the 2020 Act") and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations")

- 2.3.4 The purpose of the Remote Meetings Procedure Rules is to provide the means and guidance for the conduct of any remote meeting of the Council, its various committees and sub-committees, held under the provisions of the 2020 Regulations and should be read in conjunction with the CPR under Part 4 of the Constitution. The 2020 Regulations made under Section 78 of the 2020 Act apply notwithstanding any other legislation or current or pre-existing standing orders or any other procedure rules of the Council governing meetings and remain valid until 7 May 2021. Legislation will be required to extend these Regulations. In the event of any conflict, the Remote Meetings Procedure Rules take precedence in relation to any remote meetings.
- 2.3.5 These Remote Meetings Procedure Rules are to remain in effect whilst or for such period as the 2020 Regulations remain in force

2.4. Delegation of Council Functions to Director of Place

- 2.4.1 The Business and Planning Act 2020 (the “Act”) came into force on 22 July 2020. The Act creates Pavement Licences which allow premises to place removable furniture on the highway. Consideration and determination of Pavement Licences is a Council function. If applications are not determined within 14 days, the licence is deemed to be granted. Deemed licences are only subject to a “no-obstruction” and a “smoke-free seating” condition. Minimal conditions gives the Council less scope for enforcement should complaints be received.
- 2.4.2 Due to the timing of the legislation and the implementation of the powers thereunder, it has not been possible to request support for the recommendation of this delegation from the Audit and Governance Committee and therefore there will be no reference to it in the report which was submitted to that committee on 22nd July 2020.
- 2.4.3 To date the Chief Executive’s emergency powers under Section 7, Para 4.1.4 of the Constitution have been used to authorise the Environmental Health Services Manager to consider and determine Pavement Licences and for the Environmental Health Team Services Manager to onwards delegate this function to appropriate officers to ensure applications are dealt with within 14 days.
- 2.4.4 In order to regularise the position an amendment to the Scheme of Delegation is required in order to formally delegate the functions under the Act to the Director of Place for the period that the Act remains in force which is 30th September 2021 (unless amended). Council will be notified if the Act is further extended.
- 2.4.5 It is proposed that the Council functions pursuant to the Act be delegated to the Director of Place by way of an additional paragraph 5.3.5 under Part 3 Section 7 (Scheme of Delegation) of the Constitution as set out in Appendix D.

3. FUTURE REVIEWS

Work is currently underway to prepare Social Media Guidance for Members that will tie into the Code of Conduct so that there is clarity over what constitutes actions carried out “in the capacity of a Member”. In addition to this, the Local government Association are currently undertaking a review of the Model Member Code of

Conduct and any changes to the Constitution as a result of this will be brought to the Council in due course.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	None
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Economic and Social Impact:	None
Environment and Climate Change:	None
Consultation/Community Engagement:	None
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk

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4.7: CONTRACT PROCEDURE RULES

Rule	Subject
1:	Introduction
2:	Value for Money
3:	Special Circumstances (Waiver and Exemption)
4:	Framework Agreements
5:	Selecting a Procurement Route
6:	Conducting a Procurement Exercise
7:	Contracts to which the Public Procurement Regulations Apply
8:	Types of Tender for Band B Contracts
9:	Specifications
10:	Submission of Tenders and Evaluation
11:	Opening and Acceptance of Tenders
12:	Tender Evaluation and Award of Contracts
13:	Contract Conditions
14:	Contract and Performance Management

1. INTRODUCTION

Purpose of these Standing Orders

- 1.1 These Standing Orders are made pursuant to s135 of the Local Government Act 1972. These Standing Orders have been prepared in accordance with the Public Contracts Regulations 2015, the Authority's policies and to facilitate small and medium enterprises in the local area the opportunity to enter the Authority's supply chain.
- 1.2 These Standing Orders set out how the Authority will invite tenders, obtain quotations and award contracts for supplies, services or works. Their role is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with the Authority's policies and the law. It is important that they are viewed as an aid to good management and compliance and not as a hindrance.

Contracts outside the scope of these Standing Orders

- 1.3 Where the Authority is disposing of goods, officers shall seek advice from the Head of Finance and have regard to the provisions of the Financial Procedure Rules.
- 1.4 These rules do not apply to:
- (a) contracts with local authorities for the joint delivery of services or discharge of functions, save the obligation to secure value for money for the Authority;
 - (b) transactions for the sale, purchase or lease of land or property;
 - (c) contracts which benefit from any exemption to the Public Contracts Regulations 2015 contained in Regulation 10 and/or 12 of those regulations.

Probity and Compliance

- 1.5 Responsibility for compliance with these Standing Orders remains at all time with officers. It shall be the responsibility of the Directors to ensure that staff within his or her directorate comply with these Standing Orders.
- 1.6 No contract shall be entered into unless adequate budgetary provision has been made for the award of that contract.
- 1.7 Any officer, whether a direct employee of the Authority or engaged through an external organisation or supplier who is engaged to work on behalf of the Authority shall, if they become aware of any relationship (current or past), whether pecuniary or not, with any supplier or potential supplier, make a Declaration of Interest to the relevant Head of Service at the earliest opportunity. Where the relevant officer is the Head of Service, a Director or

the Chief Executive, the declaration shall be made to another Director or the Chief Executive.

- 1.8** An officer with an interest in a contract shall take no part in advising on the Authority's dealing with that contract without the authorisation of the Head of Service, Director or Chief Executive (as the case may be). Unless such authorisation is obtained, if the officer is present at a meeting when the contract is discussed, he or she shall forthwith declare that interest and withdraw from the meeting while it is under discussion.
- 1.9** The Chief Executive shall record in a book, to be kept for the purposes of recording any notice given by an officer of the Authority, under 1.7 above and/or Section 117 of the Local Government Act 1972 and the book shall be open during office hours to the inspection of any member of the Council.

2. VALUE FOR MONEY

Value of the Contract Opportunity and Aggregation

- 2.1** The Authority is under a duty to ensure that funds are spent in a way that achieves "value for money" for the Authority. Officers involved in procuring supplies, services or works should be mindful of this duty.
- 2.2** When an officer has identified the need to procure supplies, services or works, the relevant Head of Service or their nominated officer shall assess the value of the proposed arrangement. The value is the total amount that the Authority expects to pay for the contract over a rolling period, either in a single sum or periodically over time. Unless the exact duration of a contract is known, officers should use a 4 year period as the nominal duration of a contract when considering aggregating spend.
- 2.3** Purchases should be aggregated to make the best use of the Authority's purchasing power. Where a recurring pattern of purchases can be identified for similar supplies, services or works across the Authority, consideration shall be given to whether one contract would represent better value in terms of price, service, invoicing or other administrative costs. It is the Head of Services' responsibility to have due regard to the aggregation of contract values.
- 2.4** The principles of aggregation in EU procurement law are designed to ensure that authorities do not deliberately split contracts which have similar characteristics into separate contracts so that they fall below the relevant thresholds (unlawful disaggregation).
- 2.5** Notwithstanding this, procuring officers shall consider the sub-division of procuring supplies, services or works into lots, facilitating access for small and medium enterprises. Where the decision is taken not to sub-divide a procurement into lots, the reasons shall be recorded.

The Procurement Hierarchy

- 2.6** When an officer has identified a need to procure new supplies, services or works, they shall first consider these options in turn (the Procurement Hierarchy):
- 2.6.1 any current arrangements in existence in-house;
 - 2.6.2 any existing contracts entered into by the Authority; and
 - 2.6.3 any provision available through other third party contracts or framework agreements, including those provided by public sector buying consortia, where they can be shown to offer value for money for the Authority.
- 2.7** Where the officer determines that no provision is available from the sources in the Procurement Hierarchy or that in the circumstances they do not represent value for money, they shall have regard to these Standing Orders in determining which procurement option is the appropriate one to follow.
- 2.8** The Head of Finance is responsible for maintaining a schedule of the Authority's planned procurements. Heads of Service shall be responsible for ensuring that all contracts proposed to be entered into by the Authority in the coming financial year are notified to the Procurement Team for inclusion in the procurement plan.

3. SPECIAL CIRCUMSTANCES (EXEMPTION AND WAIVER)

Exemption

- 3.1** Notwithstanding the provisions of these Standing Orders and subject only to the requirements of law:
- 3.1.1 exemption from any of the provisions of these Standing Orders may be granted by the Council acting through the Chief Executive (or where appropriate, Acting or Deputy Chief Executive), in consultation with the Chief Finance Officer and the Monitoring Officer, upon it being shown to their satisfaction that there are **special circumstances** justifying such exemption. Such special circumstances shall fall under at least one of the following two categories:
 - (a) only one supplier is available for technical or artistic reasons and no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing of the parameters of the procurement;

- (b) extreme urgency exists for unforeseen reasons which are not attributable to the Authority and the various time limits cannot be met. Inadequate forward planning would not constitute special circumstances and an exemption shall not be permitted in such circumstances,
- 3.1.2 any request under 3.1.1 above shall be made in writing on the approved form which shall be certified by the officers specified in 3.1.1 above; and
- 3.1.3 the Cabinet shall be informed of the exercise of any authority pursuant to this Standing Order by the Directors or Chief Executive and any such report will include confirmation that the officers specified in 3.1.1 have been consulted and such exemption granted

Waiver

- 3.2 If, in exceptional circumstances, authority is sought from Cabinet to waive these Standing Orders, the report to Cabinet must give adequate reasons and specify precisely the procedures to be waived and must first be approved by the Monitoring Officer.
- 3.3 Where specific legislation requires the Authority to let a contract differently from as set out in these Standing Orders, these Standing Orders shall be deemed waived without recourse to Cabinet, Council or the Statutory Officers.

4. FRAMEWORK AGREEMENTS

- 4.1 Where it is determined to use a framework agreement to meet the identified need of the Authority, the officer shall seek the advice of the Procurement Team and Legal Services in relation to the use of such framework and the contractual arrangements.
- 4.2 When calling-off supplies, services or works under a framework agreement, the selection procedure, including award criteria, from within the framework agreement shall be used. Officers must comply with all rules and regulations set out within a framework agreement in relation to direct call-off of contracts (direct award) and re-opening of competition between providers appointed on to that framework (mini-competition).

5. SELECTING A PROCUREMENT ROUTE

Initial Considerations

- 5.1 In relation to any contract for the supply of supplies, services or works to the Authority the functions described in Section 17(4) of the Local Government Finance Act 1988 shall be exercised without any reference to any of those matters set out in Section 17(5) of that Act. (Section 17(4) describes the functions to which this legislation applies and Section 17.5 details what is

regarded as non commercial issues that must be ignored when entering into a contract for the supply of supplies, services or works). This shall at all times be subject to the provisions of 5.2 below.

5.2 In relation to any contract for the supply of services not through an existing framework or existing arrangement, the officer shall have regard to the considerations set out in the Public Services (Social Value) Act 2012. Specifically, the officer must consider how the services might (in addition to the service requirement) improve the economic, social and environmental well-being of the district and how the procurement itself might be conducted to secure that improvement.

5.3 All procurement documents (including business questionnaires, specifications and contracts) shall be completed prior to advertising the contract opportunity.

Procedures for Determining Which Procurement Option to Follow

5.4 Where an officer has reasonably determined not to use any available options in the Procurement Hierarchy, the following provisions shall apply.

5.5 When the officer has assessed the value of the proposed arrangement (see above), the appropriate procurement route shall be determined in accordance with the Threshold Table (below).

5.6 Notwithstanding the provisions in the Threshold Table, lower value procurements can be conducted using a more sophisticated process as long as it remains objectively reasonable and proportionate to do so and secures open, transparent and fair competition.

Threshold Table

Contract Value		Process	Award Procedure based on	Advertise Contract Opportunity	Documentation
From	To				
Minor Purchases					
£0	£999	No prescribed process	Officer's discretion	N/A	Purchase Order
Band A					
£999	£25,000	Quotation	Seeking a minimum of three written quotations	N/A	Budget holder to record details when authorising order
Band B					
£25K	EU	Formal Tender	Full Tender Process	NWL Web site Contracts Finder	ITT documentation using NWL E-tendering Portal
NOTE: the EU threshold is a figure set out by the EU					

and varies from time to time. Please seek advice from the Procurement Team.					
Band C					
EU	Above	Formal Tender	Full Tender Process	OJEU NWL Web site Contracts Finder	ITT documentation using NWL E-tendering portal

Authority to award contracts

- 5.7** Officers may only enter into a contract if they have sufficient authority to do so. Legal advice in respect of authority to award contracts can only be given to the extent that such authority is set out in the Constitution. Officers are responsible for knowing the extent of any delegated authority they may have and ensuring they do not exceed that.
- 5.8** The Authority’s Constitution contains the Scheme of Delegation, which sets out what decisions can be made by which body, individual or group of individuals. For the purposes of awarding contracts, the following Authorisation Table provides an initial indication of where those decisions sit. However, officers should take advice from Legal Services as to the appropriate source of authority to award where they are unsure.

Authorisation Table and Signatories

- 5.9** It is for individual Officers to ascertain the limits of their authority to award contracts and orders. Some Officers have unlimited authorisation levels, please see Paragraph 11 – Designated Authorised Officers of Section 7 – Scheme of Delegation to Staff, Council and Executive Functions. An officer may award a contract provided that the value of that contract does not exceed their level of financial authorisation (see paragraph D.5 of the Financial Procedure Rules). The below table provides a guide for Officers in salary bands A-I, who should check with their line managers and/or the finance department as to what they are and are not authorised to commit the Council to.
- 5.10** The authority to award a contract (i.e. decide that the contract should be given to a particular supplier) is separate from authority to sign the contract. Contracts under which the Council will be liable for sums up to £25,000 may be signed by any officer (or awarded by issuing a purchase order) provided that the contract value does not exceed their financial authorisation. All contracts above £25,000 must be signed by the Head of Legal and Commercial Services or their appointed nominee.

