

## Full Council

**Thursday, 10 May 2018 at 10:30**

**County Hall, West Bridgford, Nottingham, NG2 7QP**

---

### AGENDA

- |    |  |         |
|----|--|---------|
| 1  | Election of Chairman   |         |
| 2  | Election of Vice-Chairman  |         |
| 3  | Recognition of Members and Officers of Groups  | 5 - 8   |
| 4  | Minutes of the last meeting held on 22 March 2018  | 9 - 32  |
| 5  | Apologies for Absence  |         |
| 6  | Declarations of Interests by Members and Officers:- (see note below)<br>(a) Disclosable Pecuniary Interests<br>(b) Private Interests (pecuniary and non-pecuniary) |         |
| 7  | Chairman's Business<br>a) Presentation of Awards/Certificates (if any)   |         |
| 8a | Presentation of Petitions (if any) (see note 5 below)  |         |
| 8b | Responses to Petitions Presented to the Chairman of the County Council   | 33 - 38 |
| 9  | Appointment of Committees  | 39 - 48 |
| 10 | The Code of Conduct for Councillors and Co-opted Members   | 49 - 86 |

|    |   |              |
|----|---|--------------|
| 11 | Amendments to the Constitution  | 87 - 96      |
| 12 | Councillors' Training and The General Data Protection Regulation      | 97 - 100     |
| 13 | Membership of the Local Government Association                        | 101 -<br>124 |
| 14 | Questions   |              |
|    | a) Questions to Nottinghamshire and City of Nottingham Fire Authority |              |
|    | b) Questions to Committee Chairmen                                    |              |
| 15 | ADJOURNMENT DEBATE<br>(if any)  |              |

Notes:-

**(A) For Councillors**

(1) Members will be informed of the date of their Group meeting for Council by their Group Researcher.

(2) The Chairman has agreed that the Council will adjourn for lunch at their discretion.

(3) (a) Persons making a declaration of interest should have regard to the Code of Conduct and the Procedure Rules for Meetings of the Full Council. Those declaring must indicate whether their interest is a disclosable pecuniary interest or a private interest and the reasons for the declaration.

(b) Any member or officer who declares a disclosable pecuniary interest in an item must withdraw from the meeting during discussion and voting upon it, unless a dispensation has been granted. Members or officers requiring clarification on whether to make a declaration of interest are invited to contact the Monitoring Officer or Democratic Services prior to the meeting.

(c) Declarations of interest will be recorded and included in the minutes of this meeting and it is therefore important that clear details are given by members and others in turn, to enable Democratic Services to record accurate information.

(4) At any Full Council meeting except the annual meeting, a special meeting and the budget meeting, Members are given an opportunity to speak for up to three minutes on any issues which specifically relates to their division and is relevant to the services provided by the County Council. These speeches must relate specifically to the area the Member represents and should not be of a general nature. They are constituency speeches and therefore must relate to constituency issues only. This is an opportunity simply to air these issues in a Council meeting. It will not give rise to a debate on the issues or a question or answer session. There is a maximum time limit of 30 minutes for this item.

(5) Members are reminded that petitions can be presented from their seat with a 1 minute time limit set on introducing the petition.

## **Notes**

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Democratic Services (Tel. 0115 977 3141) prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

**REPORT OF THE CHIEF EXECUTIVE****RECOGNITION OF MEMBERS AND OFFICERS OF GROUPS****Purpose of the Report**

1. To report details of the current membership of the political Groups of the Council, together with the names of officers appointed within the Groups

**Information and Advice**

2. It is a requirement for Members to note the composition of the political Groups of the Council as required by the Committees and Political Groups Regulations made under the Local Government and Housing Act 1989.
3. There are currently three political Groups on the Council, which are:-
  - the Nottinghamshire County Council Conservatives & Mansfield Independent Forum Group
  - the Nottinghamshire County Labour Group
  - the Ashfield Independents Group
4. In addition to the three Groups detailed within this report, there are two non-aligned County Councillors who are not part of any political Group of the Council. These are Councillor Steve Carr (Liberal Democrats) and Councillor Maureen Dobson.
5. There has been no change to the membership of the Groups since the last report to Full Council on 25<sup>th</sup> May 2017.
6. Regulations made under the Local Government and Housing Act 1989 require that seats on Committees and Sub-Committees are allocated to the political groups in a way which reflects the overall balance of the Council. Details of these are dealt with elsewhere in the agenda.

**Other Options Considered**

7. None, it is a requirement of the Constitution to report annually to Full Council

**Reason for Recommendations**

8. It is necessary for Council to note the political Groups on the Council and their Officers.

## **Statutory and Policy Implications**

9. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATIONS**

- 1) That the membership of the political groups be noted
- 2) That, in accordance with the Procedure Rules, the Officers of the Groups be noted.

**Anthony May**  
**Chief Executive**

**For any enquiries about this report please contact:** Sara Allmond  
Tel: 0115 9773794 Email: [sara.allmond@nottsc.gov.uk](mailto:sara.allmond@nottsc.gov.uk)

## **Constitutional Comments**

10. As this report is for noting only, Constitutional Comments are not required.

## **Financial Comments (RWK 26/04/2018)**

11. There are no specific financial implications arising directly from this report

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

## **Electoral Division(s) and Member(s) Affected**

All

**MEMBERS AND OFFICERS OF GROUPS**

**(A) Nottinghamshire County Council Conservatives & Mansfield Independent Forum Group**

**35 Members**

|                   |                      |
|-------------------|----------------------|
| Reg Adair         | Bruce Laughton       |
| Chris Barnfather  | John Longdon         |
| Ben Bradley       | John Ogle            |
| Andrew Brown      | Philip Owen          |
| Richard Butler    | Francis Purdue-Horan |
| Neil Clarke MBE   | Mike Quigley MBE     |
| John Cottee       | Kevin Rostance       |
| Mrs Kay Cutts MBE | Phil Rostance        |
| Dr John Doddy     | Mrs Sue Saddington   |
| Boyd Elliott      | Andy Sissons         |
| Stephen Garner    | Tracey Taylor        |
| Keith Girling     | Steve Vickers        |
| John Handley      | Keith Walker         |
| Tony Harper       | Stuart Wallace       |
| Vaughan Hopewell  | Gordon Wheeler       |
| Richard Jackson   | Jonathan Wheeler     |
| Roger Jackson     | Martin Wright        |
| Eric Kerry        |                      |

**Officers**

|                          |                              |
|--------------------------|------------------------------|
| <b>Leader:</b>           | Councillor Mrs Kay Cutts MBE |
| <b>Deputy Leader:</b>    | Councillor Reg Adair         |
| <b>Business Manager:</b> | Councillor Richard Butler    |

**(B) Nottinghamshire County Council Labour Group**

**23 Members**

|                |                   |
|----------------|-------------------|
| Pauline Allan  | Diana Meale       |
| Joyce Bosnjak  | Michael Payne     |
| Nicki Brooks   | John Peck JP      |
| John Clarke    | Sheila Place      |
| Jim Creamer    | Liz Plant         |
| Sybil Fielding | Mike Pringle      |
| Kate Foale     | Alan Rhodes       |
| Glynn Gilfoyle | Parry Tsimbiridis |
| Kevin Greaves  | Muriel Weisz      |
| Errol Henry    | Andy Wetton       |
| Paul Henshaw   | Yvonne Woodhead   |
| John Knight    |                   |

**Officers**

|                          |                         |
|--------------------------|-------------------------|
| <b>Leader:</b>           | Councillor Alan Rhodes  |
| <b>Deputy Leader:</b>    | Councillor Kate Foale   |
| <b>Business Manager:</b> | Councillor Nicki Brooks |

### **(C) Ashfield Independents Group**

#### **6 Members**

Samantha Deakin  
Tom Hollis  
Rachel Madden

David Martin  
Helen-Ann Smith  
Jason Zadrozny

#### **Officers**

|                          |                            |
|--------------------------|----------------------------|
| <b>Leader:</b>           | Councillor Jason Zadrozny  |
| <b>Deputy Leader:</b>    | Councillor Tom Hollis      |
| <b>Business Manager:</b> | Councillor Helen-Ann Smith |

#### **(D) Other Members**

Councillor Steve Carr (Liberal Democrats)  
Councillor Maureen Dobson (Independent)



# Nottinghamshire County Council

Meeting COUNTY COUNCIL

Date Thursday, 22 March 2018 (10.30 am – 5.30 pm)

## Membership

Persons absent are marked with 'A'

## COUNCILLORS

John Handley (Chairman)  
Mrs Sue Saddington (Vice-Chairman)

|   |                   |   |                      |
|---|-------------------|---|----------------------|
|   | Reg Adair         |   | John Knight          |
| A | Pauline Allan     |   | Bruce Laughton       |
|   | Chris Barnfather  | A | John Longdon         |
|   | Joyce Bosnjak     |   | Rachel Madden        |
|   | Ben Bradley       |   | David Martin         |
|   | Nicki Brooks      |   | Diana Meale          |
|   | Andrew Brown      |   | John Ogle            |
|   | Richard Butler    |   | Philip Owen          |
| A | Steve Carr        |   | Michael Payne        |
|   | John Clarke       |   | John Peck JP         |
|   | Neil Clarke MBE   |   | Sheila Place         |
|   | John Cottee       |   | Liz Plant            |
|   | Jim Creamer       |   | Mike Pringle         |
|   | Mrs Kay Cutts MBE |   | Francis Purdue-Horan |
|   | Samantha Deakin   | A | Mike Quigley MBE     |
|   | Maureen Dobson    |   | Alan Rhodes          |
|   | Dr John Doddy     |   | Kevin Rostance       |
|   | Boyd Elliott      |   | Phil Rostance        |
|   | Sybil Fielding    |   | Andy Sissons         |
|   | Kate Foale        |   | Helen-Ann Smith      |
|   | Stephen Garner    |   | Tracey Taylor        |
|   | Glynn Gilfoyle    |   | Parry Tsimbiridis    |
|   | Keith Girling     |   | Steve Vickers        |
|   | Kevin Greaves     |   | Keith Walker         |
|   | Tony Harper       |   | Stuart Wallace       |
|   | Errol Henry JP    |   | Muriel Weisz         |
|   | Paul Henshaw      |   | Andy Wetton          |
|   | Tom Hollis        |   | Gordon Wheeler       |
|   | Vaughan Hopewell  |   | Jonathan Wheeler     |
|   | Richard Jackson   |   | Yvonne Woodhead      |
|   | Roger Jackson     |   | Martin Wright        |
|   | Eric Kerry        |   | Jason Zadrozny       |

## **HONORARY ALDERMEN**

Martin Brandon-Bravo  
Terence Butler  
John Carter

## **OFFICERS IN ATTENDANCE**

|                   |  |
|-------------------|--|
| Anthony May       | (Chief Executive)                          |
| David Pearson CBE | (Adult Social Care and Health)             |
| Colin Pettigrew   | (Children, Families and Cultural Service)  |
| Adrian Smith      | (Place)                                    |
| Sara Allmond      | (Resources)                                |
| Carl Bilbey       | (Resources)                                |
| Heather Dickinson | (Resources)                                |
| Angie Dilley      | (Resources)                                |
| Martin Done       | (Resources)                                |
| David Hennigan    | (Resources)                                |
| Marjorie Toward   | (Resources) present for agenda item 8 only |
| Neil Robinson     | (Resources)                                |
| Geoff Russell     | (Resources) present for agenda item 7 only |

## **OPENING PRAYER**

Upon the Council convening, prayers were led by the Chairman's Chaplain.