Authorisation Table

	Approval	Reference in Constitution
Contracts that are: - more than £250,000 in total; - more than £100,000 in any one contract year; <u>OR</u> - more than 5 years long	Cabinet (Financial Key Decision)	Section 4 (2)(31)
Contracts that are: - less than £250,000 in total; - Less than £100,000 in any one contract year; <u>AND</u> - less than 5 years long	Chief Executive or Relevant Director	Scheme of Delegation paragraph 3.4
Up to £99,999	Chief Executive or Relevant Director	Scheme of Delegation paragraph 3.4
Up to £49,999	Heads of Service	As set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £24,999	Team Managers	As set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £9,999	Officers in salary bands G, H and I, at the request of their Director or Head of Service	Dependent on individual post and as set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £4,999	Officers in salary bands D, E and F, at the request of their Director or Head of Service	Dependent on post and as set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)
Up to £2,000	Officers in salary bands A, B & C, at the request of their Director or Head of Service	Dependent on post and as set by the Statutory Officers (paragraph D.5 of the Financial Procedure Rules)

- 5.11** Contracts under which the Council will not incur any costs (such as Information Sharing Agreements or grant documents where the Council is receiving the grant) and contracts for the provision of goods or services in return for a revenue payment may be signed by any Team Manager, Head of Service, Director or the Chief Executive.

6. CONDUCTING A PROCUREMENT EXERCISE

Band A Contracts

- 6.1** For any single contract, not related to or part of any larger procurement, whose value is between £1,000 and £24,999, three written quotations shall be obtained.
- 6.2** Where officers are seeking written quotations:
- 6.2.1 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;
 - 6.2.2 officers must select the quotation which offers value for money for the Authority. In Band A contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;
 - 6.2.3 The Head of Service shall be responsible for keeping a record for audit purposes of:
 - (a) all those contractors that were requested to provide a quotation;
 - (b) the reasons why those particular contractors were selected to provide a quotation; and
 - (c) the reason for selecting the winning quote;
 - 6.2.4 notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new quotations should be obtained each time, to ensure the prices paid represent value for money for the Authority.
- 6.3** Subject always to the Council's duty to obtain value for money, where the relevant Head of Service is satisfied that there are sufficient reasons for three quotes not being obtained in respect of a Band A contract, that Head of Service may authorise the award of a Band A contract even though fewer than three quotes have been obtained.

Band B Contracts

- 6.4** For any single contract, not related to or part of any larger procurement, whose value is £25,000 or more, but less than the relevant EU threshold, the officer shall conduct a formal tender using a template to be provided by the Procurement Team and accompanied by terms and conditions prepared with advice from Legal Services.
- 6.5** Where officers conduct a formal tender:
- 6.5.1 the opportunity shall be advertised on the Source Leicestershire website, Contracts Finder and the Authority's website, by the Procurement Team;
 - 6.5.2 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;
 - 6.5.3 officers must select the quote which offers value for money for the authority. In Band B contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;
 - 6.5.4 Notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new tenders should be obtained each time, to ensure the prices paid represent value for money for the Authority.
- 6.6** The EU threshold is an amount set out by the EU and can vary year to year. The Cabinet Office confirms the amounts in Sterling. Please seek advice from the Procurement Team as to the current EU thresholds.

7. CONTRACTS TO WHICH THE PUBLIC PROCUREMENT REGULATIONS APPLY (BAND C – EU)

- 7.1** For any contract whose value is more than the threshold amounts set out the Public Contracts Regulations 2015 (as amended from time to time), tenders shall be sought in accordance with those regulations.
- 7.2** The procuring officer must note that the Public Contracts Regulations 2015 contain minimum timescales for a procurement exercise and therefore it is imperative that advice is sought from both the Procurement Team and Legal Services well in advance of the commencement of the procurement exercise.
- 7.3** The provisions of these Standing Orders shall continue to apply to such a contract only to the extent that they do not conflict with the provisions of the Public Contracts Regulations 2015.

8. TYPES OF TENDER FOR BAND B CONTRACTS

Open Tendering

- 8.1** This is a procedure by which a contract is let following publication of an advertisement inviting all those expressing an interest in the contract to submit a bid at the same time. This is a one stage procedure.
- 8.2** The advertisement shall:
- 8.2.1 specify details of the supplies, services or works the Authority is procuring;
 - 8.2.2 specify the contract duration and proposed commencement date;
 - 8.2.3 specify any other requirements for participating in the procurement;
 - 8.2.4 specify a contract reference number;
 - 8.2.5 specify a reasonable (in the circumstances of the contract opportunity) date and time, being not less than 21 days from the date of the advertisement, by which such expressions of interest are to be received by the Authority;
 - 8.2.6 specify the criteria against which submissions are to be evaluated; and
 - 8.2.7 specify the appropriate electronic tender box code and details of how to access documentation.

Restricted Tendering

- 8.3** This is a two stage procedure by which a contract is let following publication of an advertisement seeking expressions of interest from tenderers to participate. Following evaluation of the pre-qualifying submissions, no fewer than three qualified bidders shall be invited to tender for the contract. This route to the market is particularly suitable where a large response is anticipated. In relation to works, this procedure may only be used for where the value of the works exceeds the threshold in the Public Contracts Regulations 2015 for services. This procedure may not be used for procuring services or supplies save to the extent that such services fall within the scope of Schedule 3 (Social and Other Specific Services) of the Public Contracts Regulations 2015.
- 8.4** The advertisement shall:
- 8.4.1 specify details of the supplies, services or works the Authority is procuring;
 - 8.4.2 specify the contract duration and proposed commencement date;

- 8.4.3 specify any other requirements for participating in the procurement;
 - 8.4.4 specify a contact reference number;
 - 8.4.5 specify a time limit, being not less than 21 days from the date of the advertisement within which such expressions of interest are to be received by the Authority;
 - 8.4.6 specify a time limit, being not less than 21 days from the date of inviting shortlisted bidders to submit their tender, within which such tenders are to be received by the Authority;
 - 8.4.7 specify the criteria against which submissions are to be evaluated; and
 - 8.4.8 specify the appropriate electronic tender box code and details of how to access documentation.
- 8.5** After the expiry of the period specified in the advertisement and following proper evaluation of the returned Standard Selection Questionnaire (SSQ), in accordance with the criteria specified, invitations to tender for the contract shall be sent to:
- 8.5.1 not less than three of the persons or bodies who returned a satisfactorily completed SSQ and has been shortlisted, selected by the Authority; or
 - 8.5.2 where fewer than three persons or bodies have applied or have satisfactorily completed the SSQ, those persons or bodies which the Authority consider suitable.

9. SPECIFICATIONS

- 9.1** Full tenders shall be accompanied by an appropriate specification, clearly setting out the Authority's requirements for the goods, works or services to be supplied.
- 9.2** Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable the contract to be monitored and managed.
- 9.3** Where appropriate, officers shall take all necessary professional advice to ensure the specification sufficiently expresses the Authority's requirements and ensure the output of the contract represents value for money. Any third party engaged to support the preparation of the specification shall not be invited to bid for the substantive contract.

10. SUBMISSION OF TENDERS AND EVALUATION CRITERIA

Submission of Tenders for Band B Contracts

- 10.1** Where in pursuance of these Standing Orders invitation to tender is made, every invitation shall state the process for registering and submitting tenders and the signed Form of Tender using the NWL E-tendering portal.
- 10.2** No tender received after the time and date specified in the invitation shall be considered, unless the relevant Head of Service thinks it is reasonable to do so in the circumstances.
- 10.3** Every invitation to tender shall state:
- 10.3.1 that the Authority is not bound to accept any tender, including the lowest;
 - 10.3.2 the tender evaluation criteria, with full explanation;
 - 10.3.3 a statement that the Authority is obliged to comply with the Freedom of Information regime;
 - 10.3.4 closing date and time for receipt of tenders and the web address to which tenders should be sent; and
 - 10.3.5 a requirement that the tenderers accept full responsibility for ensuring compliance with the terms of these Standing Orders and that any failure to do so may render that tender liable to disqualification.

Evaluation Criteria

- 10.4** Evaluation criteria must be designed to secure an outcome providing value for money for the Authority on the basis of the Most Economically Advantageous Tender, expressed as the price/quality balance in percentage terms. Appropriate sub-criteria should also be included referring to relevant considerations and guidance should be given to tenderers on how their responses will be scored. Further advice can be provided by the Procurement Team.
- 10.5** Evaluation criteria must not include:
- 10.5.1 non-commercial considerations, save as expressly set out in these Standing Orders;
 - 10.5.2 matters which discriminate against suppliers from the European Economic Area; and

10.5.3 a general provision allowing for the highest mark to be awarded for tenders which exceed the specification.

10.6 Within every invitation to tender there shall be reference made to the requirements on public bodies with regard to the Freedom of Information Act 2000. Such a reference shall include notice to the tenderer that:

10.6.1 the Authority has a duty of 'openness' under the act;

10.6.2 it is the Authority and not the tenderer who makes the decision on the release of information within a tender;

10.6.3 any claim by the tenderer that information within a tender is exempt under the act will be considered by the Authority. However, a simple assertion that any disclosure would prejudice commercial interests is not sufficient. The assertion must be supported by reasoned argument and where practical, by empirical evidence. Any decision to treat all or some information within a tender as exempt may be reviewed if any further requests are received over time;

10.6.4 the Authority will consult with them before making any disclosure; and

10.6.5 the Authority has a system for dealing with any appeals under the act.

Submission of Tenders for Band C (EU) Contracts

10.7 Tendering processes shall comply with the Public Contracts Regulations 2015. In the event of a conflict between these Standing Orders and the Public Contracts Regulations 2015, the latter shall take precedence.

11. OPENING AND ACCEPTANCE OF TENDERS

11.1 This Rule shall apply to Band B and Band C (EU) contracts

11.2 Tenders received under these Standing Orders shall be opened at one time and only following the date on which the receipt of tenders closed.

11.3 Tenderers shall be notified of the acceptance or rejection of their tenders.

11.4 Detailed feedback shall be provided to all unsuccessful bidders.

12. TENDER EVALUATION AND AWARD OF CONTRACTS

12.1 All tenders shall be properly evaluated by the relevant Director or their nominated officer in accordance with the published award criteria and in accordance with any specific requirements of any relevant EU Directive or

English legislation. The Procurement Team shall be notified of any evaluations being conducted by procuring officers and a member of the Procurement Team may participate in the evaluation process if they consider it appropriate.

- 12.2** A tenderer's error in the computation of the pricing of their tender will be corrected and the tenderer asked to stand by the corrected tender or to withdraw the tender.
- 12.3** Post tender negotiations shall only be by exception and in accordance with the Public Contracts Regulations 2015. Authority to enter into post tender negotiations may only be granted by the Chief Executive or relevant Director. Officers who are authorised to carry out post-tender negotiations shall ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 12.4** Where award is based on lowest or highest price, a tender other than the lowest tender if payment is to be made by the Authority or the highest tender if payment is to be received by the Authority shall not be accepted except where there are justifiable reasons for doing so, for instance:
- 12.4.1 the procurement of a named product required to be compatible with an existing product, i.e. computer software;
- 12.4.2 an alternative pre-tender evaluation criteria has been determined;
- in such circumstances the Statutory Officers shall be consulted and written confirmation of their agreement retained for audit purposes.
- 12.5** If the relevant Director considers the lowest priced tender, highest priced tender or most economically advantageous tender (as appropriate) to be abnormal given the nature of the contract, the tenderer shall be asked to clarify in writing the reasons for its tender and the Director shall take that explanation into account in deciding whether the tender will be accepted.
- 12.6** All contract awards shall be notified promptly to the Procurement Team in order that the details can be recorded in the Contracts Register and inform the Procurement Plan.

13. CONTRACT CONDITIONS

- 13.1** Every procurement which exceeds £25,000 in value shall be a formal contract in writing and signed by the Head of Legal Services or her nominee. The procuring officer should seek the advice of Legal Services at the earliest opportunity in this regard.
- 13.2** Such contract shall, unless the Head of Legal and Commercial Services deems it disproportionate:

- 13.2.1 specify the supplies, services or works to be supplied or executed; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties or specified in these Standing Orders;
- 13.2.2 where a contract exceeds £200,000 and the Head of Finance deems appropriate, contain a requirement that a contractor give sufficient security for the due performance of the contract provided that this shall not apply where the goods and materials are supplied and payment is not made until completion of works;
- 13.2.3 include provisions for the termination and recovery of any sums paid where there has been evidence of bribery or corruption or any breach of the Bribery Act 2010 or section 117(2) Local Government Act 1972;
- 13.2.4 include provisions entitling the Authority to terminate part or all of the contract or to obtain substituted provision of the supplies, services or works to be supplied under the contract in the event of a breach of contract by or the insolvency of the contractor;
- 13.2.5 include prohibitions on the contractor from sub-contracting, assigning or otherwise transferring the contract without the prior written consent of the Authority and providing that the contractor shall remain liable to the Authority for any part of the contract that may be sub-contracted;
- 13.2.6 include provisions securing the contractor's compliance with relevant legislative requirements, including as a minimum in relation to:
 - (a) Health and Safety;
 - (b) Human Rights;
 - (c) Freedom of Information;
 - (d) Data Protection;
 - (e) Confidentiality;
 - (f) Bribery and corruption; and
 - (g) Equalities and discrimination.
- 13.2.7 provide for indemnities in favour of the Authority for any breach of the above and for the acts and omissions of the contractor in carrying out the contract;
- 13.2.8 provide for compliance with those of the Authority's policies relevant to the provision of the supplies, services or works;
- 13.2.9 provide for the protection of the Authority's intellectual property rights, where appropriate;

- 13.2.10 provide for, where the supplies, services or works require it, appropriate restrictions or conditions precedent in relation to the protection of vulnerable persons, including requiring Disclosure and Barring Service checks;
- 13.2.11 provide for the Authority's right to monitor and audit the supplies, services or works under the contract and for the contractor's provision of assistance in such monitoring and in securing improvements in economy, efficiency and effectiveness, as specified in Section 3 of the Local Government Act 1999, where appropriate. Such assistance may include setting performance indicators, benchmarking implementing performance plans and/or periodically reviewing the services;
- 13.2.12 be governed by the laws of England and subject to the exclusive jurisdiction of the Courts of England;
- 13.2.13 comply with the laws of England and any applicable EU legislation or regulation.
- 13.3** Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standard Specification or Code of Practice.
- 13.4** Every contract which exceeds £250,000 shall be in writing and under the Common Seal of the Authority.
- 13.5** Where a contract exceeds £50,000 in amount or value, provide for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified, where the appropriate Head of Service considers appropriate.
- 13.6** The provisions of these Standing Orders do not prevent the use of a formal contract for a procurement less than £25,000 where on receipt of advice from Legal Services the relevant Head of Service considers it appropriate.
- 13.7** It shall be a condition of any agreement between the Authority and any person (not being an officer of the Authority) who is required to supervise a contract between the Authority and a third party on the Authority's behalf that, in relation to such contract, he/she shall comply with the requirements of these Standing Orders as if he/she were an officer of the Authority.
- 13.8** In all areas of tendering, negotiating, letting or renewing, performing, reviewing, amending, discharging or terminating any contract to which the Authority is either a party or of which it is a beneficiary, regard shall be had to the requirements of economy, efficiency and effectiveness specified in Section 3 of the Local Government Act 1999.

- 13.9** Ensure compliance with Risk Management Guidelines on insurance levels and require such insurances as the relevant Head of Services determines appropriate in consultation with the Section 151 Officer.
- 13.10** Where a main contractor indicates in their tender submission the use of sub-contractors, the officer will ensure that:
- 13.10.1 the main contractor verifies they have vetted the sub-contractor to ensure that they meet the standards in all areas that the main contractor has undertaken to meet in their submission;
 - 13.10.2 the supplies, services or works they have been sub-contracted by the main contractor to provide, remains the responsibility of the main contractor.
- 13.11** Where a framework agreement is used to meet the Authority's need for supplies, services or works, this Standing Order shall only apply to the extent that the framework's call-off terms do not include these provisions and the framework agreement provides for a variation to such terms.

14. CONTRACT AND PERFORMANCE MANAGEMENT

- 14.1** Contract management arrangements shall be set out in any invitation to tender and incorporated into any subsequent contract.
- 14.2** An identified contract manager shall be appointed for each Band B and C contract.
- 14.3** The Head of Legal and Commercial Services may agree the variation or novation of any contract originally awarded under delegated authority. The variation or novation of a contract originally awarded by the Cabinet shall only be agreed by the Cabinet, save to the extent that such variation is of a minor nature or accounted for in the contract.
- 14.4** No contract entered into by the Authority may be extended by duration or value unless:
- 14.4.1 where the contract is a Band C (EU) contract, such extension was provided for in the original OJEU notice and contract documentation;
 - 14.4.2 where the contract is a Band B contract or of lesser value, such extension would not mean that, had it been included in the original contract, the overall value would have exceeded the EU threshold; and
 - 14.4.3 alternative options have been considered and the relevant Head of Service is satisfied that this option represents value for money and is in the best interests of the Authority in light of the contractor's performance.

- 14.5** All extensions to Band B and Band C (EU) contracts shall be promptly notified to the Procurement Team.
- 14.6** A contract is a live document. Contract managers and officers shall have regard to the provisions of the contract in observing and monitoring performance of the contract, handling disputes and terminating a contract. Where officers are unclear of the provisions or operation of a contract they should promptly seek advice from Legal Services.

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4A: STANDING ORDER (Temporary)

4.1: COUNCIL PROCEDURE RULES

Rule	Subject
1:	Annual Meeting of the Council
2:	Ordinary Meetings
3:	Extraordinary Meetings
4:	Time and Place of Meetings/Application of Procedure Rules to Boards, Groups and Committees
5:	Notice of and Summons to Meetings
6:	Chairman of Meeting
7:	Quorum
8:	Duration of Meeting
9:	Recording Meetings
10:	Questions by the Public
11:	Questions by Members
12:	Motions - on Notice
13:	Motions and Amendments - Without Notice
14:	Rules of Debate
15:	Previous Decisions and Motions
16:	Voting

- 17: Minutes**
- 18: Petitions**
- 19: Deputations**
- 20: Exclusion of the Public**
- 21: Members' Conduct**
- 22: Disturbance by Public**
- 23: Suspension and Amendment of Council Procedure Rules**
- 24: Interpretation**

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business. In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- 1.1.1 elect a person to preside if the Chairman is not present;
- 1.1.2 elect the Chairman;
- 1.1.3 appoint the Deputy Chairman;
- 1.1.4 receive any declarations of interest. Where such interest's amount to a Disclosable Pecuniary Interest under the Localism Act 2011, the member must leave the meeting at the time the item arises and must not participate any further in the discussion or vote of that matter. Once the matter is concluded the member may return to continue the other business of the meeting;
- 1.1.5 approve the minutes of the last meeting;
- 1.1.6 receive any announcements from the Chairman and/or the Chief Executive;
- 1.1.7 elect the Leader for a period of one year;
- 1.1.8 receive the report of the Leader setting out the size and membership of his/her Cabinet and how he/she intends Executive powers to be exercised over the ensuing municipal year;
- 1.1.9 appoint at least one Scrutiny Committee, an Audit and Governance Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- 1.1.10 decide the size and terms of reference for those boards and committees;
- 1.1.11 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.1.12 receive nominations of councillors to serve on each board or committee and outside body; and

- 1.1.13 appoint to those boards committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet;
 - 1.1.14 agree the scheme of delegation set out in Part 3 of this Constitution;
 - 1.1.15 approve a programme of ordinary meetings of the Council for the year (if not already agreed); and
 - 1.1.16 conduct items 2.1.4 to 2.1.12 of the business of an ordinary meeting of Council.
- 1.2** Provided always that this is without prejudice to the right of the Council at any time to establish or dissolve any board or committee or to review its size and terms of reference.

2. ORDINARY MEETINGS

- 2.1** Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:
- 2.1.1 elect a person to preside if the Chairman or Deputy Chairman is not present;
 - 2.1.2 approve the minutes of the last meeting;
 - 2.1.3 receive any declarations of interest from members. Where such interests amount to a Disclosable Pecuniary Interest under the Localism Act 2011, the member must leave the meeting at the time the item arises and must not participate any further in the discussion or vote on that matter. Once the matter is concluded the member may return to continue the other business of the meeting;
 - 2.1.4 receive any announcements from the Chairman, Leader, members of the Cabinet, or the Chief Executive;
 - 2.1.5 receive any petitions in accordance with the Council's petition scheme or deputations;
 - 2.1.6 receive any questions from, and provide answers to, the public;
 - 2.1.7 receive any questions from members of the Council;
 - 2.1.8 deal with any business from the last Council meeting;
 - 2.1.9 receive reports from the Cabinet and the Council's Boards or committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;

2.1.10 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

2.1.11 consider motions; and

2.1.12 consider any other business specified in the summons to the meeting.

2.2 Announcements. In making any announcements from the Leader and members of the Cabinet under paragraph 2.1.4 above, the Leader and not more than 2 Cabinet members may indicate to the Chairman and then address the Council for not more than 5 minutes each on a topic of current importance to the authority, its area or the inhabitants of its area.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings. Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

3.1.1 the Council by resolution;

3.1.2 the Chairman;

3.1.3 the Monitoring Officer; and

3.1.4 any five members of the Council if they have signed a requisition presented to the Chairman and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 When requested the Chief Executive shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.

3.3 Business. No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to its being called.

4. TIME AND PLACE OF MEETINGS/APPLICATION OF PROCEDURE RULES TO BOARDS AND COMMITTEES

4.1 All Council meetings will begin at 6.30 p.m. Unless the Council or the Chairman decides otherwise. The Council will normally meet in the Council Offices.

4.2 Rules 5 to 9, 13.1.1, 13.1.2, 13.1.3, 13.1.5, 13.1.6, 13.1.8 - 13.1.10, 13.1.11, 13.1.12, 13.1.13, 13.1.14, 13.1.15, 13.1.16, 14, 15, 16.1 to 16.3, 16.4, 16.5,

16.6, and 17 to 23 apply to meetings of all boards, groups and committees, except that:

4.2.1 Rule 8 (Duration of Meetings) does not apply to meetings of any board, group committee, or panel at which the appointment of staff is being considered or a meeting of a quasi-judicial nature;

4.2.2 Rule 14.1 shall not apply to meetings of the Planning Committee meaning that a debate can proceed without a motion being moved and seconded.

4.3 Rule 10 – questions by the public shall apply to the Scrutiny Committees and Local Plan Committee.

5. NOTICE OF AND SUMMONS TO MEETINGS

5.1 The Chief Executive or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least 5 clear days before a meeting, the Chief Executive or other authorised officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Clear days excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

6. CHAIRMAN OF MEETING

6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman. Where these rules apply to meetings of boards or committees, references to the Chairman also include the Chairmen of boards or committees.

7. QUORUM

7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. DURATION OF MEETING

- 8.1 All meetings of the Council will end after it has sat for three hours, except that an extension may be agreed by resolution to extend the meeting for no more than half an hour.

9. RECORDING MEETINGS

- 9.1 Members of the public and press may film, photograph or make sound recordings etc of proceedings at council meetings in accordance with the Openness of Local Government Bodies Regulations 2014 and the Council's adopted recording protocol.

10. QUESTIONS BY THE PUBLIC

- 10.1 **General.** Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.

- 10.2 **Order of Questions.** Where provision is made for questions by the public at a Council meeting, a maximum of thirty minutes will be allowed for the questions and answers. Questions will be asked in the order of which notice of them was received, except that the Chairman may group together similar questions. The Chairman will decide the time allocated to each question.

- 10.3 **Notice of Questions.** A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Commercial Services no later than midday three clear days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Cabinet to whom it is to be put.

- 10.4 **Number of Questions.** At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

- 10.5 **Scope of Questions.** The Head of Legal and Commercial Services may reject a question if it:

is not about a matter for which the local authority has a responsibility or which affects the district;

is defamatory, frivolous or offensive;

is substantially the same as a question which has been put at a meeting of the Council in the past six months;

requires the disclosure of confidential or exempt information;

relates to a planning application.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

- 10.6 Record of Questions.** The Head of Legal and Commercial Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Cabinet member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.
- 10.7 Asking the Question at the Meeting.** The Chairman will invite the questioner to put the question to the Cabinet member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.
- 10.8 Supplemental Question.** A questioner who has put a question in person may also put one brief supplementary question without notice to the Cabinet member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds in rule 10.5 above or if the question takes the form of a speech.
- 10.9 Written Answers.** Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet member to whom it was to be put, will be dealt with by a written answer.
- 10.10 Reference of Question to the Cabinet or a Committee.** Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that the matter raised by a question be referred to the Cabinet or the appropriate board or committee. Once seconded, such a motion will be voted on without discussion.

11. QUESTIONS BY MEMBERS

- 11.1 On Announcements or Reports of the Leader, the Cabinet, or the Chairman of a Board or Committee.** A member may ask the Leader or a member of the Cabinet, or the Chairman of a board or committee questions without notice about any matter contained in any address or report under paragraphs 2.1.4 and 2.1.9 when it is being considered. Questions from members and responses under this provision shall be limited to 5 minutes in total in relation to 2.1.4 and 2.1.9 respectively.
- 11.2 Questions on Notice at Full Council.** Subject to rule 11.3, a member may ask the Chairman, the Leader, any member of the Cabinet or the Chairman of any board or committee a question about any matter in relation to which the Council has powers or duties or which affects the district.

11.3 Notice of Questions. A member may only ask a question under Rule 11.2 if either:

- (a) notice has been given by delivering it in writing or electronic mail to the Head of Legal and Commercial Services by no later than midday three clear days before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the member to whom the question is to be put and the content of the question is given to the Head of Legal and Commercial Services by midday on the day of the meeting.

11.4 Response. An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) a written answer circulated to the questioner.

11.5 Supplementary Question. A member asking a question under Rule 11.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

11.6 Number of Questions. Questions are limited to one per member per meeting, plus one supplementary question.

11.7 Time for Questions. There will be a time-limit of thirty minutes on members' questions and answers with no extension of time. Questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question.

11.8 Format of Questions. Members must confine their contributions to questions and answers and not make statements or attempt to debate. The Chairman will decide whether a member is contravening this rule and stop the member concerned. The Chairman's ruling will be final.

12. MOTIONS - ON NOTICE

12.1 Notice. Except for motions which can be moved without notice under Rule 13 and motions to remove the Leader, written notice of every motion, signed by at least one member, must be delivered to the Head of Legal and Commercial Services not later than midday on the day seven clear days before the date of the meeting. These will be entered in a book open to inspection by the public.

- 12.2 Motions Set Out in the Agenda.** Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 12.3 Scope.** Motions must be about matters for which the Council has a responsibility or which affect the area. The Chairman may, on the advice of the Chief Executive, refuse a motion which is illegal, scurrilous, improper or out of order.
- 12.4** The Leader may be removed from office during his/her one year term of office by resolution of Council. Such a motion is required to be delivered to the Chief Executive 7 clear days before the meeting. The motion must be in writing, signed by 20% of the total number of councillors and propose a nomination for a new Leader.
- 12.5** In the event that the Leader is removed by a resolution of Council under the above paragraph, the new Leader may be appointed at the same or next available meeting of the Council.

13. MOTIONS AND AMENDMENTS - WITHOUT NOTICE

- 13.1** The following motions and amendments may be moved without notice:
- 13.1.1 to appoint a Chairman of the meeting at which the motion is moved;
 - 13.1.2 in relation to the accuracy of the Minutes;
 - 13.1.3 to change the order of business in the Agenda;
 - 13.1.4 to refer something to an appropriate body or individual;
 - 13.1.5 to appoint a Committee or member arising from an item on the summons for the meeting;
 - 13.1.6 to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
 - 13.1.7 to withdraw a motion;
 - 13.1.8 to amend a motion;
 - 13.1.9 to proceed to the next business;
 - 13.1.10 that the question be now put;
 - 13.1.11 to adjourn a debate;

13.1.12 to adjourn a meeting;

13.1.13 to extend the meeting under Rule 8:

13.1.14 to suspend a Procedure Rule to which Rule 23 applies;

13.1.15 to exclude the public in accordance with the Access to Information Procedure Rules;

13.1.16 not to hear a member further or to require a member to leave the meeting; and

13.1.17 to give the consent of the Council where its consent is required by this Constitution.

14. RULES OF DEBATE

14.1 No Speeches to be made until Motion Seconded. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to Require a Motion in Writing. Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

14.3 Secunder's Speech. When seconding a motion or amendment, a member may reserve his or her speech until later in the debate.

14.4 Content and Length of Speeches. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

14.5 When a Member May Speak Again. A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if his or her first speech was on an amendment moved by another member, to speak on the main issues (whether or not the amendment on which he or she spoke was carried);
- (d) to exercise a right of reply;
- (e) on a point of order; and

- (f) by way of personal explanation.

14.6 Amendments to Motions

14.6.1 An amendment must be relevant to the motion and may:

- (i) refer the motion to an appropriate body or individual for consideration or re-consideration;
- (ii) leave out words;
- (iii) leave out words and insert or add others;
- (iv) insert or add words;

as long as the effect is not to negate the motion.