### **1. MINUTES**

#### **RESOLVED: 2018/007**

That the minutes of the last meeting of the County Council held on 28 February 2018 be agreed as a true record and signed by the Chairman.

### **2. APOLOGIES FOR ABSENCE**

An apology for absence was received from:-

- Councillor Pauline Allan – medical/illness
- Councillor Steve Carr – other
- Councillor John Longdon – medical/illness
- Councillor Mike Quigley MBE – medical/illness

### **3. DECLARATIONS OF INTEREST**

Anthony May declared a pecuniary interest in Item 7 as his partner had a financial interest in the report.

Heather Dickinson declared a pecuniary interest in Item 7, as her role of Deputy Monitoring Officer was included within the report.

#### **4. CHAIRMAN'S BUSINESS**

##### **THANK YOU TO OUR WINTER WEATHER TEAMS**

The Chairman of the Council made a statement thanking all of those staff who had worked tirelessly during the recent winter weather, particularly the gritting team.

##### **CHAIRMAN'S BUSINESS SINCE THE LAST MEETING**

The Chairman updated the Chamber on the business he had carried out on behalf of the Council since the last meeting.

##### **PRESENTATION OF AWARDS**

None

##### **AGENDA ORDER**

The Chairman advised that he had agreed that the order of the agenda be changed to allow the Chairman of the Nottinghamshire and City of Nottingham Fire Authority to attend the meeting directly after lunch to respond to the question submitted to him.

#### **5. CONSTITUENCY ISSUES**

The following Members spoke for up to three minutes on issues which specifically related to their division and were relevant to the services provided by the County Council.

Councillor Mike Pringle – regarding Ollerton Roundabout

Councillor Andy Wetton – regarding the Meden Centre in Mansfield

Councillor David Martin – regarding Surestart in the Rurals

Councillor Michael Payne – regarding the recent severe weather conditions and their impact on his division

##### **6a. PRESENTATION OF PETITIONS**

The following petitions were presented to the Chairman as indicated below:-

- (1) Councillor Steve Vickers (on behalf of Councillor Mike Quigley MBE) requesting double yellow lines on Tin Lane outside Carr Hill Primary School
- (2) Councillor Steve Vickers requesting a reduction in the speed limit on London Road, Retford
- (3) Councillor Martin Wright regarding parking outside the new Abbey Primary School, Stuart Avenue, Mansfield

- (4) Councillor Paul Henshaw regarding Stanton Place, Mansfield West
- (5) Councillor Bruce Laughton regarding speeding and traffic calming measures in Halam
- (6) Councillor Chris Barnfather requesting that a footpath on Kirkby Road, Ravenshead be reconstituted
- (7) Councillor Boyd Elliott requesting solutions to the problem of non-resident parking on Renals Way, Bricknell Road and Stripes View, Calverton
- (8) Councillor Liz Plant requesting action regarding non-resident on-street parking (Priory Road/Abbey Junction and part of Priory Road)
- (9) Vice Chairman Councillor Sue Saddington on behalf of a number of Gedling Members regarding taxi ranks in Gedling
- (10) Councillor Sheila Place request to keep NCC mobile Youth bus visiting venues in Bassetlaw including Langold and Tuxford
- (11) Councillor John Clarke requesting a residents parking scheme in Coronation Road, Mapperley
- (12) Councillor Jim Creamer requesting action regarding ongoing road traffic issues at Forester Road, Thorneywood
- (13) Councillor Joyce Bosnjak requesting urgent maintenance repairs to pavements outside a number of properties on Sandgate Avenue, Mansfield
- (14) Councillor Kevin Greaves regarding speeding issues in Cukney and Norton
- (15) Councillor Eric Kerry regarding the state of the road at Southfield Court, Chilwell

**RESOLVED: 2018/008**

That the petitions be referred to the appropriate Committees for consideration in accordance with the Procedure Rules, with a report being brought back to Council in due course.

**6b. RESPONSE TO PETITION PRESENTED TO THE CHAIRMAN OF THE COUNTY COUNCIL**

**RESOLVED: 2018/009**

That the contents and actions taken as set out in the report be noted with an amendment to paragraph 37, to change Councillor Yvonne Woodhead to Councillor Errol Henry JP.

## **7. FUTURE MANAGEMENT OF CORPORATE SERVICES**

Having declared pecuniary interests Anthony May and Heather Dickinson left the meeting during consideration of this item.

Councillor Mrs Kay Cutts MBE introduced the report and moved a motion in terms of resolution 2018/010 below.

The motion was seconded by Councillor Reg Adair.

### **RESOLVED: 2018/010**

- 1) To delete the post of Corporate Director for Resources from the staffing establishment with effect from 30 June 2018 and agree the consequential dismissal on the grounds of redundancy of the current post holder.
- 2) To delete the current four Service Director posts in the Resources Department from the staffing establishment with effect from 30 June 2018.
- 3) To establish two new posts of Service Director (Service Director Finance, Infrastructure and Improvement and Service Director Customers, Governance and Employees), with effect from 1 July 2018.
- 4) To agree that the detailed staffing and structure proposals will be agreed by Policy Committee by October 2018 at the latest.

Anthony May and Heather Dickinson returned to the meeting.

## **8. NOTTINGHAMSHIRE COUNTY COUNCIL'S PAY POLICY STATEMENT 2018-2019**

Councillor Mrs Kay Cutts MBE introduced the report and moved a motion in terms of resolution 2018/011 below.

The motion was seconded by Councillor Richard Jackson.

### **RESOLVED: 2018/011**

That the Pay Policy Statement be approved for publication on the Council's website by 1<sup>st</sup> April 2018.

## **9. JOINT HEALTH AND WELLBEING STRATEGY FOR NOTTINGHAMSHIRE 2018-2022**

Councillor Dr John Doddy introduced the report and moved a motion in terms of resolution 2017/012 below.

The motion was seconded by Councillor Stuart Wallace.

Following a debate, the motion was put to the meeting and after a show of hands the Chairman declared it was carried.

The requisite number of Members requested a recorded vote and it was ascertained that the following 40 Members voted '**For**' the motion:-

Reg Adair  
Chris Barnfather  
Ben Bradley  
Andrew Brown  
Richard Butler  
Neil Clarke MBE  
John Cottey  
Mrs Kay Cutts MBE  
Samantha Deakin  
Maureen Dobson  
Dr John Doddy  
Boyd Elliott  
Stephen Garner  
Keith Girling  
John Handley  
Tony Harper  
Tom Hollis  
Vaughan Hopewell  
Richard Jackson  
Roger Jackson

Eric Kerry  
Bruce Laughton  
Rachel Madden  
David Martin  
John Ogle  
Philip Owen  
Francis Purdue-Horan  
Kevin Rostance  
Phil Rostance  
Mrs Sue Saddington  
Andy Sissons  
Helen-Ann Smith  
Tracey Taylor  
Steve Vickers  
Keith Walker  
Stuart Wallace  
Gordon Wheeler  
Jonathan Wheeler  
Martin Wright  
Jason Zadrozny

The following 22 Members voted '**Against**' the motion:-

Joyce Bosnjak  
Nicki Brooks  
John Clarke  
Jim Creamer  
Sybil Fielding  
Kate Foale  
Glynn Gilfoyle  
Kevin Greaves  
Errol Henry JP  
Paul Henshaw  
John Knight

Diana Meale  
Michael Payne  
John Peck JP  
Sheila Place  
Liz Plant  
Mike Pringle  
Alan Rhodes  
Parry Tsimbiridis  
Muriel Weisz  
Andy Wetton  
Yvonne Woodhead

The Chairman declared that the motion was carried and it was:-

**RESOLVED: 2018/012**

That Nottinghamshire County Council supports the implementation of the Joint Health and Wellbeing Strategy for Nottinghamshire and promotes it within networks and to wider partners.

## **10. QUESTIONS**

### **(b) QUESTIONS TO COMMITTEE CHAIRMAN**

Nine questions had been received. Questions one to four were taken before lunch as follows:-

- 1) from Councillor Vaughan Hopewell concerning evening bus services (Councillor John Cottee replied)
- 2) from Councillor Muriel Weisz regarding respite care places (Councillor Stuart Wallace replied)
- 3) from Councillor Samantha Deakin about gritting around schools (Councillor John Cottee replied)
- 4) from Councillor John Peck JP concerning term time holiday fines (Councillor Philip Owen replied)

Council adjourned from 12.39pm to 1.40pm for lunch.

As previously agreed by the Chairman item 10a was taken directly after lunch to allow the Chairman of the Nottinghamshire and City of Nottingham Fire Authority to attend.

### **(a) QUESTIONS TO NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY**

One question had been received as follows:-

- 1) from Councillor David Martin concerning service provision in Ashfield (Councillor Brian Grocock, Chairman of the Fire Authority replied)

The full response to the question above is set out in set out in Appendix A to these minutes.

### **(b) QUESTIONS TO COMMITTEE CHAIRMAN (CONTINUED)**

- 5) from Councillor Alan Rhodes regarding residential care homes (Councillor Stuart Wallace replied)
- 6) Councillor Helen-Ann Smith withdrew her question as it had been answered as part of an earlier question.
- 7) from Councillor John Peck JP concerning Ollerton Roundabout (Councillor John Cottee replied)

The full responses to the seven questions above are set out in set out in Appendix B to these minutes.

The time limit of 60 minutes allowed for questions was reached before the following questions were asked. A written response to the questions would be provided to the

Councillors who asked the question within 15 working days of the meeting and be included in the papers for the next Full Council meeting.

- 8) from Councillor Andy Wetton regarding land associated with Meden Pool and Sports Centre (Councillor Mrs Kay Cutts to reply on behalf of Councillor John Cottee)
- 9) from Councillor Jason Zadrozny about the review of Children's Centre premises (Councillor Philip Owen to reply)

## **11. NOTICE OF MOTIONS**

### **MOTION ONE**

Councillor Stephen Garner moved a motion in terms of resolution 2018/013 below. The motion was jointly seconded by Councillors Andy Sissons, Martin Wright and Vaughan Hopewell.