14.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

14.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

14.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

14.6.5 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

14.7 Alteration of Motion

14.7.1 A member may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

14.7.2 A member may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

14.7.3 Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of Motion. A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's

consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of Reply

14.9.1 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

14.9.2 If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.

14.9.3 The mover of an amendment shall have no right of reply to the debate on the amendment.

14.10 Motions Which May be Moved During Debate

When a motion is under debate, no other motion may be moved except the following:

14.10.1 to withdraw the motion

14.10.2 to amend the motion;

14.10.3 to proceed to the next business;

14.10.4 that the question be now put;

14.10.5 to adjourn a debate;

14.10.6 to adjourn a meeting;

14.10.7 that the meeting continue for a further half hour;

14.10.8 to exclude the press and public; and

14.10.9 that a member be not further heard or to exclude the member from the meeting.

14.11 Closure Motions

14.11.1 A member may move without comment the following motions at the end of a speech of another member:

(i) to proceed to next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

14.11.2 If a motion to proceed to next business is seconded and the Chairman thinks the item under discussion has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

14.11.3 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed, he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

14.11.4 If a motion to adjourn the debate or adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of Order. A member may raise a point of order at any time and the Chairman will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which he or she considers it has been broken. The ruling of the Chairman on the matter will be final.

14.13 Personal Explanation. A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to Rescind a Previous Decision. A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of the members.

15.2 Motion Similar to one Previously Rejected. A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of the members of Council.

15.3 Once a motion or amendment to which this Rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

16. VOTING

16.1 Majority. Unless this Constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

16.2 Chairman's Casting Vote. If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

16.3 Show of Hands. Unless a recorded vote is demanded the Chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Recorded Vote. If a member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Recorded votes must be taken at a budget decision meeting of the Council where it:

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) issues a precept under Chapter 4 of Part 1 of that Act.

16.6 Right to Require Individual Vote to be Recorded. Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.7 Voting on Appointments. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17. MINUTES

17.1 Signing the Minutes. The Chairman will sign the minutes at the next available meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting. Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of schedule 12 relating to the signing of minutes.

18. PETITIONS

18.1 The Council has formally adopted a petition scheme.

18.2 The scheme sets out the process, the signature threshold for receipt of ordinary petitions, a petition to hold an officer to account and a petition for debate. It also sets out how the petition will be dealt with at the Scrutiny Committees or Council.

18.3 A copy of the petition scheme is available from the Head of Legal and Commercial Services / Monitoring Officer. It is also available on the Council's website which is www.nwleics.gov.uk

19. DEPUTATIONS

19.1 Deputations may be received at any meeting of the Council following three clear days' written notice to the Head of Legal and Commercial Services. They must be about matters for which the Council has a responsibility or which affect the area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The Chairman may, on the advice of the Chief Executive, refuse a deputation which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.

19.2 A person wishing to make a deputation must give written notice to the Head of Legal and Commercial Services no later than midday three clear days before the day of the meeting.

19.3 A maximum of two deputations only will be permitted at any meeting and they will be selected in the order notice is received. Only one deputation will be permitted if the Head of Legal and Commercial Services receives notice of a petition under Rule 18.

19.4 A deputation may consist of up to five people, of whom no more than two may speak, except to answer members' questions.

19.5 The deputation may address the meeting for no more than five minutes and members may then question the deputation for a further five minutes.

- 19.6** The relevant portfolio holder or board or committee Chairman may, if he or she chooses, then address the meeting for up to five minutes.
- 19.7** There shall be no vote taken on any deputation. A member may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant board or committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the petition will be referred to the relevant Director, Head of Service or Team Manager who will respond to the petition in writing within 28 days.

20. EXCLUSION OF THE PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 22 (disturbance by the public).

21. MEMBERS' CONDUCT

- 21.1** When the Chairman stands during a debate any member(s) then standing must sit down and the Council must be silent.
- 21.2** If a member is guilty of misconduct by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.
- 21.3** If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.4** If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he or she thinks necessary.

22. DISTURBANCE BY PUBLIC

- 22.1** If a member of the public interrupts proceedings, the Chairman will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2** If there is a general disturbance in any part of the meeting room open to the public the Chairman shall order that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

23.1.1 Any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.

23.1.2 Such a motion cannot be moved without notice unless at least one half of the whole number of members of the Council are present.

23.1.3 This Rule applies to the following Rules:

Rules 8, 10 to 15, 18 and 19.

24. INTERPRETATION

24.1 The ruling of the Chairman as to the construction or application of these standing orders, or as to any proceedings of the Council, shall be final.

24.2 “**Clear days**”. Saturdays, Sundays, Bank holidays, the day stated as the deadline for receipt and the day of the meeting shall be excluded from the calculation of the clear days.

For example, questions from the public to members are required to be submitted by midday three clear days before the meeting. If the meeting is held on Tuesday, the question would need to be submitted by noon on the Wednesday before.

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Meeting and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (“The Regulations”) changes have been made to the way in which local authority meetings can be held. This is to ensure decisions continue to be made in line with government guidance and legislative changes in light of the coronavirus pandemic.

The Regulations have been passed pursuant to s78 of the Coronavirus Act 2020. Under the Regulations local authority meetings (including planning committee meetings and licensing committee) may now be conducted remotely. This option was not previously possible under the Local Government Act 1972, Schedule 12, paragraphs 5-6 which required Councillors to be “present”.

The Regulations only apply to those meetings held by the local authority on or before 7 May 2021 and come into effect on 4 April 2020.

Standing Order (Temporary) Part 4 (A)

REMOTE MEETINGS PROCEDURE RULES

These standing orders provide the rules for the conduct of any meeting which the Council has determined will be suitable for remote conferencing of the Council and its various Committees and Sub-Committees pursuant to The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020.

Members may be able to participate by means of conferencing if so agreed by the Chair of the Meeting in accordance with arrangements agreed from time to time by the Council. Attendance by conferencing will be with the agreement of the Chair and process for arranging attendance as set out in these Procedure Rules must be complied with.

1. How will notice of Meetings be provided?

1.1 The Proper Officer will give notice to the public of the time of the meeting and shall provide details of how the meeting shall be open to the public which shall be through remote means including (but not limited to) video conferencing and live interactive streaming.

1.2 Members will be notified of a remote meeting by email and all agenda papers will be available on the Council’s website and via its meeting management software or other electronic means as appropriate. Hard copies of agendas will be sent to those Members who sit on the Committee.

2. Application of the Meetings Procedure Rules

2.1 These Procedure Rules should be read in conjunction with Council Procedure Rules which details the rules of debate and apply to all meetings of the Council except as varied by

3. Quorum

- 3.1. Any Member of the Committee in attendance remotely shall be regarded as present for the purposes of determining a quorum. -
- 3.2. In the event of any failure of the video conferencing link the Chair will immediately determine if the meeting is still quorate, if it is then the business of the meeting will continue, if there is no quorum then the meeting will only in such circumstances, adjourn for a period specified by the Chair to allow the connection to be re-established.

4. Notice of Remote Link

- 4.1 Any Member wishing to participate by remote means in any meeting of the Council, or of a Committee or Sub-Committee, must confirm their attendance by such means in writing to Democratic Services at least 48 hours in advance of the start of the meeting.
- 4.2. The remote means must be established and tested before the commencement of the meeting.

5. Types of Remote Link

- 5.1 Members should try to establish video conferencing capability however by exception, they may attend by audio only.

6. Record of Attendance

- 6.1 The Chair will confirm at the outset and at any reconvening of the meeting that they can see and hear all participating Members. Any Member participating by remote link must also confirm at the outset and at any reconvening of the meeting that he/she can see and hear the proceedings and the other attendees.
- 6.2 Democratic Services will record attendance on behalf of Members.

7. Declaration of Interests

- 7.1 Any Member participating by remote link who declares an interest in any item of business in terms which requires them to leave the room must also leave the remote conference. The departure will be confirmed by Democratic Services. This member of staff will thereafter confirm to the remote Member when they may re-join the meeting.

8. Disruption to remote conferencing

- 8.1 Should any aspect of the conference link fail, the Chair may call a short adjournment of up to five minutes to determine whether the link can quickly be re-established. Efforts should continue to re-establish the link but the meeting shall continue to deal with the business whilst this happens providing the meeting remains quorate.

8.2 In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will be deemed to have returned at the point of re-establishment.

9. Notification of Right to Speak

9.1 The Chair shall determine at the commencement of the meeting how Members should notify them that they wish to speak considering whether video or audio conferencing is being used.

9.2 Officers of the Council should notify the Chair when they wish to speak in the same way as Members.

10. Voting

10.1 A remote Member participating in a vote will cast his/her vote as if participating in a recorded vote. Democratic Services will confirm the vote (for, against, abstentions and whether the motion has been carried or lost) to the Chair.

11. Exclusion of Public

11.1 If a remote Member wishes to participate (as a member of the Committee/Board or as an observer) in discussion of a confidential/exempt item they must verify that the venue is secure, that no member of the public has access and that no recording of the proceedings is being made, by any person. The members of staff present will ensure that no recording is taking place.

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SECTION 7 - SCHEME OF DELEGATION TO STAFF - COUNCIL AND EXECUTIVE FUNCTIONS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1 Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2 Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.3 An officer may always refer a delegated matter to the Cabinet or the Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself.
- 2.4 When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5 Before taking a decision under delegated powers, an officer shall notify the relevant portfolio holder of any action which is likely to be contentious or politically sensitive.
- 2.6 The Chief Executive, Strategic Director of Housing & Customer Services and Strategic Director of Place shall keep portfolio holders informed of the work of their service area.
- 2.7 When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8 When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9 The Chief Executive may authorise one officer to exercise the delegated powers of another officer in the absence of the latter except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.10 This scheme does not delegate to an officer any matter which:

- 2.10.1 has been reserved to the full Council
- 2.10.2 has been reserved to any board or committee
- 2.10.3 has been reserved to the Cabinet
- 2.10.4 may not by law be delegated to an officer.

3. GENERAL FUNCTIONS TO BE DISCHARGED BY THE CHIEF EXECUTIVE AND DIRECTORS

- 3.1 To take such action as may in his or her opinion be necessary or appropriate in connection with:
 - 3.1.1 all operational management matters for these functions and service areas for which he or she has responsibility under this Constitution and the enforcement of all legislation relating to his/her functions and service areas;
 - 3.1.2 persons and/or property for which he or she and his or her service has responsibility;
 - 3.1.3 the implementation of decisions properly authorised by the Council or a board or committee of the Council, the Cabinet or an individual member of the Cabinet or by an officer acting under delegated powers;
 - 3.1.4 the performance of any action for which he or she is specified as responsible in any policy, procedure or other document approved or adopted by the Council or a board or committee of the Council, the Cabinet or an individual member of the Cabinet or by an officer acting under delegated powers.
 - 3.1.5 The response to consultation documents following consultation with the relevant portfolio holder(s).
- 3.2 To serve a requisition for information about an interest in land using powers relevant to the operation of the service area.
- 3.3 To authorise officers to conduct directed surveillance or the use of covert human intelligence sources and the accessing of communications data in accordance with the Regulation of Investigatory Powers Act 2000. (Such authorisation to be presented to the Magistrates Court for approval). The use of juveniles and vulnerable individuals as covert human intelligence sources shall only be authorised by the Chief Executive.
- 3.4 To award contracts within budget up to the value set out in the table in paragraph 5.10 of the Contract Procedure Rules (and such authority is delegated to subordinate officers based on their level of financial authorisation)

as set out in paragraph 5.9 of the Contract Procedure Rules) unless the contract is in respect of a matter that has been previously approved by Cabinet in which case the Directors may award contracts of a higher value than set out in the table in paragraph 5.10 of the Contract Procedure Rules subject to it being within the approved budget for that scheme (see paragraph 4, Budget and Policy Framework Procedure Rules for Urgent Decisions outside the Council's Budget and Policy Framework).

- 3.5** To sign contracts of a value below £25,000 or some other officer authorised by him or her to do so.
- 3.6** To approve jointly with the Section 151 Officer acquisitions of land in respect of their service area up to a capital value of £100,000 per site in consultation with the relevant Portfolio Holder.
- 3.7** To approve jointly with the Section 151 Officer disposals of land in respect of their service area up to a capital value of £30,000 per site in consultation with the relevant Portfolio Holder.

4. CHIEF EXECUTIVE

4.1 Head of Paid Service

4.1.1 To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:

- a) to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
- b) to give professional advice to all parties in the decision making process (the Cabinet, Scrutiny Bodies, the Council, Boards and Committees);
- c) to ensure that the Authority has a system of record keeping for all key and executive decisions (a key decision is defined at page 26);
- d) to ensure that the Authority achieves and delivers its objectives; and
- e) to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).

4.1.2 To co-ordinate, direct and monitor the Authority's initiatives to achieve Best Value in the delivery of its functions.

4.1.3 To be responsible for performance review issues.

- 4.1.4** After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.1.5** To suspend the Strategic Director of Place, Strategic Director of Housing & Customer Services and Heads of Service where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct; the members of the Cabinet to be notified as soon as possible after the action is taken in accordance with the Employment Procedure Rules contained in the Constitution.
- 4.1.6** To make interim appointments to fill vacancies, and to make interim designations as Chief Finance Officer and Monitoring Officer where a vacancy arises in such position, the term of each such appointment or designation not to extend beyond 18 months without the confirmation of the Appointments Panel.
- 4.1.7** All activities in connection with the Council's Human Resources function including:
- (a) To determine all staffing matters in accordance with the Officer Employment Procedure Rules. This includes determining matters relating to structure (additions, reductions and other changes to the establishment) as she considers appropriate following consultation with the Leader and Deputy Leader.
 - (b) The appointment, dismissal or discipline of staff, except in relation to those posts listed in paragraph 1.2 of the said Rules.
 - (c) Where the decision of the Head of Paid Service taken under (a) above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
 - (d) The Head of Paid Service may delegate the discharge of this function to another officer.
- 4.1.8** To make agreements with other local authorities and external agencies in compliance with the Council's CPRs for the placing of staff and joint working arrangements (including committing expenditure within authorised budgets).
- 4.1.9** To authorise the use of juveniles and vulnerable adults as covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

4.2 Elections

4.2.1 To act as Returning Officer, Local, Acting or Deputy Returning Officer in:

- a) Local Elections
- b) Parliamentary Elections
- c) European Elections
- d) Police and Crime Commissioners' Elections
- e) Referenda

4.2.2 To undertake the duties of Electoral Registration Officer.

4.3 Corporate Leadership

4.3.1 To lead the Corporate Leadership Team.

4.3.2 After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.

4.3.3 To consider and co-ordinate any investigation by the Local Government Ombudsman.

4.3.4 To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.

4.3.5 To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area.

4.4 Civic Functions

4.4.1 All activities in connection with the Council's civic/ceremonial function.

4.5 Service Functions

4.5.1 Key strategic partnerships including LLEP

4.5.2 Performance management

4.5.3 Project management

4.5.4 Local strategic partnerships/LEPs.

4.5.5 Health and safety (internal).

4.5.6 Risk management.

- 4.5.7 Communications and consultations.
- 4.5.8 Media management, public relations and marketing.
- 4.5.9 Corporate overview on diversity issues.
- 4.5.10 Information management including Data Protection and Freedom of Information.
- 4.5.11 Elections and electoral registration.
- 4.5.12 National Land and Property Gazetteer.
- 4.5.13 Legal services (without prejudice to the statutory role and function of the Monitoring Officer)
- 4.5.14 Members' services and members' development (xv) Strategic asset management including land sales.
- 4.5.15 Administration of meetings of the Council, Boards, Committees a Sub-committees and typing and clerical services.
- 4.5.16 Internal Audit.
- 4.5.27 Human Resources.
- 4.5.18 Emergency Planning.
- 4.5.19 Street naming and numbering and replacement of street nameplates.
- 4.5.20 Corporate complaints procedure.

5. STRATEGIC DIRECTOR OF PLACE

- 5.1 The officer is authorised by the Council to discharge the following functions and determine directly or in consultation with the Chief Executive all matters except those reserved by or referred to Council, the Cabinet or Committees.
- 5.2 **Service Functions**
 - 5.2.1 All activities in relation to the discharge of the Council's function as Local Planning Authority, including planning policy, development control, land reclamation and drainage.
 - 5.2.2 All activities in relation to the discharge of the Council's functions as the Local Building Regulation Authority and "Building Control Body" (excluding street naming and numbering and replacement of street nameplates).

- 5.2.3** All functions in relation to waste, recycling and street cleansing and street scene.
- 5.2.4** Economic development and regeneration.
- 5.2.5** Engineering design.
- 5.2.6** Enforcement of byelaws and orders of the Council including car parking.
- 5.2.7** Cemeteries, burials and closed church yards.
- 5.2.8** Public conveniences.
- 5.2.9** Town centre management including markets/fairs (including farmers' markets).
- 5.2.10** Fleet management.
- 5.2.11** Green space including allotments.
- 5.2.12** Sanitation including cesspools, septic tanks, etc.
- 5.2.13** Land charges.
- 5.2.14** Awarding schedule of rates contracts.
- 5.2.15** Social inclusion.
- 5.2.16** Community safety and CCTV.
- 5.2.17** Community health, development and social regeneration.
- 5.2.18** Leisure facilities - management and operation including sports and recreation facilities.
- 5.2.19** Cultural services.
- 5.2.20** Arts, entertainment, heritage and tourism and tourist information.
- 5.2.21** Sports and leisure development.
- 5.2.22** Gypsies and travellers.
- 5.2.23** Community enterprise.
- 5.2.24** External resources, grants and bids support.

5.2.25 Private sector housing (including affordable housing).

SPECIFIC FUNCTIONS

5.3 Council Functions

5.3.1 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning town and country planning and development control set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

- (a) to agree non-material variations to conditions of permissions and consents where no objections have been received and no demonstrable harm would be caused to an interest of acknowledged importance;
- (b) to decide details submitted in compliance with conditions on planning permissions;
- (c) to negotiate obligations under Section 106 of the Town and Country Planning Act 1990, including any obligations that may be required in connection with any appeal proceedings;
- (d) to serve building preservation notices or listed building notices in an emergency.

5.3.2 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning the protection and treatment of hedgerows and the preservation of trees set out in Regulation 2 and Schedule 1 of the Regulations and in particular:

- (a) to give permission to cut down or lop trees protected by a tree preservation order or by virtue of their location in a conservation area;
- (b) to determine complaints received under the provisions of the High Hedges Regulations 2005 and specify remedial action to resolve the complaint in accordance with the national guidance and initiate enforcement action as necessary.

5.3.3 Subject to those matters reserved for decision by the Planning Committee, to exercise all those functions for which the Council is responsible concerning public rights of way set out in Regulation 2 and Schedule 1 of the Regulations.

5.3.4 To exercise all those functions for which the Council is responsible concerning health and safety at work (other than in the Authority's capacity as an employer) set out in Regulation 2 and Schedule 1 of the Regulations.

5.3.5 To exercise all those functions for which the Council is responsible concerning pavement licences under the Business and Planning Act 2020 ("the 2020 Act") whilst or for as long as the 2020 Act remains in force.

5.4 Executive Functions

5.4.1 To make or revoke a direction under Article 4 of the General Development Order 1995.

5.4.2 To recommend to Cabinet the designation or extension of an area as a conservation area.

5.4.3 To exercise any function related to contaminated land.

5.4.4 To inspect for a statutory nuisance and to investigate any complaint about the existence of a statutory nuisance.

5.4.5 To serve an abatement notice for a statutory nuisance.

5.4.6 To administer the Building Regulations.

5.4.7 All activities relating to the discharge of the function as a Licensing Authority under all relevant legislation.

5.4.8 Subject to those matters reserved for decision by the Licensing Committee, the Licensing Sub-committee and the Taxi and Private Hire Sub-committee, to exercise all those functions for which the Council is responsible concerning licensing and registration and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations including the determination of applications for licences, permits and registrations.

5.4.9 All activities in relation to the discharge of the environmental health function of the Council, including environmental protection/enforcement, occupational health and safety, food safety, animal welfare, environmental strategy, pest control and the appointment of Port Medical Officer(s) and/or Consultants for Communicable Disease Control.

5.4.10 To issue a closing order on a takeaway food shop.

6. STRATEGIC DIRECTOR OF HOUSING & CUSTOMER SERVICES

6.1 Housing

The officer is authorised by the Council to discharge all activities in relation to the discharge of the Council's function as Local Housing Authority either directly or in consultation with the Chief Executive all matters except those reserved by or referred to Council, the Cabinet or Committees.

6.1.1 To operate the housing allocations scheme, allocate properties and make nominations to registered social landlords or other approved providers.

6.1.2 To determine whether people are homeless and whether they are in priority need.

6.1.3 To allocate temporary accommodation.

6.1.4 To collect rent, arrears of rent, charges and sundry debts.

6.1.5 In addition to the Head of Legal and Commercial Services, to institute, defend or participate in any legal proceedings in the county court insofar as they relate to:

(a) former tenant rent arrears, and

(b) rent possession hearings,

(c) and in conjunction with this to designate nominated officers to carry out this function on his or her behalf, including the signing of any related document necessary to any legal procedure or proceedings.

6.1.6 To represent the Authority and appear as an advocate on the Authority's behalf in any related legal proceedings.

6.1.7 To serve notice of seeking possession, notice to quit and applying for possession orders.

6.1.8 To determine applications by tenants to alter their homes.

6.1.9 To reimburse tenants for tenants' improvements.

6.1.10 To transfer tenancies into joint names and vice-versa.

6.1.11 To agree mutual exchange.

6.1.12 To take immediate action to secure the removal of trespassers from housing land and property.

6.1.13 To determine the eligibility of applicants to right to buy.

6.1.14 To determine the future use of properties, including the redesignation, disposal or demolition of properties and to take such properties out of debit, after consulting with tenants and Ward Members, and in consultation with the Portfolio Holder.

6.1.15 To sign a Closure Notice issued under the Anti-Social Behaviour Crime and Policing Act 2014.

6.2 Property Services

The officer is authorised by the Council to discharge all activities in relation to the management and maintenance of all of the Council's non-housing property, assets and facilities including:

6.2.1 To administer all aspects of housing benefit and Council Tax benefit.

6.2.2 To discharge the Authority's responsibilities for billing, collection and enforcement of Council Tax, non-domestic rates and all valuation matters.

6.2.3 To deal with demands and notices, liabilities, reliefs and exemptions, and for non-domestic rates to recommend to the Cabinet guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief and administer the scheme in accordance with the approved guidelines.

6.2.4 In addition to the Head of Legal and Commercial Services to represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings involving the executive functions referred to paragraph 5.4.1 and 5.4.2 above.

6.2.5 To grant and determine temporary lettings and licences of Council owned land and buildings.

6.2.6 To enter into deeds of dedication on such terms as the Director sees fit.

6.2.7 To agree perpetual and fixed term easements and wayleaves on such terms as the Director sees fit.

6.2.8 To determine rent reviews and to instigate and participate in arbitrations.

6.2.9 To agree terms for the surrender of leases.

- 6.2.10** To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.2.11** To agree terms for waiving covenants, whether freehold or leasehold.
- 6.2.12** To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.2.13** To make and settle claims for dilapidation.
- 6.2.14** To appropriate land belonging to the Authority at proper value.
- 6.2.15** To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £40,000.
- 6.2.16** To dispose of freehold land where the market value does not exceed £30,000.
- 6.2.17** Following consultation with Asset Management Group, to approve the Asset Management Policy.
- 6.2.18** Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the appropriate Cabinet member and the Corporate Scrutiny Committee).
- 6.2.19** To determine applications for discretionary non-domestic rural rate relief following consultation with the ward member(s) for the settlement concerned and the portfolio holder.

6.3 Customer Services

The officer is authorised by the Council to discharge all activities in relation effectively acknowledging and responding to enquiries made by citizens, including:

- 6.3.1** Development and maintenance of the Council's ICT infrastructure.
- 6.3.2** the Council's customer services structure.

6.4 Finance

- 6.4.1** Accountancy services.
- 6.4.2** Finance, financial planning and procurement.
- 6.4.3** Revenues and benefits.

7. AND ARISING FROM HIS/HER RESPECTIVE FUNCTIONS THE CHIEF EXECUTIVE AND DIRECTORS ARE AUTHORISED:

- 7.1** To manage, direct and control all resources allocated to the Directorate in accordance with the Council's policies and procedures.
- 7.2** To co-ordinate and monitor work through approved plans and policies, ensuring compliance with targets and performance to the relevant Board or committee.
- 7.3** To determine the level of charges for Council services in order to maximise income and in accordance with agreed charging policies.
- 7.4** To ensure compliance with and discharge of all relevant legislation, Acts of Parliament orders, regulations and directives and the Council's policies and procedures (including all enforcement matters).
- 7.5** To provide and submit a bid for resources in accordance with the approved budget process.
- 7.6** To support members in their monitoring and community governance roles.
- 7.7** To recommend to the Head of Legal and Commercial Services the prosecution or instigation of any legal proceedings on behalf of the Council.
- 7.8** To issue licences and registrations relating to any of the approved functions.
- 7.9** To support the Cabinet in the development of the Council's policy framework.
- 7.10** In the absence of the Chief Executive and in accordance with the agreed rota, to undertake on his/her behalf such actions as are required to enable the Council to fulfil its functions.

8. HEAD OF LEGAL AND COMMERCIAL SERVICES

8.1 Monitoring Officer

- 8.1.1** To exercise the functions of the Authority's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 8.1.2** Whilst changes to the Constitution may only be made by resolution of the full Council after consideration of the proposal by the Monitoring Officer (unless they are changes to "executive arrangements" which may be made at the discretion of the Leader), the Monitoring Officer is given delegated authority to make changes to the Constitution to reflect changes of fact and law, and to implement decisions of the Council and of the Cabinet.

8.2 Legal Proceedings

8.2.1 Acting on the recommendations of the Chief Executive or the Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.

8.2.2 To negotiate and settle claims and disputes without recourse to court proceeding including the use of alternative dispute resolution.

8.2.3 To represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings.

8.2.4 To apply for an anti-social behaviour order.

8.3 Urgent Action

8.3.1 In any circumstances where urgent action is required, acting on the recommendation of the Chief Executive or the Director (who has been given authority to act on a particular service function in accordance with the Scheme of Delegation) or where it is necessary to give effect to a decision of the Council, or where otherwise duly authorised, to institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council and to take immediate legal action to enforce rights or obligations when he or she considers it to be in the interests of the Authority to do so.

8.4 Authority to Sign Documents in Legal Proceedings

8.4.1 To sign the following on behalf of the Council:

- (a) Any document necessary in legal proceedings on behalf of the Council and
- (b) Informations and complaints, and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless Statute provides otherwise.

8.5 Authority to Sign Contracts and Other Documents

8.5.1 To sign any contract and other documents whether under seal or not.

8.6 Arbitration

8.6.1 Acting on the recommendation of the Chief Executive or the Directors, to refer contractual disputes to arbitration and to give agreement as to the appointment of such arbitrator.

8.7 Compensation

8.7.1 After consultation with the Chairman of the Audit and Governance Committee, to make compensation payments of up to £500 to victims of maladministration.

8.8 Counsel

8.8.1 To instruct Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Authority.

8.9 Proper Officers

8.9.1 To designate “Proper Officers” for the purpose of particular statutory functions and to make any changes needed to the table at Section 8 in Part 3 of the Constitution.

9. SPECIFIC DELEGATION TO OFFICERS IN CONSULTATION WITH OTHERS

9.1 Chief Executive

9.1.1 Consideration of pastoral measures and to respond after consultation with ward members.

9.1.2 In consultation with the Strategic Director of Place, to negotiate and conclude agreements under Section 106 of the Town and Country Planning Act 1990 along lines previously approved by Planning Committee.

9.1.3 Subject to consultation with the Highway Authority and the police and ward members, to make orders under Section 21 of the Town Police Clauses Act 1847 relating to the temporary closures of streets and temporary direction of traffic.

9.1.4 Subject to consultation with ward members and the Strategic Director of Place, to make public path orders under the Town and County Planning Act 1990 and to confirm unopposed orders.

- 9.1.5 Subject to consultation with ward members and the Strategic Director of Place, to make public path orders under the Highways Act 1980 and to confirm unopposed orders.
- 9.1.6 In consultation with the Chairman of the Cabinet, ward members, the Strategic Director of Place, Ashby Town Council and the Highways Authority, to agree the grant of a licence, its terms and conditions for the operation of the annual Statutes Fair at Ashby de la Zouch.
- 9.1.7 Subject to consultation with ward members and the Strategic Director of Place, to respond to consultations made by Leicestershire County Council with regard to proposed public footpath orders where the orders are unopposed.
- 9.1.8 To determine applications for bonfires on Council land subject to consultation with ward members, the Strategic Director of Place as appropriate and Fire Officer.
- 9.1.9 Subject to consultation with the relevant Director, relevant Heads of Service and ward members, to approve and issue licences for the temporary use of Council owned land.
- 9.1.10 Following consultation with the relevant Director, to reject applications to purchase Council owned land.
- 9.1.11 The approval of lease cars to employees.