An amendment to the Motion as below was moved by Councillor Jason Zadrozny and jointly seconded by Councillors Samantha Deakin and Rachel Madden:-

"This Council supports the upgrade of the MARR Route (Mansfield and Ashfield Regeneration Route) to a dual carriageway status.

This Council recognises that this is an important highway for the economy of Mansfield and Ashfield districts.

**The Council welcomes the studies already done by this Authority on the A38 and A611 as part of this strategic transport corridor, and welcomes their status on the infrastructure improvement plan.**

That this Council agrees that improving the **MARR to** dual carriageway would see better road links from the M1 through to the A617 Rainworth bypass, and beyond, linking towards the A614 and the surrounding areas towards Newark and the A1 in the east of our county, providing better connections for all communities across central of Nottinghamshire.

**This Council requests that the study for the MARR is prioritised and presented to the Communities and Place Committee as soon as possible so that members are fully able to digest the predicted Economic Regeneration benefits for the Ashfield and Mansfield Districts"**

The amendment was not accepted by the Mover of the Motion.

Following a debate, the amendment was put to the meeting and after a show of hands the Chairman declared it was lost.

The Motion was put to the meeting and after a show of hands the Chairman declared it was carried and it was:-

## **RESOLVED: 2018/013**

This Council supports the upgrade of the MARR Route (Mansfield and Ashfield Regeneration Route) to a dual carriageway status.

This Council recognises that this is an important highway for the economy of Mansfield and Ashfield districts.

That this Council agrees that improving the dual carriageway would see better road links from the M1 through to the A617 Rainworth bypass, and beyond, linking towards the A614 and the surrounding areas towards Newark and the A1 in the east of our county, providing better connections for all communities across central of Nottinghamshire.

## **MOTION TWO**

Councillor Chris Barnfather moved an amended Motion in terms of resolution 2018/014 below. The motion was jointly seconded by Councillors Alan Rhodes and Richard Jackson.

Following a debate the Motion was put to the meeting and after a show of hands the Chairman declared it was carried and it was:-

## **RESOLVED: 2018/014**

Nottinghamshire County Council, as a waste disposal authority:-

- supports the growing national campaign to highlight the dangers of single-use plastics to our environment, especially our oceans;
- commits to continue to work with our waste management partners to maximise the amount of plastic and other materials which can be recycled subject to negotiation;
- commits to review and reduce our reliance on single-use plastic (SUP) products such as bottles, cups, cutlery and drinking straws throughout the Council's services and facilities, wherever alternative materials will not increase, and ideally can reduce costs to the council taxpayer;
- Will encourage our facilities users and local businesses and other public bodies to make the same commitment to reduce their use of SUPs;
- agrees that a report should be brought to Communities & Place Committee every six months to update Members on progress towards this objective.

## **MOTION THREE**

A Motion as set out below was moved by Councillor Jason Zadrozny and seconded by Councillor Helen-Ann Smith:-

"This Council notes with concern that Universal Credit will start rolling out across Nottinghamshire from May 2018.

It will roll out at Newark Job Centre Plus in May, Mansfield Job Centre Plus in September, Nottingham Central Job Centre Plus in October and Ashfield Job Centre Plus, Beeston Job Centre Plus and Arnold Job Centre Plus in November.

This Council further notes that Universal Credit will apply to working age households, and be paid as a single monthly payment to replace:

- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Income Support
- Working Tax Credit
- Child Tax Credit
- Housing Benefit

This Council notes concerns from landlords, councils and charities about universal credit and how it affects Nottinghamshire's most vulnerable residents, that councils whose tenants have already been moved onto universal credit said they had built up millions in rent arrears with residents at risk of eviction. Figures received under a recent Freedom of Information request show that half of all council tenants across 105 local authorities who receive the housing element of universal credit – which replaces housing benefit – are at least a month behind on their rent, with 30% two months behind. Figures also show a dramatic increase in the use of food banks in areas where this has already been rolled out.

This Council has major concerns that families risk being pushed into a spiral of debt due to a minimum six-week wait for an initial payment and processing delays. For low-income claimants, many of whom who lack savings, this in effect leaves them without cash for six weeks.

This Council has a responsibility to protect the poorest residents in Nottinghamshire. This Council believes that Universal Credit in its current form will have a huge detrimental impact on our residents.

This Council calls on the Government to stop the roll out of Universal Credit in Nottinghamshire until the current problems with the system are sorted out.

We therefore call for the leaders of the Ashfield Independents, Conservatives and Labour Parties to write to the Secretary of State for Work and Pensions Secretary of State for Work and Pensions, The Rt Hon Esther McVey outlining our opposition to Universal Credit in its current form”

An amendment to the Motion as set out below was moved by Councillor Alan Rhodes and seconded by Councillor Kate Foale:-

“This Council notes with concern that Universal Credit will start rolling out across Nottinghamshire from May 2018.

It will roll out at Newark Job Centre Plus in May, Mansfield Job Centre Plus in September, Nottingham Central Job Centre Plus in October and Ashfield Job Centre Plus, Beeston Job Centre Plus and Arnold Job Centre Plus in November. **It was introduced in Retford and Worksop Job centres in 13<sup>th</sup> December last year.**

This Council further notes that Universal Credit will apply to working age households, and be paid as a single monthly payment to replace:

- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Income Support
- Working Tax Credit
- Child Tax Credit
- Housing Benefit

This Council notes concerns from landlords, councils and charities about universal credit and how it affects Nottinghamshire's most vulnerable residents, that councils whose tenants have already been moved onto universal credit said they had built up millions in rent arrears with residents at risk of eviction. Figures received under a recent Freedom of Information request show that half of all council tenants across 105 local authorities who receive the housing element of universal credit – which replaces housing benefit – are at least a month behind on their rent, with 30% two months behind. Figures also show a dramatic increase in the use of food banks in areas where this has already been rolled out.

**A further consequence of the universal credit roll out is untimely reduction in free school meals provided those to children whose parents earn over £7,400 per annum, which will evidentially impact on pupil outcomes, in addition to increasing food costs for those families already struggling on low incomes.**

This Council has major concerns that families risk being pushed into a spiral of debt due to a minimum six-week wait for an initial payment and processing delays. For low-income claimants, many of whom who lack savings, this in effect leaves them without cash for six weeks.

This Council has a responsibility to protect the poorest residents in Nottinghamshire. This Council believes that Universal Credit in its current form will have a huge detrimental impact on our residents.

This Council calls on the Government to stop the roll out of Universal Credit in Nottinghamshire until the current problems with the system are sorted out.

We therefore call for the leaders of the Ashfield Independents, Conservatives and Labour Parties to write to the Secretary of State for Work and Pensions Secretary of State for Work and Pensions, The Rt Hon Esther McVey outlining our opposition to Universal Credit in its current form”

The amendment was accepted by the Mover of the Motion.

Following a debate the Motion as amended was put to the meeting and after a show of hands the Chairman declared it was lost.

The requisite number of Members requested a recorded vote and it was ascertained that the following 28 Members voted ‘**For**’ the motion:-

Joyce Bosnjak  
Nicki Brooks  
John Clarke  
Jim Creamer  
Samantha Deakin  
Sybil Fielding  
Kate Foale  
Glynn Gilfoyle  
Kevin Greaves  
Errol Henry JP  
Paul Henshaw  
Tom Hollis  
John Knight  
Rachel Madden

David Martin  
Diana Meale  
Michael Payne  
John Peck JP  
Sheila Place  
Liz Plant  
Mike Pringle  
Alan Rhodes  
Helen-Ann Smith  
Parry Tsimbirdis  
Muriel Weisz  
Andy Wetton  
Yvonne Woodhead  
Jason Zadzonzy

The following 32 Members voted '**Against**' the motion:-

Reg Adair  
Chris Barnfather  
Ben Bradley  
Andrew Brown  
Richard Butler  
Neil Clarke MBE  
Mrs Kay Cutts MBE  
Dr John Doddy  
Boyd Elliott  
Stephen Garner  
Keith Girling  
John Handley  
Tony Harper  
Vaughan Hopewell  
Richard Jackson  
Roger Jackson

Eric Kerry  
Bruce Laughton  
John Ogle  
Philip Owen  
Francis Purdue-Horan  
Kevin Rostance  
Phil Rostance  
Mrs Sue Saddington  
Andy Sissons  
Tracey Taylor  
Steve Vickers  
Keith Walker  
Stuart Wallace  
Gordon Wheeler  
Jonathan Wheeler  
Martin Wright

The Chairman declared that the motion was lost.

#### **MOTION FOUR**

As per Paragraph 7 of the Council's Procedure Rules the 5.30pm end time for the meeting was reached at this point, therefore all remaining business on the agenda would be carried over to the following meeting.

The Chairman declared the meeting closed at 5.30 pm.

#### **CHAIRMAN**

## **APPENDIX A**

### **COUNTY COUNCIL MEETING HELD ON 22<sup>ND</sup> MARCH 2018**

#### **QUESTIONS TO THE CHAIRMAN OF NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY**

##### **Question to the Chair of the Nottinghamshire and City of Nottingham Fire and Rescue Authority from Councillor David Martin**

Ashfield as a District is in a unique geographical position not only to support its 100,000 plus residents but also incidents on major arterial routes such as the M1 and the A38.

Can the Chairman of the Fire Authority assure this Council and more importantly the residents of Ashfield and Retford that every conceivable alternative evaluation to save money across the County was pursued before cuts to this vital service provision were made?

Can the Chairman of the Fire Authority wholeheartedly promise the residents of Ashfield District and the Country that they have not put lives at risk by this postcode cut in vital overnight emergency services?

##### **Response from Chairman of Nottinghamshire & City of Nottingham Fire & Rescue Authority Chairman**

You will all be aware that public services have endured a continual reduction in funding over a number of years and the Fire and Rescue Service is no different to any other Service in the country. Since 2010 we have made savings in the region of £13 million pounds which is equivalent to a 25% reduction of our finances.

Over that time we have made savings in every area of the service which have included:

- a significant number of reductions in managerial posts;
- removal of five fire appliances from the city area and one from Mansfield;
- a complete review and restructure of support services; and
- a transformation of the procurement of goods and services within the Service itself.

These latest changes at Ashfield and Retford, which still ensure the same number of appliances are maintained at the stations, are part of a long-term strategy to save £3 million pounds by 2020, so I can confirm that every area of the Service is subject to scrutiny to ensure that the saving being made are proportionate.

What must also be considered, is that when an incident occurs that affects life or property a number of resources are dispatched to deal with the incident, not just the appliances from the nearest station. This will also involve appliances from neighbouring services where they are the closest.

In terms of risk, residents of the County and City are now safer than they have ever been. Due to the significant work undertaken by the Fire Service and our partners we

have driven down risk and the number of incidents by over 40% in recent years. This work will continue as we maintain focus on prevention, whilst at the same time ensure we maintain an operational response capability that is proportionate to the risks and demands placed on the Service.