9.2 Strategic Director of Place

- 9.2.1 To lodge objections with traffic commissioners against applications for haulage licences subject to consultation with ward members and to report to next Planning Committee (in connection with those objections lodged by the Local Planning Authority).
- 9.2.2 In consultation with ward members, to make responses to Leicestershire County Council and the Highways Agency on traffic proposals.

10. DESIGNATED AUTHORISED OFFICERS

10.1 Signatories to Financial Documents

Chief Executive
Head of Finance
Head of Legal and Commercial Services
Finance Team Manager
Strategic Finance Manager
Exchequer Services Team Leader

11. JOINT ARRANGEMENTS

- 11.1** The Council has entered a joint arrangement with neighbouring District Councils and the County Council for the enforcement of decriminalised parking.
- 11.2** The Council has entered a joint arrangement with neighbouring Councils for the administration of Revenues and Benefits.
- 11.3** The Council has entered a joint arrangement with the local authorities in Leicester, Leicestershire and Rutland for the establishment of a Police and Crime Panel.
- 11.4** The Council has entered a joint arrangement with neighbouring District Councils under which Blaby District Council discharges the Council's functions in relation to Disabled Facilities Grants

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	SEEKING APPROVAL TO REMOVE NWLDC BYELAWS FROM PARCELS OF LAND OWNED BY WHITWICK PARISH COUNCIL	
Presented by	Councillor Andrew Woodman Community Services Portfolio Holder	
Background Papers	None	Public Report: Yes
Financial Implications	None	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	Failure to remove NWLDC byelaws from parcels of land owned by Whitwick Parish Council means that the parish council cannot implement their own byelaws or enforce the existing ones	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek approval from council that NWLDC byelaws be removed from parcels of land owned by Whitwick Parish Council so the parish council can implement and enforce their own byelaws	
Recommendations	THAT COUNCIL: <ol style="list-style-type: none"> 1. APPROVE THE REMOVAL OF NWLDC BYELAWS FROM WHITWICK PARISH COUNCIL OWNED LAND 2. DELEGATES AUTHORITY TO THE HEAD OF COMMUNITY SERVICES IN LIAISON WITH THE PORTFOLIO HOLDER FOR COMMUNITY SERVICES TO RESPOND TO AND ADDRESS ANY POINTS RAISED THROUGH THE CONSULTATION PROCESS 	

1.0 BACKGROUND

- 1.1 Byelaws are local laws made by a local council which give the power to enforce the prohibition of such things as damage to wildlife, camping, the lighting of fires, ball games, the flying of model aircraft, and the use of motor vehicles, amongst many other

things. These byelaws operate in conjunction with Public Space Protection Orders which manage issues around dog fouling and littering, for example.

- 1.2 In North West Leicestershire, there are byelaws on the majority of parks and open spaces owned or managed by NWLDC. This includes land owned by Whitwick and Hugglescote and Donington le Heath Parish Councils.
- 1.3 As part of the formation of Whitwick and Hugglescote and Donington le Heath Parish Councils in 2011, the ownership of all parks, open spaces, and other parcels of land that were within the parish boundaries were transferred to the relevant parish council.
- 1.4 Despite owning the land, these areas continued to be managed and maintained by NWLDC as part of the Creation Orders, including the enforcement of byelaws. These costs were recovered as a special expense.
- 1.5 In 2014 Whitwick Parish Council (WPC) exercised a clause within the Creation Order that allowed them to take full responsibility for the management and maintenance of the open spaces. At this point the recovery of grounds maintenance costs as a special expense ceased and a formal Grounds Maintenance Agreement was established between the parish council and NWLDC for which WPC paid in order to ensure continued maintenance of the areas. As part of the agreement, NWLDC were still able to enforce byelaws over the majority of the land on behalf of WPC as they were still maintaining it.
- 1.6 In 2018 WPC ceased using NWLDC as their grounds maintenance contractor and utilised an alternative provider instead. Consequently, WPC were then unable to enforce byelaws on their land.
- 1.7 WPC have requested that all parcels of land they own have NWLDC byelaws removed so they can reinstate and enforce their own byelaws. These areas include
 - Ashford Road Public Open Space, Whitwick
 - Briers Way Public Open Space(s), Whitwick
 - Cademan Street/Loughborough Road Public Open Space, Whitwick
 - Cademan Woods/Swannymote Road Public Open Space, Whitwick
 - Car Hill Rock Public Open Space, Whitwick
 - City of Dan Public Open Space, Whitwick
 - Elsdon Road Public Open Space
 - Hermitage Road/Green Lane Play Area and Public Open Space, Whitwick
 - Hilary Crescent Play Area and Public Open Space, Whitwick
 - Holly Hayes Road Play Area and Public Open Space, Whitwick
 - Howe Road Public Open Space, Whitwick
 - North Street Public Open Space(s), Whitwick
 - Parsonwood Hill Recreation Ground, Whitwick
 - Robinson Road Play Area and Public Open Space, Whitwick
 - Stinson Way Public Open Space(s), Whitwick
 - The Elms Public Open Space, Whitwick
 - Thomas Road Public Open Space, Whitwick
 - Thornborough Road Open Space, Whitwick
 - Walkers Flats Allotment Gardens and Public Open Space, George Street, Whitwick
 - Whitwick Park, North Street, Whitwick
- 1.8 As the district council still maintain land in the parish of Hugglescote and Donington le Heath, the ability for NWLDC to enforce byelaws remains. The Parish Council are

happy for this arrangement to continue and have no desire to at this moment in time to enforce byelaws themselves.

2.0 PROCESS AND TIMELINES

2.1 In order to facilitate the removal of NWLDC byelaws from WPC land, all NWLDC byelaws across all parcels of land in the district need to be revoked. A request needs to be made to the Secretary of State, along with a request to then reinstate existing byelaws on NWLDC owned and/or managed land.

2.2 As part of the process, a consultation period of 1 month needs to take place which is delivered through the advertising of the intention to revoke and then reinstate byelaws. Any feedback received through the consultation needs to be considered as part of the process.

2.3 The proposed timeline for the revocation and reinstatement of byelaws is;

October 2020	Application to revoke and then reinstate the byelaws submitted to the Secretary of State
October/November 2020	Consultation of 1 month undertaken
November/December 2020	Consultation feedback considered and the Secretary of State notified of any changes to proposals
January 2021	Byelaws reinstated on NWLDC owned/managed land

2.4 All necessary work will be undertaken by Legal Services with direction and support from Leisure Services.

2.5 If any consultation feedback is received, it is proposed that delegated authority be given to the Head of Community Services, in liaison with the Community Services Portfolio Holder, to consider this and make any necessary amendments to the proposals submitted to the Secretary of State.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications. The cost of advertising the consultation is negligible and will be covered through revenue budgets.

4.0 RISKS

4.1 If NWLDC byelaws are not revoked on WPC land then WPC will have no way of either implementing their own byelaws or enforcing the existing ones.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Developing a clean and green district - Our communities are safe, healthy and connected
Policy Considerations:	None

Safeguarding:	None
Equalities/Diversity:	Allowing parish councils the opportunity to manage their land to meet the needs of their residents and communities
Customer Impact:	Failure to be able to enforce byelaws could create ASB issues for residents who access parks and open spaces in Whitwick that the parish council may not then have the necessary enforcement powers to be able to manage effectively
Economic and Social Impact:	Allowing residents to access safe and well managed parks and open spaces in Whitwick
Environment and Climate Change:	None
Consultation/Community Engagement:	This is a request from Whitwick Parish Council. Formal consultation has to be undertaken as part of the process
Risks:	There will be an inability to enforce byelaws on open spaces in Whitwick Parish if NWLDC byelaws are not revoked
Officer Contact	Jason Knight Leisure Services Team Manager jason.knight@nwleicestershire.gov.uk

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	ALLOCATION OF SEATS ON COMMITTEES (POLITICAL BALANCE)	
Presented by	Councillor Robert Ashman, Deputy Leader	
Background Papers	Local Government and Housing Act 1989, Section 15.	Public Report: Yes
Financial Implications	These are no financial implications.	
	Signed off by the Deputy Section 151 Officer: Yes	
Legal Implications	Failure to review the proportionality and appoint to the Council's Committees accordingly will see the Council failing in its duties set out in the Local Government and Housing Act.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are none.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To agree any changes to proportionality following the recent change of political affiliation of a district councillor.	
Recommendations	<p>THAT</p> <p>(1) THE CHANGES TO THE POLITICAL PROPORTIONALITY OF THE COUNCIL BE NOTED;</p> <p>(2) COUNCILLOR E ALLMAN RETAIN HIS SEATS ON THE LICENSING COMMITTEE AND THE CORPORATE SCRUTINY COMMITTEE AS A CONSERVATIVE MEMBER;</p> <p>(3) COUNCILLOR S GILLARD TO BE APPOINTED AS AN ADDITIONAL SUBSTITUTE MEMBER OF THE CORPORATE SCRUTINY COMMITTEE AS THE CONSERVATIVE GROUP IS ENTITLED TO ONE MORE SEAT;</p> <p>(4) COUNCILLOR C BENFIELD BE REMOVED AS A SUBSTITUTE MEMBER OF THE CORPORATE SCRUTINY COMMITTEE AS THE INDEPENDENT GROUP IS NO LONGER ENTITLED TO A SEAT;</p> <p>(5) COUNCILLOR R CANNY BE REMOVED AS A SUBSTITUTE MEMBER OF THE LICENSING COMMITTEE AS THE INDEPENDENT GROUP IS ENTITLED TO ONE LESS SEAT;</p> <p>(6) COUNCILLOR T SAFFELL BE APPOINTED AS</p>	

	<p style="text-align: center;">REPLACEMENT INDEPENDENT GROUP SUBSTITUTE MEMBER ON THE PLANNING COMMITTEE AND COMMUNITY SCRUTINY COMMITTEE;</p> <p>(7) COUNCILLOR C BENFIELD BE APPOINTED AS REPLACEMENT INDEPENDENT GROUP SUBSTITUTE MEMBER ON THE INVESTIGATORY COMMITTEE;</p> <p>(8) THE ABOVE CHANGES TAKE IMMEDIATE EFFECT.</p>
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1.0 BACKGROUND

- 1.1 On 21 August 2020, the Council was advised that Councillor Elliott Allman had joined the Conservative Group from being an Independent Member.
- 1.2 Members may recall that for the purposes of decision-making, the independents and the Green Party member have formed the Independent Group which helps them to secure seats on some of the larger Committees.
- 1.3 Due to the consequential shift in the political balance of the Council, the proportionality has been recalculated.
- 1.4 The requirements regarding political proportionality in the membership of Committees are embodied in the Local Government and Housing Act 1989, Section 15. It is a statutory requirement that where a relevant authority has a membership divided into different political groups then the decision making bodies on the Council must be proportional to the overall make-up of the Council. The Monitoring Officer has a statutory responsibility for ensuring the council implements proportionality correctly.
- 1.5 The rules state that:-
 - No Committee is allowed to be made up entirely of one political group
 - A political group with an overall Council majority gets a majority of the seats
 - No political group can have more than they are entitled to
 - The proportion of seats on each Committee should be in proportion to strengths on the Council
 - When proportionality has been agreed, the group nominates the person to fill the seat.
 - Council seat proportionality must incorporate 100% of the members on the Authority irrespective of whether or not they are in a group, non aligned or single party councillors.
- 1.6 Exceptions to the rules include seats on the Cabinet, area-based Committees or any alternative arrangement that is unanimously passed by all Members on the Council.
- 1.7 A registered group must be allocated the same proportion of Committee places that they have seats on the Council (eg for a group with 10 councillors on a 50 member Council, 10 committee places must be allocated in every 50). To start with we add up the total of all Committee places. If the total was, say, 150 seats, then a group consisting of 10 councillors on a 50 council seat authority is entitled to 30 seats (150 x10/50ths). Groups are unlikely to have the same number on every Committee. If Committees are the same size there has to be some negotiating between the group whips on where the additional places should be.

2.0 IMPLICATIONS

- 2.1 Recalculating the political balance has resulted in the Independent Group losing two seats to the Conservative Group. The affected Committees are the Licensing Committee and the

Corporate Scrutiny Committee on which Councillor Allman sits. Therefore no changes need to be made to the membership of these Committees.

- 2.2 Consequential changes need to be made to the substitutions of these two Committees. The Independent Group will lose their substitute member for the Corporate Scrutiny Committee which is currently Councillor Benfield; and one of their substitute members of the Licensing Committee. The Conservative Group are entitled to one more substitute member on the Corporate Scrutiny Committee. In consultation with the Group whips it is proposed that Councillor Canny lose their substitution seat on the Licensing Committee and that Councillor S Gillard be appointed as an additional substitute member of the Corporate Scrutiny Committee .
- 2.3 Councillor Allman was a substitute member on behalf of the Independent Group on three other Committees and he will need to be replaced.
- 2.4 The Group whip has been consulted and it is proposed that the following substitution seats be appointed to as follows:-
- 2.41 Planning Committee – Councillor Saffell
 - 2.41 Community Scrutiny Committee - Councillor Saffell
 - 2.42 Investigatory Committee - Councillor Benfield
- 2.5 No other Committees or political groups are affected.

Policies and other considerations, as appropriate	
Council Priorities:	Not applicable
Policy Considerations:	Not applicable
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified
Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified
Environment and Climate Change:	No issues identified
Consultation/Community Engagement:	Not applicable
Risks:	Failure to review the proportionality and appoint to the Council's Committees accordingly will see the Council failing in its duties set out in the Local Government and Housing Act which would potentially invalidate any future decisions.
Officer Contact	Melanie Long, Democratic Services Team Manager Melanie.long@nwleicestershire.gov.uk 01530 451511

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	SCRUTINY CROSS PARTY WORKING GROUP PROGRESS REPORT	
Presented by	Councillor Robert Ashman Deputy Leader	
Background Papers	Findings of the Corporate Peer Review	Public Report: Yes
Financial Implications	The cost of the scrutiny training is £4200. However, in view of the fact the training has arisen from an LGA Peer Review, the cost will be shared equally between the Council and the LGA, therefore costing £2100 plus VAT. There is provision for this in the Member training budget.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	There are no legal or constitutional implications	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing implications at this stage. However, the Working Group have requested that this be kept under review. Should workloads shift significantly, there may be a need for additional scrutiny resources.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To outline the work of the Scrutiny Cross Party Working Group in addressing the recommendation arising from the Corporate Peer Review in relation to the scrutiny function.	
Recommendations	THAT THE PROGRESS REPORT OF THE SCRUTINY CROSS PARTY WORKING GROUP BE NOTED.	