## **APPENDIX B**

### **COUNTY COUNCIL MEETING HELD ON 22<sup>nd</sup> MARCH 2018 QUESTIONS TO COMMITTEE CHAIRMEN**

#### **Question to the Chairman of Communities and Place Committee from Councillor Vaughan Hopewell**

Chairman, the bus services throughout the County have been severely cut back in recent years. Many areas including Mansfield and Ashfield have a service that ceases at 6.15pm. This means that businesses are being discouraged from coming to these areas due to the lack of public transport. Some residents are unable to travel after this time.

Nottinghamshire County Council have white minibuses that are currently not being used in the evenings. Is it possible for the Communities and Place Committee to assess the bus services and consider the use of these white minibuses to be used for an evening service in these areas?

#### **Response from Councillor John Cottee, Chairman of the Communities and Place Committee**

The reduction of bus services in the Mansfield and Sutton area was a commercial decision made by the main operators in the area due to low passenger numbers. Nottinghamshire County Council continues to support a number of local services during the day, several of which are operated by our own Fleet Transport Services.

The integrated use of Fleet vehicles formed part of the successful programme of service changes in 2014 and helped to maintain access to a wide range of services whilst reducing the overall cost of support.

As part of the on-going review of local bus support I will ask the Transport and Travel Services Team to investigate any potential alternative options, including the use of Fleet vehicles to deliver services in the Mansfield and Sutton area after 6.15pm in the evening.

#### **Question to the Chairman of Adult Social Care and Public Health Committee from Councillor Muriel Wiesz**

The pressure for respite care places appears to be growing across the County, as Carers look for such respite in order to continue to care for elderly relatives at home on a long term basis. Many families say that they struggle to plan ahead for regular respite, in an establishment where their relative becomes known, and feels safe, in order that they can have a break and hence be able to sustain their care in the long term. What plans does the department have to ensure that such facilities are available to families, without the struggle of exhaustive enquiries?

**Response from the Chairman of the Adult Social Care and Health Committee,  
Councillor Stuart Wallace**

In 2016/17 respite care was provided to 610 people and an additional 5,224 carers benefit from a direct payment, which can also be used for short breaks.

The importance of respite care for carers is recognised in specifications for contracted services including the new home-based care programme which is currently out to tender. The recently awarded contract for the countrywide rapid response service, known as 'Home First Response', includes the provision of home-based respite care when a carer is in a crisis situation, and is provided free of charge for up to two weeks.

Work is also underway with residential providers to develop supply, to ensure that there is effective provision to benefit carers who need this access.

The Council's directly provided adult social care services also offer respite care.

There are three dedicated short breaks units offering respite care to adults with learning disabilities which are very popular and can be booked up to a year in advance to help carers plan for their lives.

There is not huge demand for respite care for older people in our internal services and the short term bed capacity in the Care and Support Centre is used more to support people being discharged from hospital. Demand for this type of respite is mainly met by the independent sector.

In addition, the Council's day services play a key role in providing respite for carers.

Over the next 12 months, the Council's support offer to carers will be reviewed and updated, with the intention of new arrangements being in place by March 2019. This will include a review of respite and short breaks provision alongside processes for the assessment of carer need and support planning.

This acknowledges the findings of the Council's public consultation about carer support undertaken in autumn 2017, which identified respite and information and advice as the services considered most important to carers, which is something I accept as I have many friends out there who access the system. Carers will be involved in developing new service proposals.

**Question to the Chairman of the Communities and Place Committee from  
Councillor Samantha Deakin**

This winter has brought more snow than we have seen in recent years and though we have had fantastic communication from the Department as elected members there have still been many problems across the County.

There has been widespread school closures and large scale disruption to local businesses. Parents having to take time off due to school closures and businesses

not being able to move people and goods to where they need to be has had a significant impact upon our local economy.

While the levels of snow we have experienced is more than we have seen in recent years, it has been far from the worst winters this area has experienced. There are many other countries that experience much worse winters and yet they manage to keep their roads and schools open. We appear to have the equipment and the staff needed for this task but are we deploying them in the best way? I would therefore like to ask the following six things:

1. Why are many Nottinghamshire schools not directly served by Main or Severe Weather gritting routes?
2. Do school site managers have the equipment or third party services needed to keep their sites open?
3. When snow ploughs have been fitted to gritters they have been seen being used in a raised position where they leave several inches of snow still on the road. Have staff been trained in the correct use of snow ploughs?
4. While we would imagine our gritters have data loggers for the amount of grit spread, what monitor is in place for plough use?
5. How regularly and via what method is an individual driver's plough use reviewed by supervisors?
6. How regularly and via what method is the overall gritting strategy reviewed and modified if needed?

### **Response from Councillor John Cottee, the Chairman of the Communities and Place Committee**

Our general gritting/salting arrangement are as follows:

- There are currently 23 established main routes and secondary routes across the County, with a fleet of 30 gritters available. We have through Via, a night shift in place from October to the end of March, with a dayshift standby rota available to cover any requirement to treat the network during the day;
- All drivers are trained in City and Guilds 6159 – Winter Service Operations – and this includes the operation of a plough;
- There are approximately 1,400 grit bins sited around the County;
- Our forecast provider is 'The Metdesk', who provide a 24-hour forecasts and 2-5 day forecasts;
- There are eight weather stations around the County which record site specific weather conditions;
- We have 5 Duty supervisors available throughout the winter season, all fully trained with a Professional Certificate in Winter Maintenance. These are the individuals who make the decision on whether treatment is required;

- We have 'Masternaut' vehicle tracking on each vehicle, and CCTV fitted on each vehicle.
- Every day throughout the winter season, an initial forecast is received at 6.30am which gives an indication on action that may be required during the next 24 hours. The lunchtime forecast is generally the one that is used to make the decision for the day. Timing of any treatment and spread rates are established based on anticipated temperatures that are forecast. Most action will be to salt the main routes, however if severe weather is forecast then secondary routes will be covered as well. The majority of a winter season will require only precautionary salting to be instructed, however in snow events, which can have a significant impact on the network, there is a need to react to the conditions and issues that may arise on the highway network. This usually includes continuous treatment of the network and ploughing as required.

Moving on to your specific questions:

**1. Why are many Nottinghamshire schools not directly served by Main Severe weather gritting routes?**

We define our main and secondary routes as follows:

- Main Routes – All non-trunk A and B classified roads, strategic routes carrying high traffic flows of more than 1,500 vehicles per day and generally defined as Category 3 or higher in the current County Council Structure Plan hierarchy, major urban distributor roads and main bus routes.
- Secondary Routes - These are a further defined network of roads of identified importance such as bus routes, roads leading to essential industrial, military, medical or emergency service establishments or roads providing access to major settlements not served by "Priority 1" routes. "Priority 2" routes will also include those roads that establish at least one link to each settlement, accesses to special schools and certain problematic hilly areas.

In addition, not all schools are on roads that would be accessible by a gritter and any change in policy to include schools would need to consider safe access issues. Nottinghamshire County Council staff are due to meet with representatives from Via in April to review all winter maintenance operations, and a subsequent report and recommendations will be brought to the Communities & Place Committee.

**2. Do School site managers have the equipment of 3<sup>rd</sup> party services needed to keep their site open?**

That is a matter for Schools and School Governing bodies.

**3. When snow ploughs are fitted to gritters that have been seen being used in a raised position where they leave several inches of snow still on the road. Have staff been trained in the correct way?**

When ploughs are fitted to gritters they may not always be utilised on the route, and are only used on those roads where there is a requirement to do so. However, when in use, they are generally set to approximately an inch above the carriageway surface, this is to ensure no damage occurs to the surface and also for the safety of the driver.

**Have staff been trained in the correct way?**

Yes- City and Guilds training as mentioned earlier.

**4. While we would imagine our gritters have data loggers for the amount of grit spread, what monitor is in place for plough use?**

Control boxes within each vehicle allow for data to be recorded relating to spread rates and plough usage. This information can be linked to external systems for review, but currently no system is linked to access the data. This will be considered further in the end of season review.

**5. How regularly and via what method is an individual driver's plough use reviewed by supervisors?**

Plough use is dependent on the requirement for snow clearance on the highway network, and drivers react to the conditions they face. Each driver is familiar with the routes they cover and are trained on when and how to use the plough. Drivers are experienced in winter maintenance operations and their judgement is valued in the usage of ploughs.

**6. How regularly and via what method is the overall gritting strategy reviewed and modified if needed?**

As I mentioned earlier in this answer, there will be a joint review of winter maintenance operations between the County Council and Via at the end of the current winter season. This, along with resultant recommendations, will be considered by the Communities & Place Committee.

**Question to the Chairman of the Children and Young People's Committee from Councillor John Peck**

Does the Chairman of the Children and Young People's Committee share my concern that a BBC report has revealed Nottinghamshire has the greatest increase of any local authority in England of fines to parents for taking children on holiday during term time, and will he inform elected members today of the reason for this tenfold increase and cost to the local authority of employing additional staff to deal with the rise in fines and the cost of collecting each £60 penalty notice?

**Response from the Chairman of the Children and Young People's Committee Councillor Phillip Owen**

In Nottinghamshire over recent years there has been a significant increase in the number of fines issued to parents as a result of their child or children having an

unauthorised absence from school during term time. The vast majority of these absences have been for the purpose of a family holiday.

Following the Supreme Court Judgement of 2017 the Law was clarified, such that for a child to be considered to have regular attendance they must be at school every day that the head teacher requires them to be there. This judgement, alongside Section 441 of the Education Act 1996 creates the legal basis under which parents are prosecuted for their child's irregular attendance at school.

Each local authority area in consultation with schools sets their own threshold for Penalty Notice Fines. This is set out in the Nottinghamshire Code of Conduct. The Code was revised in 2015 and again in 2016 under the Labour administration, leaving the current threshold set at 3 days' absence (equivalent to 6 sessions) over 6 weeks regardless of the reasons for the unauthorised absence.

The reason for revising the threshold in Nottinghamshire was because:-

- 1) Historically our threshold was higher than many other authorities and as a result we were issuing far fewer fines;
- 2) The Department for Education in 2013 changed the definition for persistent absence from 15% to 10% and we needed to ensure our arrangements reflected this;
- 3) The Department for Education also amended the regulations by removing the flexibility Head teachers had to agree up to 10 days absence for holidays in term time; and,
- 4) Head Teachers in the consultation (that preceded the report to committee) were in favour of a change to the threshold.

The 2015 change in the threshold in Nottinghamshire brought the authority more in line with other local authorities and with national expectations set by the Department for Education.

The recently published national figures do not include reference to the thresholds being applied in other authorities, which may have some bearing on any variations in fines issued. To put the increase in context, for 2015-16 - according to the Department for Education figures - Nottinghamshire issued the third highest number of fines in the region and the fifth highest number amongst our statistical neighbours. This suggests that the increase has brought us more in line with other local authorities.

Ultimately, the discretion is with Head Teachers to authorise an absence, or to request that a fine is issued to parents where the absence is not authorised. The increase in Nottinghamshire represents a much greater use of fines by schools to address unauthorised absence rates, which in Nottinghamshire are now below the England average for both overall and persistent absence.

In 2015 the Council agreed to establish an additional 3 FTE Band A Posts (Education Enforcement Officers) and a 0.5 Band B post to help administer the anticipated increase in requests for fines from the local authority. The cost is currently about £185k for these additional posts within the structure. This is now largely offset by the income received from fines paid.

**Question to the Chairman of Adult Social Care and Public Health Committee from Councillor Alan Rhodes**

At the Improvement and Change Committee held on 12<sup>th</sup> March 2018, a table was shown on Appendix B1 of agenda item 9 'Progress report on delivery of programmes, projects and savings'. This table contained indicative closure dates for the five remaining residential care homes still owned and managed by Nottinghamshire County Council as follows:

Woods Court – May 2018 (confirmed)  
Leivers Court – March 2019  
James Hince Court – July 2019  
St Michaels View – May 2019  
Bishops Court – September 2019

This information appearing in a public document has caused concern and anxiety to staff, residents of the homes and their families, which in my opinion is totally unacceptable.

Will the Chairman of Adult Social Care Committee, on behalf of the administration, explain the situation in respect of the publication of indicative closure dates and the current administrations intentions in respect of the remaining homes currently in the county council's ownership?

**Response from the Chairman of the Adult Social Care and Public Health Committee, Councillor Stuart Wallace**

In February 2015 the Council, which was under the previous Labour administration lead by Councillor Rhodes, approved the closure of its remaining six Care and Support Centres across the County, with the aim of delivering savings of £4.3 million pounds.

Kirkland's closed in June 2016, and there is a confirmed closure date of May 2018 for Woods Court, following the opening of the Gladstone House extra care provision in Newark.

The report to Improvement and Change Committee did contain indicative closure dates for the remaining services during 2019. These were based on the earliest possible closure dates, which have slipped beyond the original 2015 closure plan which would have seen all services closed by spring of 2018. In other words, the plan that was put forward in 2015 would have seen all the care homes closed this year. Chairman, financial probity and good housekeeping demands that new indicative dates are necessary in order to re-profile the savings plan and inform the Medium Term Financial Strategy.

The March report made clear that the timescales are indicative only, and may be subject to further change pending decisions on the approval of the (Housing with Care?) Extra Care Strategy and the re-provision of the short-term bed capacity.

Staff, residents and families have been aware of the closure plans since the original decision in 2015, which was in the public domain at the time, so this is not “new” news to anyone.

Having checked this week with all Care and Support Centres, I am not aware of any concerns being raised by staff, residents of the homes or their families in relation to the report to Improvement and Change Committee. The broader concerns which were expressed, the anxieties by residents and staff and families are in relation to the original 2015 decision to close the Care and Support Centres not timing when it would take place.

If Councillor Rhodes is aware of any specific concerns, we would be grateful if these could be passed on in order that we can address any anxieties with the individuals concerned.

The current administration will be considering the position on the closure of the remaining Care and Support Centres in the coming months. Any decisions will be predicated on the approval of the Extra Care Strategy, and ensuring that we are able to re-procure the short term care capacity in the independent sector as appropriate alternatives to the current services.

**Question to the Chairman of Communities and Place Committee from Councillor John Peck**

Following the unsuccessful bid by Newark and Sherwood District Council to obtain funding to support the rebuilding of Ollerton roundabout, and given the notorious bottleneck on the A614, the increasingly pressing need to unlock the regeneration of the former Thoresby Colliery site, the building of a proposed 800 houses, an employment park creating 500 jobs, and a new 350 acre country park, does the Chairman agree with me that we need to press ahead with our plans to do so as a matter of priority? Can he also assure me that the project will be completed within the next three years?

**Response from the Chairman of the Communities and Place Committee, Councillor John Cottee**

I was disappointed with the outcome of Newark & Sherwood District Council's bid to the Housing Infrastructure Fund, but have been encouraged by the response from the Ministry of Housing, Communities & Local Government that they will explore using some of the additional £10 billion of funding allocated to housing delivery in the Autumn Budget to support local authorities to develop their housing ambitions.

Members of Policy Committee will recall that the improvement of Ollerton Roundabout is one of the priorities for highway investment in the Council's Place Department Strategy approved in January. As a result of this, Officers have been

tasked with reviewing the scheme and preparing the economic case for investment, so that when future funding opportunities become available, we are actually at an advanced stage with a worked up project, which should improve the chances of securing funding.

The County Council and other stakeholders in this project will continue to press Government to invest improvements to the A614, including Ollerton Roundabout which is a key major route linked to our growth areas and in particular the redevelopment of Thoresby Colliery and the visitor economy. Members of Place and Communities Committee have already agreed earlier this month that this is a priority as part of our Safeguarded Routes.

It would be foolhardy to give you a guarantee that this scheme will be delivered in the next three years, as it is dependent upon external funding approvals and a statutory planning process which have considerable lead-in times. We are doing everything we can to maximise the chances of delivering this key scheme at the first available opportunity.



**REPORT OF THE CHAIRMAN OF COMMUNITIES AND PLACE COMMITTEE****RESPONSES TO PETITIONS PRESENTED TO THE CHAIRMAN OF THE  
COUNTY COUNCIL****Purpose of the Report**

1. The purpose of this report is to inform Council of the decisions made by the Communities and Place Committee concerning issues raised in petitions presented to the Chairman of the County Council on 18 January 2018.

**A. Petition regarding traffic regulation orders in Forest Town (Ref 2016/0273)**

2. A 48 signature petition was presented to the 18 January 2018 meeting of the County Council by Councillor Martin Wright on behalf of residents of Forest Town. The petition asked that the existing prohibition of driving Traffic Regulation Orders on Minton Pastures, Beechwood Close and Fernwood Close be replaced with a different Order prohibiting parking. This is on the grounds of lack of enforcement of the existing Order by the police and the belief that the Council would enforce parking restrictions more effectively against the incursion of school parking. The named roads are cul-de-sacs off Holly Drive where the school's access is situated and there have been previous parking restrictions introduced on Holly Drive and the adjoining through route of Holly Road in recent years to try and curb the problem. Complaints regarding school parking in this area have continued, however, including from residents further afield on Holly Road who have experienced parking near their homes which was displaced by the current parking restrictions.
3. The existing prohibitions of driving on these roads can be enforced by the police, but how the police prioritise their resources is beyond the County Council's control. The Council receives many complaints regarding parking at arrival and departure times outside schools in the county. Various attempts at area-wide parking restrictions have been made previously, but these have generally resulted in either yellow lines being ignored by drivers, the parking problem being displaced to adjacent road lengths and child pedestrian movements being spread across wider areas where drivers may not expect them to be present. Also, yellow lines allow drivers to set down and pick up passengers, so this activity is not actually made illegal by the introduction of double yellow lines.
4. The Council has subsequently taken the approach of targeting parking issues at specific locations near schools, such as school entrances and crossing points. The County Council has consequently undertaken two major programmes at all school sites in the county – making all “School Keep Clear” road markings legally enforceable and introducing advisory 20mph speed limits outside schools. These programmes target keeping the school entrances clear of parking to create a safe space for crossing movements whilst impressing upon drivers that they are expected to lower their speed outside all schools in Nottinghamshire. The enforcement of “School Keep Clear” markings was improved further with the commissioning of camera enforcement car which can immediately record and log any vehicle it sees contravening the No Stopping Orders which now underpin all “School

Keep Clear” markings. A penalty charge notice is then issued to the registered vehicle owner. Requests for the camera enforcement car to visit a school can be made via the County Council’s website.

5. Whilst it is appreciated that school parking patterns can cause disruption and inconvenience, they rarely result in a road safety problem. The Council does, however, offer advisory white H-bar markings to assist residents who find their driveways are being obstructed by parking at a cost to the resident of £185. Application details and conditions can be obtained by the individual resident(s) contacting us directly.

**B. Petition requesting 50mph speed limit on Grange Lane, Staunton in the Vale (Ref 2016/0274)**

6. A 37 signature petition was presented to the 18 January 2018 meeting of the County Council by Councillor Keith Walker requested a 50mph speed limit on Grange Lane, Staunton in the Vale. The road is rural in nature with a 60mph speed limit.
7. To consider the speed limit request an assessment would be carried out including consideration of the road layout and its purpose, the number of properties fronting the road, an evaluation of traffic speeds, and an investigation of the speed related injury accident data. Once this data is available the request would be considered in line with guidelines for setting local speed limits; and if appropriate, alterations to the speed limit would be considered for inclusion in a future integrated transport programme.

**C. Petition objecting to proposed residents’ parking scheme on Epperstone Road, West Bridgford (Ref 2016/0275)**

8. A petition of over 300 signatures from users of the West Bridgford Methodist Church was presented to the 18 January 2018 meeting of the County Council by Councillor Liz Plant. The objections to the proposed Epperstone Road area residents’ parking scheme stated that the residents’ parking scheme would limit available on-street parking in the area and negatively impact on the operation of their organisation and the many community based groups which used the church premises.
9. There are many competing demands for free, convenient on-street parking in this area and when dealing with a finite resource it is not possible to meet all these demands for parking. The scheme was proposed to reduce the effect of non-resident parking on residents of the area. It is important to ensure that the volume of on-street parking on Epperstone Road and part of George Road reflects anticipated levels of demand. As such it is not considered appropriate to further reduce the on-street spaces available to permit holders by allocating part of Epperstone Road as limited waiting. Visitors, including carers, visiting residents of Epperstone Court have alternative options available including the 2hr limited waiting bays on George Road and Patrick Road.
10. The Epperstone Road area residents’ parking scheme was considered and responded to in the report to Communities and Place Committee on the proposed scheme (which was on 19 April 2018 Committee agenda).

**D. Petition requesting a pedestrian crossing on the A611 near the Brooklyn Day Nursery (Ref 2016/0276)**

11. A 192 signature petition was presented to the 18 January 2018 meeting of the County Council by Councillors John Knight and Rachel Madden requesting a pedestrian crossing for pedestrians to access the Brooklyn Day Nursery.
12. The County Council receives far more requests for pedestrian crossings (such as puffin or zebra crossings) than it is able to fund and therefore requests for crossings are prioritised based on the numbers of people crossing, the volume of traffic and other relevant factors such as accident history at a proposed location so that the available funding helps the greatest number of people.
13. Accident records show that between 1 January 2014 and 31 November 2017 (the most up to date records) fortunately there had been no reported road traffic collisions involving pedestrians on the section of the A611 between Annesley Cutting and the A608 so a crossing would not be introduced to address a history of road traffic collisions involving pedestrians. Given that there are very few residential properties in this locality it is likely that there will be low numbers of pedestrians wishing to cross at this location throughout the day. Surveys will, however, be undertaken to determine whether a crossing at this location should be prioritised for possible inclusion in a future year's integrated transport programme.