1.0 BACKGROUND

- 1.1 Last year, the Council invited and subsequently underwent a Corporate Peer Review which resulted in a number of recommendations. One of these recommendations was to “continue to improve the scrutiny function. Make it more robust and be seen to be more robust. Explore good practice regarding scrutiny, such as training and make better use of working groups, establishing a forward looking work programme and involve scrutiny early in the decision making progress. This is an area where there has been significant improvement over the last two years with the development of two scrutiny committees with an enhanced number of meetings, however there is recognition that the council needs to

support members in understanding their role and maximising the benefits effective scrutiny can bring to the council”.

- 1.2 A Cross Party Working Group was established in order to address this recommendation.

2.0 CROSS PARTY WORKING GROUP

- 2.1 The membership of the Cross Party Working Group comprises Councillors R Ashman, D Harrison, T Eynon, T Saffell, S Sheahan and N Smith. Councillor Neil Clarke from Rushcliffe Borough Council represents the Local Government Association as a Peer Member to help provide an independent view; and officer contributions and support are provided by both Directors, the Monitoring Officer and Democratic Services.
- 2.2 The Working Party has met four times on 24 February, 15 June, 6 July and 3 August to discuss how the scrutiny function currently operates; what works and what doesn't; how improvements can be made and to gain a clearer understanding of Member's views of scrutiny.
- 2.3 A number of actions have been considered and agreed with the prime focus being around gaining a better understanding of the role of scrutiny and identifying wider training needs.

3.0 TRAINING

- 3.1 The Group created and circulated a questionnaire in an attempt to gauge the current level of understanding of councillors around scrutiny and to seek other areas of potential interest to members in terms of training needs.
- 3.2 Taking account of the feedback received, a series of workshops are being organised on subject matters including enforcement, finance & budgets, use of social media, partnership working and planning matters.
- 3.3 Quotes for comprehensive bespoke training on scrutiny were sought and following in depth discussions it was agreed that scrutiny training be provided by the Local Government Association (LGA) in the Autumn. This training would address issues such as managing work programmes, chairing and leading scrutiny and working with Cabinet.
- 3.4 The cost of the training is £4,200 plus VAT. However, in view of the fact that this training has arisen from an LGA Peer Review, the cost will be shared equally between the Council and the LGA.

4.0 OTHER ACTIONS

- 4.1 The Working Group considered how best to correlate the work of each of the Scrutiny Committees and the Audit and Governance Committee. It was determined that each should remain separate but their work programmes could be better aligned and understood.
- 4.2 It was therefore agreed that the Directors, as well as their pre-meeting briefings, would also meet twice yearly with the Chairs of the Corporate Scrutiny Committee, Community Scrutiny Committee and the Audit & Governance

Committee to discuss and agree their work programmes to ensure that the most appropriate route was being taken.

- 4.3 To help encourage wider engagement ahead of each meeting, the Chairman of each Scrutiny Committee will invite all Members to submit questions or queries through the Directors ahead of the meeting once the agenda has been sent. Members can choose whether they wish to copy the Chairman in to any queries they submit. It is thought this may address some finer points of the reports ahead of the meeting to help Members better understand the subject matter on which they are scrutinising.
- 4.4 It was also agreed that an additional column be included on the Executive Decision Notice which would indicate where the Cabinet reports had been or were intended to be scrutinised where appropriate; and where not, the reason being given.
- 4.5 Report templates for all scrutiny reports have been amended to make clear the reason why a report is going to a Scrutiny Committee as it was acknowledged that reports should not be submitted for simply noting. This would assist members of the scrutiny committees in understanding what it was they were being asked to do for each report on the agenda.
- 4.6 Scoping reports will be completed when items are requested for inclusion on the agenda to provide the report author with the appropriate information required to ensure the report is relevant to the request.
- 4.7 The Working Group considered that no additional resources were required at this stage within Democratic Services as they liked the ownership by Directors and relevant service areas. However, it was considered that this should be kept under review should workloads increase significantly in the future.
- 4.8 Members of the Working Group consider that there may still be lessons to be learned and, with this in mind have undertaken to visit another authority in the future to watch effective scrutiny taking place. In view of the current COVID-19 pandemic, this has been put on hold until such time that a visit would be appropriate.
- 4.9 A further meeting of the Working Group will be held after the workshops in order to assess their outcomes and determine whether any further actions are required.

5.0 CONCLUSION

- 5.1 The Working Group has carefully considered the recommendation arising from the Corporate Peer Review and has listened to the views of Members in proposing and taking forward actions in an attempt to provide clarity and understanding of the scrutiny process
- 5.2 Council is therefore asked to note the work of the Cross Party Working Group.

Policies and other considerations, as appropriate	
Council Priorities:	Insert relevant Council Priorities: - Supporting Coalville to be a more vibrant, family-

	<p>friendly town</p> <ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	Not applicable
Safeguarding:	Not applicable
Equalities/Diversity:	Not applicable
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable
Environment and Climate Change:	Not applicable.
Consultation/Community Engagement:	All Members were invited to complete a questionnaire.
Risks:	Not addressing the issues raised following the Corporate Peer Review would risk damaging the council's reputation and may lead to a dysfunctional scrutiny process.
Officer Contact	<p>Insert details of the lead officer in the following format:</p> <p>Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk</p>

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	URGENT DECISIONS TAKEN BY CABINET/PORTFOLIO HOLDERS IN QUARTER 1 2020/21	
Presented by	Councillor Richard Blunt Leader	
Background Papers	Council's Constitution Decision Record - Executive Arrangements - 19 March 2020 Decision Record – Executive Arrangements for Virtual Meetings – 8 April 2020 Decision Record – 15 April 2020 Decision Record – LA Fund – 29 May 2020 Decision Record – Rail Needs – 29 May 2020 Cabinet Report – 23 July 2020	Public Report: Yes
Financial Implications	Financial implications were taken into account by the Cabinet in reaching its decision. Signed off by the Section 151 Officer: Yes	
Legal Implications	Legal implications were taken into account by the Cabinet in reaching the decisions. Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing and corporate implications Signed off by the Head of Paid Service: Yes	
Purpose of Report	In accordance with the Council's Constitution, to formally report that the Cabinet or individual Portfolio Holders have taken decisions, which are considered to be urgent and, if delayed, would be likely to cause serious prejudice to the Council's interests.	
Recommendations	THAT COUNCIL NOTES THE REPORT.	

1.0 BACKGROUND

- 1.1 The Special Urgency Procedure in the Executive Procedure Rules in the Council's Constitution states that, if the date by which an executive decision must be taken and the general exception Rule 16 cannot be followed, then the decision can only be taken if Cabinet has obtained the agreement of the relevant Scrutiny Chairman that the taking of the decision cannot be reasonably deferred. If the Chairman of the relevant Scrutiny

Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Deputy Chairman will suffice.

- 1.2 On the 19 March 2020, due to the national situation regarding COVID-19, the Leader took the decision to change the arrangements for the exercise of executive powers which was made at Council on 21 May 2019 for a temporary period as follows:

Executive decisions are delegated to individual portfolio holders. These delegations will be as follows:

1. *In the first instance a decision will be made by the relevant portfolio holder*
2. *Should the portfolio holder be unavailable to act, then the decision will be made by any other member of the Cabinet.*

At the time of making the decision, the Leader stated that the arrangement would be kept under review.

- 1.3 On 4 April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Meeting and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("The Regulations") were passed pursuant to S78 of the Coronavirus Act 2020. These regulations enabled council meetings, including those of the Executive to be held remotely. Having discussed the matter with the Chief Executive the Leader decided to change the executive arrangements to reflect the fact that the regulations were in place but also to allow for individual cabinet member decision making as a contingency measure. It is the Leaders strong preference for decisions to be made by Cabinet, collectively and the other arrangements should only be used in exceptional circumstances.

The arrangements will be as follows:

1. *Executive decisions shall be made by Cabinet, sitting as a collective body where that is practicable.*
2. *Where Cabinet is not able to meet, the Executive decisions will be made by the relevant portfolio holder.*
3. *Should the portfolio holder be unavailable to act, then the decision will be made by any other member of the Cabinet.*

- 1.4 The Leader kept the arrangements under review and at the Annual Council meeting on 23 June 2020 he has advised that, as the Council moved from the Response phase of dealing with the COVID 19 pandemic into the Recovery phase, it was appropriate to remove the delegation to individual portfolio holders. He advised that as in previous years the Executive responsibilities would be delegated to the Cabinet to take decisions collectively.

- 1.5 Under the Special Urgency Procedure, the Leader is required to submit a quarterly report to the Council on the executive decisions taken under rule 17 in the preceding three months. The report will include the number of decisions taken and a summary of the matter about which each decision was made.

- 1.6 The reporting timetable for 2019/20 is as follows:-

			REPORT TO COUNCIL
Q1			8 September 2020
April	May	June	
Q2			17 November 2020
July	August	Sept	
Q3			23 February 2021
Oct	Nov	Dec	
Q4			11 May 2021
Jan	Feb	Mar	

2.0 DECISIONS MADE DURING QUARTER 1

2.1 Three urgent executive decisions were made during quarter 1 by the relevant individual Portfolio Holder. The decisions were:-

- Supporting Our Commercial Tenants Through COVID-19 – 15 April 2020
- Local Authority Discretionary Grant Fund – 29 May 2020
- Rail Needs Assessment For The Midlands and The North – 29 May 2020

2.2 In line with the Special Urgency Procedure the Chairman of the relevant Scrutiny Committee agreed that the decisions proposed were reasonable in all circumstances and that they should be treated as a matter of urgency.

2.3 A summary of each decision is detailed below.

3.0 SUPPORTING OUR COMMERCIAL TENANTS THROUGH COVID-19

3.1 The Portfolio Holder for Housing and Customer Services, approved a recommendation to permit officers to offer a 3 month rent holiday for all those commercial tenants of the Council who requested it, with the option of allowing a rent-free period of 3 months to those businesses who could demonstrate significant need for it, in response to the COVID 19 pandemic.

3.2 The decision to award rent free periods, was delegated to the Head of Finance and Section 151 Officer, in conjunction with the Head of Customer Services, Corporate Property and Assets, after reviewing a financial appraisal from the Council's finance team.

4.0 LOCAL AUTHORITY DISCRETIONARY GRANT FUND

4.1 The Portfolio Holder for Business and Regeneration approved the Council's Local Authority Discretionary Grant Fund Scheme. The scheme was developed in response to the government announcing that the Council would be allocated £992,500 for the purposes of supporting local businesses on a discretionary basis and who did not benefit from the governments Small Business Grant and Retail, Hospitality and Leisure Grant Funds.

4.2 The Local Authority Discretionary Grant Fund Scheme approved allowed for grants of up to £10,000 to be awarded to local businesses who were able to demonstrate that their income had reduced as a result of the pandemic and that they continued to incur ongoing fixed property related costs. Of the £992,500 allocated by government, 70% was earmarked to support businesses identified by the government as a national priority with the remaining 30% earmarked for other businesses.

4.3 Authority to vary the reserved funding allocations for national priority and other businesses and the level of grant award to individual businesses was delegated to the Head of Finance and Section 151 Officer in consultation with the Portfolio Holder for Business and Regeneration.

5.0 RAIL NEEDS ASSESSMENT FOR THE MIDLANDS AND THE NORTH

5.1 The Portfolio Holder for Planning and Infrastructure approved a recommendation to confirm the Council's response to the Rail Needs Assessment for the Midlands and North. An urgent decision was required in order to meet the submission date for responses to the call for evidence.

5.2 This matter related to the Governments commitment to draw up an Integrated Rail Plan for the Midlands and the north which is framed by the government’s commitment to bring forward transformational rail improvements along the HS2 route as quickly as possible. This work will be informed by an assessment from the National Infrastructure Commission (NIC) looking at the rail needs of the Midlands and the north, and the available evidence on Northern Powerhouse Rail, Midlands Rail Hub, HS2 Phase 2b and other proposed Network Rail projects. It is anticipated that a final announcement on the Integrated Rail Plan will be made by the end of 2020.

6.0 WAIVER OF CALL-IN – CONFIRMATION OF CASTLE DONINGTON (APIARY GATE & CLAPGUN STREET) ARTICLE 4(1) DIRECTION

6.1 Due to the change of date of the Cabinet meeting in July, it became apparent that the approval of the Chairman of the Council was required to exempt the item from the Council’s Scrutiny Procedure rules in relation to the call-in of the decision. The reason being that any call-in would prejudice the ability of the Council to confirm the provisional direction on or before the 5 August 2020. The Chairman considered the timetable for confirmation with officers and agreed that the matter before Cabinet was urgent for that reason.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	As detailed on each report that was considered by
Safeguarding:	Not applicable
Equalities/Diversity:	Not applicable
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable.
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Chairmen of the relevant Scrutiny Committees Chairman of the Council
Risks:	To comply with Special Urgency Rule 17 of Part 4.3 of the Council’s Constitution, the decisions made by Cabinet are to be reported to Council.
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk

2019	MEMBER CONDUCT ANNUAL REPORT 2019-2020	
Presented by	Councillor Nick Rushton Corporate Portfolio Holder	
Background Papers	Localism Act 2011 Current NWL Code of Conduct Available on the Council's website and in the Constitution Minutes of the Audit & Governance Committee – 22 July 2020	Public Report: Yes
Financial Implications	There are none	
	Signed off by the Section 151 Officer: Yes	
DeleLegal Implications	Legal implications are detailed in the report	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no staffing and corporate implications	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To receive and endorse the Member Conduct Annual Report	
Recommendations	THAT COUNCIL BE RECOMMENDED TO ENDORSE THE MEMBER CONDUCT ANNUAL REPORT 2019/20.	