**E. Petition requesting traffic signals at the junction of Breck Hill Road and Plains Road, Mapperley (Ref: 2016/0277)**

14. A petition was presented to the 18 January 2018 meeting of the County Council by Councillor John Clarke requesting that the County Council "re-examine the safety of the junction of Breck Hill Road and Plains Road, Mapperley" and asked "that serious consideration be given to the installation of proper traffic controls at this junction".
15. Records show that between 1 April 2014 and 30 October 2017 there had been two road traffic collisions at this location resulting in serious casualties; and five collisions resulting in slight injuries.
16. Providing traffic signals at this location might be possible but it is likely to have significant impacts on the wider highway network, including journey times for drivers, increased vehicle queues, pedestrian safety, nearby on-street parking, access to nearby car parks, as well as nearby pedestrian crossings and traffic signals. It is also not clear whether introducing traffic signals at this junction would improve road safety at the junction. Therefore traffic and pedestrian surveys will be undertaken so that a preliminary appraisal of the feasibility and impacts of the introduction of traffic signals at this junction can be undertaken.

**F. Petitions requesting a residents' parking scheme on Second Avenue, Carlton (Ref 2016/0278); and that some properties on Second Avenue, Carlton are exempt from the residents' permit scheme requested (Ref 2016/0279)**

17. Two separate petitions concerning a residents' parking scheme on Second Avenue, Carlton were presented to the 18 January 2018 meeting of the County Council by Councillor Jim Creamer. A 33 signature petition was presented on behalf of residents requesting that a residents' parking scheme be introduced on Second Avenue. At the same meeting a 55

signature petition was presented on behalf of residents of Second Avenue requesting that a residents' parking scheme not be introduced in front of their properties.

18. Second Avenue is a residential road located between the B686 Carlton Hill and Foxhill Road. The southern part of the road is located near the Carlton Hill shopping area and comprises semi-detached properties, none of which have their own off-street parking; and it is residents of these properties that are seeking a residents parking scheme. The northern section of Second Avenue is located further away from the shopping area and most, if not all, properties at the northern end have off-street parking; and it is residents of these properties that are requesting that a residents' parking scheme is not introduced outside their properties.
19. Requests for residents' parking schemes are prioritised in locations where residents do not have off-street parking and where a scheme won't negatively affect nearby streets and town centres, or increase rat running or vehicle speeds. Schemes are prioritised based on the level of non-resident parking throughout the day.
20. A parking survey will be undertaken to determine whether a residents' parking scheme should be considered a priority on any section of Second Avenue for possible inclusion in a future year's integrated transport programme.
21. It should, however, be noted that as requests for residents' parking schemes are prioritised in locations where residents do not have off-street parking, it is unlikely that the northern section of Second Avenue would be considered a priority for the introduction of such a scheme. In any event, residents of Second Avenue will be consulted on any proposed permit scheme should such a scheme be prioritised for delivery.

**G. Petitions asking the County Council to prevent all seismic surveys, exploration and any activity related to fracking and coal bed methane (Ref: 2016/0280)**

22. The County Council received a petition of 501 signatures in November and a further two petitions, one of 459 signature petition and another of 434 signatures were presented to the 18 January 2018 meeting of the County Council by Councillor Helen-Ann Smith. The petitions ask the County Council to prevent all seismic surveys, exploration and any activity related to fracking and coal bed methane within Nottinghamshire.
23. The County Council is developing an up to date planning policy against which applications for exploration, appraisal and extraction of all hydrocarbon minerals (including coal bed methane and shale gas) will be judged. This will be contained within a revised Minerals Plan which will be published later in 2018. The policy will need to reflect national guidance on this subject ("Planning practice guidance for onshore oil and gas" 2013) which seeks to ensure that appropriate provision is made for exploration and production. The Plan will need to show Petroleum Licence Areas on the proposals maps, include criteria-based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction and provide clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas.
24. The Committee will be asked to endorse a draft policy approach which will be issued as part of the Draft Plan proposals for the purposes of wider public involvement later in 2018. The

petition which reflects the views of local residents will be considered further in light of national guidance on this matter.

25. With regard to request to refuse all requests for a licence to undertake seismic surveys on all County Council owned land, members will make any such decisions on a case by case basis at a public committee meeting.

**H. Petition requesting speed reduction measures on B6010 Moorgreen and B600 Church Road and measures to reduce HGV traffic on B6010, Moorgreen (Ref 2016/0281)**

26. A 224 signature petition was presented to the 18 January 2018 meeting of the County Council by Councillor John Handley on behalf of residents of Moorgreen. The petition requested that measures be introduced to reduce speeding on Moorgreen and Church Road and that HGV numbers be reduced on Moorgreen.
27. The B6010 is subject to a 30 mph speed limit and is the subject of an on-site speed awareness campaign in the form of "It's 30 for a reason" signing. There is also a vehicle activated speed warning sign located on the road. The B600 Church Road also has a 30 mph speed limit from the point where residential properties have frontages on the highway; and a vehicle activated speed sign is due to be installed on this road during 2018/19.
28. Enforcement of the speed limits on these roads should be directed to the area neighbourhood policing inspector and therefore a copy of the petition has been forwarded to the police for consideration.
29. The issue of HGV traffic using Moorgreen has been considered previously following representations from the Moorgreen Residents' Association (the sponsors of the present petition). An assessment carried out in 2014 concluded that as it was quicker, and therefore cheaper, for haulage companies travelling through Eastwood to use alternative routes (namely the A608/A610 or B600) it was likely that only HGVs accessing/serving local businesses were using the B6010. Therefore, if a weight restriction was introduced on the B6010 it would have a significant detrimental impact on local businesses and would simply transfer the problem to other nearby residential streets.
30. A weight restriction could be considered if it was assessed to be the most appropriate measure to address a history of road traffic collisions on the road. Analysis of reported road traffic collision data resulting in injuries, however, shows that fortunately between 1 January 2014 and 31 October 2017 there have been no reported road traffic collisions involving lorries on the B6010 between Church Road and Mill Road. Consequently, a HGV weight restriction would not currently be considered to resolve a history of road traffic collisions. It is therefore not currently proposed that a restriction on lorry traffic is introduced on the B6010.

**Statutory and Policy Implications**

31. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

It is recommended that the contents of the report and the actions approved be considered.

**Councillor John Cottee**  
**Chairman of Communities and Place Committee**

**For any enquiries about this report please contact:**

Adrian Smith, Corporate Director, Place  
adrian.smith@nottsc.gov.uk

## **Background Papers and Published Documents**

- None

## **Electoral Division(s) and Member(s) Affected**

- Mansfield East – Councillor Martin Wright
- Balderton – Councillor Keith Walker
- West Bridgford North – Councillor Liz Plant
- Kirkby North – Councillor John Knight
- Kirkby South – Councillor Rachel Madden
- Arnold South – Councillor John Clarke and Councillor Muriel Weisz
- Carlton West – Councillor Jim Creamer and Councillor Errol Henry JP
- Sutton North – Councillor Helen-Ann Smith
- Greasley and Brinsley – Councillor John Handley

## **REPORT OF THE CHIEF EXECUTIVE**

### **APPOINTMENT OF COMMITTEES**

#### **Purpose of the Report**

1. To agree the establishment of the Council's Committees and make appointments to the positions of Chairmen and Vice-Chairmen.

#### **Information**

2. Under the Council's Constitution, the Annual Meeting of the Full Council is required to establish such Committees as the Council sees fit.
3. The current Committee structure governing the County Council was established by Full Council on 25<sup>th</sup> May 2017 when the number of committees were reduced in order to improve efficiency and effectiveness. The system is working well and no significant changes are suggested. The committee structure is set out in Appendix A. The terms of reference of the Committees are set out in the Council's Constitution and it is proposed that their re-establishment for the forthcoming municipal year be confirmed.
4. In determining the composition of Committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989. These Regulations require that seats on Committees and Sub-Committees are allocated to the Political Groups in a way which reflects the overall balance on the Council. The advice of the Monitoring Officer is that to comply with legislative requirements the allocation of seats should be based on overall seat numbers rather than on individual committee numbers. The chart in Appendix A reflects this.
5. The Council also appoints to a number of other committees, joint committees, boards which are not part of the requirements set out in paragraph 4 above. The 12 places on The Nottinghamshire and City of Nottingham Fire Authority are allocated according to the political balance on the Council and therefore the places have been allocated on this basis. Appendix B provides details of these appointments which Council is asked to agree.
6. With regard to appointments, there are a small number of the Committees, Sub-Committees and Panels where it is mandatory for the members to have received the appropriate training before sitting on them:-
  - Mental Health Guardianship Panel
  - Nottinghamshire Local Pensions Board

- Nottinghamshire Pension Fund Committee
  - Senior Staffing Sub-Committee
  - Planning and Licensing Committee
7. The Council participates in two Joint Committees with Nottingham City Council as shown in Appendix A. The appointment of Chairman and Vice-Chairman of the Joint Committee on Strategic Planning and Transport are undertaken in accordance with an agreement between the County and the City Councils. Under this agreement in the forthcoming municipal year the Chairman of the Joint Committee on Strategic Planning and Transport will be nominated by the County Council and the Vice-Chairman by the City Council for the forthcoming municipal year.
  8. As in previous years, It is proposed that the Leader be appointed as an ex-officio member of all committees and sub-committees of which she is not a voting full member, except Health Scrutiny for Nottinghamshire Committee, Mental Health Guardianship Panel, Planning and Licensing Committee and Joint Committees. As an ex-officio Member the Leader would have the right to speak but not to vote at meetings.
  9. It is the responsibility of the Proper Officer to enact the wishes of the Groups of the Council in appointing members to the committees based on the proportionality set out in Appendix A. This is in accordance with the provisions of the Local Government and Housing Act 1989, the Local Government Act 2000, the relevant Statutory Regulations and the Council's Standing Orders. It is proposed to delegate this responsibility to the Team Manager, Democratic Services to enable the effective management of the appointments.
  10. The Constitution states that Council meetings are normally held every 8 weeks. To enable a more regular cycle of meetings, the 17 January 2019 meeting will be cancelled and the meeting currently scheduled for 22 November 2018 will be rescheduled to 13 December 2018.

### **Other Options Considered**

11. No other options considered

### **Reason/s for Recommendation/s**

12. Under the Council's Constitution, the Annual Meeting of the Council has to establish the composition of its Committees.

### **Statutory and Policy Implications**

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## Financial Implications

14. There are no financial implications arising from this report.

## RECOMMENDATION/S

It is recommended:-

- 1) That the Council confirm the establishment of the Committees and Sub-Committees of the Council with their existing terms of reference subject to any changes made at this meeting, and with the membership and its continued participation of the Joint Committees set out in Appendix A.
- 2) That the Council confirm the establishment and appointments of the committees and its continued participation in the Joint Committees set out in Appendix B
- 3) That the Council make the following appointments of Chairmen and Vice-Chairmen until the Annual Meeting of the Council in May 2019, it being noted that the appointment of a Chairman and Vice-Chairman of the Mental Health Guardianship Panel and Senior Staffing Sub-Committee will be a matter for that Sub-Committee:-

| Committee                              | Chairman          | Vice-Chairmen                 |
|--|-------------------|-------------------------------|
| Adult Social Care and Public Health    | Stuart Wallace    | Tony Harper, Steve Vickers    |
| Children and Young People              | Philip Owen       | Tracey Taylor, Boyd Elliott   |
| Communities and Place                  | John Cottee       | Phil Rostance, Gordon Wheeler |
| Finance and Major Contracts Management | Richard Jackson   | John Ogle, Roger Jackson      |
| Governance and Ethics                  | Bruce Laughton    | Andy Sissons                  |
| Health and Wellbeing Board             | Dr John Doddy     | Appointed by the Board        |
| Health Scrutiny for Nottinghamshire    | Keith Girling     | Martin Wright                 |
| Improvement and Change Sub             | Reg Adair         | None                          |
| Joint Strategic Planning and Transport | Gordon Wheeler    | City Councillor               |
| Nottinghamshire Pension Fund           | Eric Kerry        | Stephen Garner                |
| Personnel                              | Neil Clarke MBE   | Keith Walker                  |
| Planning and Licensing                 | Chris Barnfather  | Jim Creamer                   |
| Policy                                 | Mrs Kay Cutts MBE | Reg Adair                     |

- 4) That the other representatives on the following committees / sub-committees be appointed as follows:-
  - (a) Children and Young People's Committee: One representative of the Church of England Diocese, one representative of the Roman Catholic Diocese, and two Parent Governors

(b) Health and Wellbeing Board: Seven District / Boroughs Councillors, six NHS Clinical Commissioning Group representatives, one Healthwatch, one NHS England, the Police and Crime Commissioner, three officers – Corporate Director, Adult Social Care, Health and Public Protection, Corporate Director, Children, Families and Cultural Services, Director of Public Health

(c) Nottinghamshire Pensions Fund Committee: Three City Councillors, two Nottinghamshire District / Borough Council representatives, two Trade Union Representatives, one Scheduled Body representative plus two pensioner representatives.

- 5) That the Leader of the Council be an ex-officio member of all committees and sub-committees except Health Scrutiny for Nottinghamshire Committee, Mental Health Guardianship Panel, Planning and Licensing Committee and Joint Committees.
- 6) That the appointment of members of the political groups to committees, sub-committees and joint committees be undertaken by the Team Manager, Democratic Services on behalf of the Chief Executive (the Proper Officer) in order to give effect to the wishes of the political groups in accordance with the provisions of the Local Government and Housing Act 1989, the Local Government Act 2000, the relevant Statutory Regulations and the Council's Standing Orders.
- 7) That the Team Manager, Democratic Services be authorised to act on behalf of the Chief Executive (Proper Officer) to appoint people as co-optees to committees when required.
- 8) That the change of Council meeting dates, to enable a more regular cycle of meetings, be noted.

**Anthony May**  
**Chief Executive**

**For any enquiries about this report please contact:**

Jayne Francis-Ward Email [jayne.francis-ward@nottsc.gov.uk](mailto:jayne.francis-ward@nottsc.gov.uk) Tel 0115 9773478

### **Constitutional Comments (SLB 1/5/18)**

15. The proposals set out in this report fall within the remit of Full Council.

### **Financial Comments (RWK 26/04/18)**

16. There are no specific financial implications arising from this report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Revised Committee System and Other Amendments to the Constitution report – Full Council 25<sup>th</sup> May 2017 (published)

- Appointment of Committees report – Full Council 25<sup>th</sup> May 2017 (published)
- LGPS Central Asset Pooling – Governance Arrangements – Full Council 12<sup>th</sup> January 2017 (published)
- Health and Wellbeing Board Governance and Management – Health and Wellbeing Board 7<sup>th</sup> March 2018 (published)

**Electoral Division(s) and Member(s) Affected**

- All



## APPENDIX A - Allocation of Committee Seats

| Meeting  | Number of County Cllrs | Cons and Mansfield Indep | Labour | Ashfield Indep | Lib Dem | Independent | Other                                    |
|--|------------------------|--------------------------|--------|----------------|---------|-------------|--|
| Adult Social Care and Public Health Committee          | 11                     | 6                        | 4      | 1              |         |             |  |
| Children and Young People's Committee                  | 11                     | 6                        | 4      | 1              |         |             | 4 non-voting co-optees: see recomm 4(a)  |
| Communities and Place Committee                        | 11                     | 6                        | 4      | 1              |         |             |  |
| Finance & Major Contracts Management Committee         | 11                     | 6                        | 4      | 1              |         |             |  |
| Governance & Ethics Committee                          | 11                     | 6                        | 3      | 1              | 1       |             |  |
| Greater Nott'm Light Rapid Transit Advisory Committee* | 5                      | 3                        | 2      |                |         |             | 5 City Council Members                   |
| Health and Wellbeing Board **                          | 5                      | 3                        | 2      |                |         |             | 19: see recomm 4(b)                      |
| Health Scrutiny Committee                              | 11                     | 6                        | 4      | 1              |         |             |  |
| Improvement & Change Sub-Committee                     | 9                      | 5                        | 3      | 1              |         |             |  |
| Joint Committee on Strategic Planning & Transport *    | 4                      | 3                        | 1      |                |         |             | 4 City Council Members                   |
| Local Joint Resolutions Committee                      | 6                      | 3                        | 2      | 1              |         |             |  |
| Nottinghamshire Pension Fund Committee                 | 9                      | 5                        | 3      | 1              |         |             | 10 non-voting co-optees: see recomm 4(c) |
| Personnel Committee                                    | 11                     | 6                        | 3      | 1              |         | 1           |  |
| Planning & Licensing Committee                         | 13                     | 7                        | 5      | 1              |         |             |  |
| Policy Committee                                       | 19                     | 10                       | 7      | 2              |         |             |  |
| Senior Staffing Sub-Committee                          | 9                      | 5                        | 3      | 1              |         |             |  |

\* A joint committee between Nottinghamshire County Council and Nottingham City Council

\*\* In accordance with the decision of the Health and Wellbeing Board every other meeting will be a non-public workshop



## Other Committees, Joint Committees and Boards

### **Mental Health Guardianship Panel**

The Mental Health Guardianship Panel makes decisions on renewal and discharge of guardianship under the Mental Health Act 1983.

That the Mental Health Guardian Panel be established with 5 members (2 Conservative Group, 2 Labour Group, 1 Ashfield Independent Group)

### **Nottinghamshire Local Pensions Board**

The Nottinghamshire Local Pensions Board is a body that has been established to scrutinise the work of the Council in its capacity as local pension authority. There is a membership of 8, including 1 County Council representative; the specific membership requirements are set out in legislation and the Board is not subject to the rules of political proportionality.

That the membership of the Nottinghamshire Local Pensions Board be confirmed as one County Councillor, one City Councillor, two other employer representatives, one Trade Union representative and three other pension scheme member representatives

### **City of Nottingham and Nottinghamshire Economic Prosperity Committee**

The City of Nottingham and Nottinghamshire Economic Prosperity Committee is a joint Committee of all the District / Borough Council's in Nottinghamshire, Nottingham City and the County Council. The terms of reference of the Committee require that the appointed Member from each constituent authority be the Leader / Elected Mayor or other executive member or committee chairman from each authority.

That the Leader of the Council be appointed to the City of Nottingham and Nottinghamshire Economic Prosperity Committee and the Deputy Leader of the Council be appointed to act as substitute.

### **Nottinghamshire Police and Crime Panel**

The Nottinghamshire Police and Crime Panel is a joint Committee of all the District / Borough Council's in Nottinghamshire, Nottingham City and the County Council. Legislation stipulates that the Police and Crime Panel must represent all parts of the relevant area, be politically balanced and have a membership that has the necessary skills, knowledge and experience. The Panel's Membership including political balance will be reviewed at its annual meeting on 4<sup>th</sup> June 2018.

That 1 member of the Ruling Group be appointed to the Panel as the Council's representative.

### **Nottinghamshire and City of Nottingham Fire Authority**

That the 12 places on the Nottinghamshire and City of Nottingham Fire Authority be allocated between the Groups as follows:-

- |  |   |
|--|---|
| • The Conservative and Mansfield Independent Forum Group | 7 |
| • Labour Group   | 4 |
| • Ashfield Independents Group                            | 1 |

**Bus Lane Adjudication Service Joint Committee**

A joint committee with a number of other local authorities which is established for the purpose of ensuring the efficient provision of an adjudication service for all participating authorities.

That the Chairman of the Communities and Place Committee be appointed as the Council's representative.

**PATROL (Parking and Traffic Regulations Outside London) Joint Committee**

A joint committee with a number of local authorities which has a statutory duty to make provision for the independent adjudication of parking and traffic penalties issued under the Traffic Management Act 2004.

That the Chairman of the Communities and Place Committee be appointed as the Council's representative.

**LGPS (Local Government Pension Scheme) Central Joint Committee**

The LGPS Central Joint Committee is a newly established public forum for the Councils within the LGPS Central Pool (Cheshire West and Chester Council, Derbyshire County Council, Leicestershire County Council, Nottinghamshire County Council, Shropshire County Council, Staffordshire County Council, Wolverhampton City Council and Worcestershire County Council). The Joint Committee consists of one elected member from each Council.

That the Chairman of the Nottinghamshire Pensions Fund Committee be appointed as the Council's representative.

**Joint Health Scrutiny Committees**

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 sets out that where a local NHS body or health service provider is consulting more than one local authority's health scrutiny function about significant development or reconfiguration proposals the local authority's can be required to establish a joint committee to consider the proposals.

That one member of the Ruling Group be appointed to any Committees currently established.

## **REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE**

### **THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS**

#### **Purpose of the Report**

1. To seek Council's approval of a revised Code of Conduct for Councillors and Co-opted Members and accompanying protocols, and a revised procedure for dealing with conduct allegations. To re-appoint the Independent Persons.