1.0 INTRODUCTION

- 1.1 It is important that the work of the Audit and Governance Committee should be visible to the Authority and wider public. It is felt that the annual report acts as a helpful tool in communicating the work undertaken by the Audit and Governance Committee to the public and to Members.
- 1.2 The Annual Report of the North West Leicestershire District Council's Audit and Governance Committee covering the period 1st April 2019 to 31st March 2020 was considered by the Audit and Governance Committee at its meeting on 22nd July 2020 and is appended
- 1.3. The Chairman of the Audit and Governance Committee for 2019-20 was Councillor V Richichi. He will be invited to speak on the Annual Report at the meeting.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	Code of Conduct and Constitution
Safeguarding:	N/A
Equalities/Diversity:	Detailed in the Annual Report attached as an appendix.
Customer Impact:	N/A
Economic and Social Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	By receiving this information members will be able to manage risks of misconduct.
Officer Contact	Elizabeth Warhurst Head of Legal & Commercial Services and Monitoring Officer elizabeth.warhurst@nwleicestershire.gov.uk



MEMBER CONDUCT ANNUAL REPORT 2019-20

1. Introduction

This is the Member Conduct Annual Report of North West Leicestershire District Council's Audit and Governance Committee and covers the period from 1 April 2019 to 31 March 2020.

In addition to the responsibilities detailed in the Terms of Reference below, the Audit and Governance Committee promotes high standards of conduct by District Council Members and Members of Town / Parish Councils in North West Leicestershire. The Audit and Governance Committee complies with the requirements of the Localism Act 2011, the Regulations and the guidance provided under that legislation, together with Council's adopted Arrangements.

On 27 June 2012 Council adopted the North West Leicestershire Code of Conduct for Members which had been drafted by Members for Members. The Code incorporates all the legislative requirements under the Localism Act 2011 in relation to Disclosable Pecuniary Interests together with retaining the personal obligations in existence under the previous regime.

2. Audit and Governance Committee Terms of Reference

Membership: Ten District Councillors

Quorum: Three District Councillors

Terms of Reference during the 2019-2020 financial year:

Statement of purpose

1. The Audit & Governance Committee is a key component of North West Leicestershire District Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit & Governance Committee is to provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment. It provides independent review of North West Leicestershire District Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit arrangements, helping to ensure efficient and effective assurance mechanisms are in place.

Governance, risk and control

3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
7. To monitor and provide scrutiny over the effective development and operation of risk management in the council.

8. To monitor progress in addressing risk-related issues reported to the committee such as the Corporate Risk Register.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the Anti-Fraud and Corruption strategy, actions and resources.

Internal audit

12. To approve the internal audit charter.
13. To approve (but not direct) the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
15. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
17. To consider progress reports from the head of internal audit on internal audit's performance during the year
18. To consider the head of internal audit's annual report, including the statement of the level of conformance with the Public Sector Internal Audit Standards and the results of the Quality Assurance and Improvement Programme that supports the statement. Fundamental to the annual report is the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion. These will assist the committee in reviewing the Annual Governance Statement.
19. To consider summaries of specific internal audit reports in accordance with agreed protocols.
20. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
21. To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
22. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

External audit

23. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised.

24. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
25. To consider specific reports as agreed with the external auditor.
26. To comment on the scope and depth of external audit work and to ensure it gives value for money.

Financial reporting

27. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
28. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
29. To seek assurances that the council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.

Accountability arrangements

30. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
31. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
32. To publish an annual report on the work of the committee.

Functions	Matters reserved for a Decision
The Council has determined under the powers conferred on it by Section 28(6) of the Localism Act 2011 to appoint an Audit and Governance Committee and it has the following roles and functions:	To determine any issues referred to the Committee (except for any matter reserved to the Council).
Promoting and maintaining high standards of conduct by councillors and co-optees	
Assisting the councillors and co-optees to observe the Members' Code of Conduct	
Advising the Council on the adoption or revision of the Members' Code of Conduct	
Monitoring the operation of the Members' Code of Conduct	
Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct	
Granting dispensations to councillors who require such dispensations for more than	

<p>one meeting or on more than one occasion from requirements relating to interests set out in the Members Code of Conduct as appropriate</p> <p>Dealing with any report from the Monitoring Officer on any matter concerning Governance</p> <p>To establish Sub-committees for the Assessment of Determination of matters concerning allegations of Members Conduct</p> <p>And in addition the Audit and Governance Committee also oversees the ethical framework of the Council including oversight of:</p> <ul style="list-style-type: none"> • the Whistle Blowing Policy • complaints handling • Ombudsman investigations 	
<p>To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils.</p>	

Sub-committees of the Audit and Governance Committee

All Audit and Governance Committee members will form a pool from which members will be drawn based on their availability and the requirements of the particular Sub-committee as and when required.

Assessment Sub-committee

Assessment of complaints in accordance with the Council's Guidance and to either:

- Accept the Monitoring Officer's recommendation of no failure to comply with the Code of Conduct
- Refer the matter for full investigation
- Refer the matter for other action

Review Sub-committee

Consideration of requests for a review in accordance with the Council's Guidance.

Determinations Sub-committee

To receive reports from the Monitoring Officer or her appointed investigating officer and to decide either:

- To determine finding of no failure to comply with the Code of Conduct
- To determine finding of failure to comply with the Code of Conduct and impose relevant sanctions
- Refer the matter for other action

in accordance with the Council Guidance

3. Composition

District Councillors

All appointed by Council on 21 May 2019

Chairman: Councillor V Richichi

Deputy Chairman: Councillor D Harrison

Councillor C Benfield

Councillor D Bigby

Councillor J Clarke

Councillor L Gillard

Councillor S Gillard

Councillor M Hay

Councillor S Sheahan

Councillor M Wyatt

Parish Representatives

Following the District and Parish elections in May 2019 nominations for Parish Representatives have been sought from all Town and Parish Councils to fill the four seats. Seven nominations were received and a ballot is currently being held to select the representatives. The ballot closes on Friday, 13 March 2020 and the count will be held prior to the next meeting.

Independent Persons

The legislation requires the Council to appoint at least one Independent person who potentially advises all those involved in a Standards complaint, including the Monitoring Officer, and who must be consulted prior to the determination of a complaint.

Through an open advertising process conducted with partner authorities the Council appointed the following pool of independent persons from whom one can be drawn as and when required:

Michael Pearson

Mark Shaw

Christine Howell

Gordon Grimes

Richard Gough

The main officer support for the Committee is provided by the Monitoring Officer (Elizabeth Warhurst), the Deputy Monitoring Officer (Elisabeth Tomlinson) and the Democratic Support Officer (Rachel Wallace).

4. Meetings and Work Programme

The Audit and Governance Committee meets a minimum of four times per annum. In addition to its scheduled meetings, sub committees still meet on an ad hoc basis in order to consider and determine allegations of Member conduct. The Committee has its main work planned in advance through a Work Programme which enables it to be more proactive, strategic and focused in its approach to key issues.

5. Reporting Arrangements

The Audit and Governance Committee receives quarterly reports which have enabled Members to be reminded of the issues it has dealt with during each quarter and address any issues which this has highlighted.

6. Procedures and Workloads

(a) Dispensations

During 2019/20, there were no applications received for a dispensation from either District or Parish members.

(b) Complaints made to the Monitoring Officer under the Code of Conduct during 2019/20

Complaints made: 1

by Members of the Public	0
by Parish Councillors	0
by District Councillors	1
by Parish Clerk	0
by Council Officer	0

Complaints against:

a Parish Councillor	0
a District Councillor	1

From the above mentioned complaints:

1 complaint was resolved informally:

This complaint related to unprofessional conduct of a councillor.

0 complaints were withdrawn:

0 complaints are at informal resolution stage:

(c) Complaints referred to the Standards Assessment Sub Committee

From the above-mentioned complaints: - None

(d) Members' Register of Interests

The Democratic Services Officers undertake regular checks of the Register of Members' Interests and provide advice and assistance to Parish Councils on the completion of the Registers.

(e) Advice and Training

The Monitoring Officer and Deputy Monitoring Officer continue to provide both parish and district members with advice, both proactively and on request, on member's interests and all aspects of corporate governance.

Following the District and Parish Council Elections in May 2019, training on the Code of Conduct was offered to all District and Parish Members.

Training is also currently being provided to members on all aspects of data protection and freedom of information.

7. Policies & Procedures

The Audit and Governance Committee oversees the ethical framework of the Council including oversight of:

- the Whistle Blowing Policy

- complaints handling
- Ombudsman investigations.
- Freedom of Information and Data Protection

**Elizabeth Warhurst
Monitoring Officer**

**Councillor V Richichi
Chairman**

OUR VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	APPOINTMENT OF PARISH REPRESENTATIVES TO THE AUDIT & GOVERNANCE COMMITTEE	
Presented by	Councillor Nick Rushton Corporate Portfolio Holder	
Background Papers	Council report dated 23 February 2012 Council report dated June 2012 Localism Act 2011	Public Report: Yes
Financial Implications	All work undertaken falls within the work the team are already doing in this area therefore there are no additional resource implications.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	There are none	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are none	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek Council's approval to the proposed nominations of Parish Members to the Assessment and Determinations Sub Committee as required.	
Recommendations	TO RECEIVE AND NOTE THE NOMINATION PROCESS AND APPROVE THE APPOINTMENTS AS SET OUT IN PARAGRAPH 2.8 OF THE REPORT.	

1.0 BACKGROUND

- 1.1 Members will be aware the Audit and Governance Committee can establish sub-committees to determine matters concerning allegations of both District and Parish member conduct. The sub-committee may co-opt at least one Parish Council Member when decisions are taken concerning a parish matter.
- 1.2 It was agreed at the Council meeting in 26 June 2012 that a pool of 4 parish representatives be appointed to sit on such sub-committees. Appointments to the pool would be sought following each Parish election or as when required.

2.0 NOMINATIONS AND BALLOT

2.1 Following the District and Parish Council Elections in May 2019, Democratic Services sought nominations from all Town and Parish Councils of any Town or Parish Councillor who wished to be considered for the 4 seats available. 7 nominations were received.

2.2 As more nominations were received than seats available, the process requires a ballot to be held. Each candidate was advised of the ballot and given the opportunity to submit a statement as to why they would be suitable for the role.

2.3 Democratic Services then sent each Town and Parish Council a Ballot pack asking them to vote for no more than 4 candidates and asked for the ballot papers to be returned by Monday, 9 March 2020. This would have allowed the Chairman of Audit & Governance and the Monitoring Officer to oversee the count prior to the meeting of the Audit & Governance Committee that was held on 17 March 2020.

2.4 With restricted numbers attending the Audit & Governance Committee on 17 March 2020 due to the COVID-19 restrictions it was agreed to postpone the count of the ballot to such a time that both the Chairman and Monitoring Officer would both be in the offices.

2.5 11 ballot papers were received and the count was held prior to the meeting of the Audit & Governance Committee on 22 July 2020 in front of Councillor Stuart Gillard, Chairman of the Committee and Elizabeth Warhurst, Monitoring Officer.

2.6 The results were as follows:-

Councillor Patricia Thomas: 9
Councillor Ray Woodward: 7
Councillor Stephen Leary: 5
Councillor Brian Beggan: 4
Councillor Nick Antill-Holmes: 4
Councillor Peter Moulton: 2
Councillor Richard Hughes: 0

2.7 As Councillors Brian Beggan and Nick Antill-Holmes had an equal number of votes for fourth place, the Chairman and the Monitoring Officer agreed to determine the outcome by the fairest way possible, in this case, the toss of a coin.

2.8 Therefore Council is asked to approve that the following Parish Councillors are appointed as representatives to the Assessment and Determinations Sub Committee as required.:-

Councillor Patricia Thomas
Councillor Ray Woodward
Councillor Stephen Leary
Councillor Brian Beggan

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	Localism Act 2011 Constitution
Safeguarding:	None
Equalities/Diversity:	Nominations were invited from all parish councillors.
Customer Impact:	None.
Economic and Social Impact:	None.
Environment and Climate Change:	None.
Consultation/Community Engagement:	All Town and Parish Councils
Risks:	The Council's governance arrangements are a fundamental part of the Authority's management of risk and contribute towards good corporate governance.
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 8 SEPTEMBER 2020



Title of Report	APPOINTMENT OF REPRESENTATIVES ON COMMUNITY BODIES	
Presented by	Councillor Robert Ashman Deputy Leader	
Background Papers	Correspondence from Community Bodies requesting nominations held in Room 122 (Democratic Services).	Public Report: Yes
Financial Implications	There are no direct implications	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	To comply with the Constitution	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	There are no direct implications	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To appoint a representative to a vacancy on a community body and note the change of Portfolio Holder responsibility.	
Recommendations	<ol style="list-style-type: none"> 1. THAT A REPRESENTATIVE BE APPOINTED TO SERVE ON THE ALDERMAN NEWTON EDUCATION FOUNDATION IN ACCORDANCE WITH PARAGRAPHS 2.3 AND 2.4 OF THE REPORT. 2. THAT COUNCIL NOTES THE APPOINTMENT OF COUNCILLOR A WOODMAN TO THE CCTV OPERATIONS MANAGEMENT GROUP, AS THE APPROPRIATE PORTFOLIO HOLDER. 	

1.0 BACKGROUND

- 1.1 Members will recall that appointments to community bodies were made at the Annual meeting of the Council in June. Following the meeting it became apparent that a further appointment was required and a change to a relevant Portfolio Holder appointment should be noted.

2.0 ALDERMAN NEWTON EDUCATION FOUNDATION

- 2.1 Members may recall that following Annual Council in May 2019, the Council received a request for a representative to be appointed to the Alderman Newton Education Foundation. This request was considered at the meeting of the Council on 10 September 2019 Therefore, we are now required to re-appoint to the body.
- 2.2 Councillor John Clarke has been nominated for the vacancy, following his appointment last year.
- 2.3 Unless any more nominations are received at the meeting, then it is recommended that Councillor John Clarke be appointed to the Alderman Newton Education Foundation.
- 2.4 Should further nominations be received, then there will need to be a vote carried out in order to make an appointment and the nominee with the clear majority of votes will be appointed.
- 2.5 Future appointments to this community body will be agreed at Annual Council together with all other requests.

3.0 CCTV OPERATIONS MANAGEMENT GROUP

- 3.1 Following Annual Council on 23 June 2020, it was noted that Councillor Robert Ashman was appointed to the CCTV Operations Management Group. The relevant Portfolio Holder should be the Community Services Portfolio Holder.
- 3.2 Therefore, Members are asked to note that Councillor Andrew Woodman, as Community Services Portfolio Holder, has been appointed to the CCTV Operations Management Group.

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	Constitution
Safeguarding:	Terms of Reference of the Community Bodies.
Equalities/Diversity:	Terms of Reference of the Community Bodies.
Customer Impact:	None
Economic and Social Impact:	None
Environment and Climate Change:	None

Consultation/Community Engagement:	Political Group Whips
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk

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