#### **Information**

2. In November 2017 Governance and Ethics Committee resolved that the existing Code of Conduct should be revised and further developed to include a range of specific protocols. A cross-party working group was established to develop the Code and protocols. At its meeting of 14 March 2018 Governance and Ethics Committee approved a suite of documents for further consideration by Full Council.
3. The purpose of the revised Code and protocols is to provide clear guidelines for Councillors and Co-opted Members. Governance and Ethics Committee will have a greater role in oversight; this will ensure transparency and also means that Councillors will have more involvement in ensuring the Code of Conduct is adhered to. Information regarding any breaches of the Code of Conduct will be published.
4. The suite of documents is as follows: -

|                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Code of Conduct for Councillors and Co-opted Members (revised)                     |
| <b>Appendix 2</b> | Councillor and Co-opted Member Interests Protocol (new)                            |
| <b>Appendix 3</b> | Councillor and Co-opted Member Protocol for use of Resources (new)                 |
| <b>Appendix 4</b> | Councillor and Co-opted Member Protocol in relation to Gifts and Hospitality (new) |
| <b>Appendix 5</b> | Social Media Protocol for Councillors and Co-opted Members (new)                   |
| <b>Appendix 6</b> | Procedure for dealing with Conduct Allegations (revised)                           |

5. As well as introducing a requirement to comply with the various protocols listed, the revised Code of Conduct includes a statement reminding Councillors that they are ambassadors for the Council at all times when in public, some specific examples of the type of conduct that is not acceptable, and a reminder about the potential criminal sanctions for breaching the Code.
6. The proposed Member Interests Protocol provides guidance on registering and declaring interests.

7. The Protocol for use of Resources includes guiding principles about being mindful of costs and not using resources for political purposes. It also provides specific guidance, for example about volumes of printing, post and stationery, and stipulates that the only printing facilities to be used are the Council's Multi-Function Devices and Central Print . Governance and Ethics Committee will be responsible for overview of use of resources.
8. The Gifts and Hospitality Protocol largely mirrors the Council's existing protocol for staff. The Social Media Protocol complements the existing protocol for staff.
9. The main changes to the complaints procedure are aimed at ensuring the efficient resolution of complaints in the most transparent manner; enabling the Monitoring Officer to reject frivolous/vexatious/minor complaints, introducing the option of consulting the the Chair of Governance and Ethics Committee or a cross-party panel of Members at any stage, and ensuring overview by Governance and Ethics Committee.
10. Governance and Ethics Committee concluded that hearings under the Procedure for dealing with Conduct Allegations would be more effectively considered by a sub-committee. In light of this, the report on this meeting's agenda regarding establishment of committees for the forthcoming year, includes an ad-hoc sub-committee with a cross-party membership of 3.
11. In addition, Governance and Ethics Committee recommends that some changes are made to the procedure rules for Full Council and committee meetings, in relation to disorderly conduct in meetings. The proposed changes are included in a separate report to this meeting regarding changes to the Constitution.
12. If approved, the policies, protocols and procedures listed in the Code of Conduct will be published together on the Council's intranet for ease of reference, and hard copies will be supplied to political group Business Managers.
13. By law the Council is required to appoint at least one Independent Person to provide their views regarding any complaint alleging a breach of the Code of Conduct; the Council must take into account the Independent Person's views before making a decision in relation to a complaint. Charles Daybell and Robert Lilley have acted as the Council's Independent Persons since September 2012. It is proposed to re-appoint them for the forthcoming year.
14. In light of the length of time the Independent Persons have been appointed, it is proposed that a full recruitment process is undertaken for 2019-20. The vacancies will be advertised together with Nottinghamshire Police and Crime Panel vacancies to save costs. Advertisements will encourage applications from all communities to ensure appointments represent Nottinghamshire's population appropriately. It is proposed that Governance and Ethics Committee oversees the process.
15. Finally, Council should note that the Committee on Standards in Public Life launched a call for evidence on 30 January 2018 in order to examine the structures, processes and practices in local government in England in relation to conduct matters. If there are any changes in legislation as a result of this review then the Code of Conduct and associated complaints procedure may need to be reviewed again.

#### **Other Options Considered**

16. Council may decide that the proposed new protocols are not all required, or to make minor amendments.

### **Reason/s for Recommendation/s**

17. To ensure the Council's Code of Conduct for Councillors and Co-opted Members, and associated complaints procedure operate effectively to contribute to high ethical standards within the County Council.

### **Statutory and Policy Implications**

18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **Financial Implications**

19. No allowance is payable to the Independent Persons; the only costs associated are travel and subsistence; appointing two people has a negligible impact on costs and helps ensure availability. The introduction of a Use of Resources Protocol encourages cost effective use of resources. Independent Person recruitment costs will be met from the Democratic Services budget.

### **RECOMMENDATION/S**

- 1) To approve the revised Code of Conduct for Councillors and Co-opted Members and accompanying protocols, and a revised procedure for dealing with conduct allegations as set out in the Appendices to the report.
- 2) To re-appoint Charles Daybell and Robert Lilley as the Council's Independent Persons for the forthcoming year, and to commence a full recruitment process for 2019-20 with oversight by Governance and Ethics Committee.

**Councillor Bruce Laughton**  
**Chairman Governance and Ethics Committee**

**For any enquiries about this report please contact:**

Jayne Francis-Ward, Corporate Director Resources  
0115 977 3478 [jayne.francis-ward@nottsc.gov.uk](mailto:jayne.francis-ward@nottsc.gov.uk)

### **Constitutional Comments (SMG 19/04/18)**

20. County Council is the appropriate body to consider the content of this report.

## **Financial Comments (RWK 26/04/2018)**

21. The financial implications are set out in paragraph 19 of this report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Governance and Ethics Committee report dated 14 March 2018 (published)
- Governance and Ethics Committee report dated 8 November 2017 (published)

## **Electoral Division(s) and Member(s) Affected**

- All

## **APPENDIX 1**

### **PART B – CODES OF CONDUCT AND GUIDANCE FOR COUNCILLORS AND OFFICERS**

#### **CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS**

##### **INTRODUCTION**

1. The public is entitled to expect the highest standards of conduct from all Councillors and co-opted members of the County Council.
2. The Code sets out the standards of service that are expected from Councillors and co-opted members of the Council. In particular, Councillors and co-opted members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
3. It is important Councillors and co-opted members understand their position as regards standards of conduct, and if in any doubt should seek guidance. This is because in some circumstances a breach of the Code could be a criminal offence and because any person could make a complaint to the Council if they believe a Councillor or co-opted member has breached the Code.
4. This Code is adopted in accordance with Section 27(2) of the Localism Act 2011. This Code is accompanied by a Councillors' Interests Protocol and a Procedure for Dealing with Conduct Allegations.

##### **UNDERLYING PRINCIPLES**

5. As a Councillor or co-opted member of the Council you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership – the seven 'Nolan Principles' of public life.
6. This Code applies when you are acting in your capacity as a Councillor or co-opted member. This includes attendance at formal committee meetings, acting as a formal representative of the Council, discharging your electoral division functions, meetings with County Council officers and site visits. Also all telephone calls, emails, letters and social media posts where it could be perceived that you are acting in your capacity as a Councillor or co-opted member.
- 5.7. It may sometimes be difficult to distinguish between whether you are acting in a public or private capacity, for example on social media and when attending public events. You are an ambassador for the County Council whenever you are in public, whether on social media or in person. You should bear in mind at all times and in all situations the obligations you have under this Code.

## GENERAL CONDUCT

~~6-8.~~ Accordingly, when acting in your capacity as a Councillor or co-opted member:

- a. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
- b. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
- c. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- d. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
- e. You must be as open as possible about your decisions and actions and the decisions and actions of the Council and should be prepared to give reasons for those decisions and actions;
- f. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below;
- g. You must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- h. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example, by respecting others and not bullying, intimidating or harassing any person, or behaving in an improper or offensive manner (including by using offensive language or making personal remarks about individuals), by respecting the confidentiality of information you receive, and by not conducting yourself in a manner which is likely to bring the authority into disrepute.

## POLICIES, PROTOCOLS AND PROCEDURES

9. You must comply with the Council's adopted policies, protocols and procedures including: -

a. Policies

- i. Councillor Divisional Fund Policy and Guidance
- ii. Equality and Diversity Policy
- iii. ICT policies and Councillor's ICT Acceptable Use Guidance
- iv. Information Management policies
- v. Travel and Accommodation Policy

b. Protocols

- i. Councillor Interests Protocol
- ii. Councillor Gifts and Hospitality Protocol
- iii. Councillor Use of Resources Protocol
- iv. Councillors' Social Media Protocol
- v. Protocol for Councillor and Officer relationships
- vi. Protocol for involvement in outside bodies

c. Procedures/Schemes

- i. Councillors' Allowances Scheme
- ii. Disclosure and Barring Scheme checks procedure
- iii. Procedure rules for meetings of Full Council and Committees

## REGISTERING AND DECLARING PECUNIARY AND NON-PECUNIARY INTERESTS

~~7-10.~~ You must, within 28 days of taking office as a Councillor or co-opted member, notify the Council's Monitoring Officer of any Disclosable Pecuniary Interest (we have set out the definition of a Disclosable Pecuniary Interest in the Appendix to Councillors' Interests Protocol which accompanies this Code), where the pecuniary interest is yours, or that of your spouse, civil partner, or a person you are cohabiting with. **Failure to do so is a criminal offence. On re-election you must check, within 28 days, whether any amendment is needed to the information you provided previously. Again, failure to do so is a criminal offence.**

~~11.~~ You must declare any Disclosable Pecuniary Interests ~~and private interests, both pecuniary and non-pecuniary,~~ to any meeting of the Council at which you are present and have an interest in any matter being considered. **Failure to do so is a criminal offence.**

~~8.—~~

~~9-12.~~ ~~If the interest being declared is a "sensitive interest" you only have to disclose the fact you have an interest but do not need to disclose the nature of the interest.~~

~~10-13.~~ Following any disclosure at a meeting of a Disclosable Pecuniary Interest not already on the Council's register, you must notify the Monitoring Officer of the interest within 28 days of the date of disclosure. **Failure to do so is a criminal offence.**

14. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function ~~related to any matter in relation to any business~~ in which you have a Disclosable Pecuniary Interest. **Failure to do so is a criminal offence.** Additionally, you are required to leave the room in which the meeting is being held whilst the matter is under consideration in accordance with the Council and Committee procedure rules, ~~paragraphs 17 and 12 respectively.~~
15. **In addition you must declare any Private Interests, both pecuniary and non-pecuniary, to any meeting of the Council at which you are present and have an interest in any matter being considered. You may still participate in the item under discussion and vote, although depending on the circumstances you may decide it would be more appropriate not to.**
16. **A Private Interest is where a decision in relation to that interest might reasonably be regarded as affecting the wellbeing or financial standing of you or a member of your family or a person you have a close association with, more than it would other people in your electoral division or the County Council's area. It may also include other positions held where relevant, for example membership of a board or association or being a school governor. In short, anything you think the public would expect to know about if, as a Councillor or co-opted member, you were involved in a matter relating to it.**

11-17.

## **SENSITIVE INTEREST**

- 12-18. Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a “**sensitive interest**”.
19. If the Monitoring Officer agrees, then at a meeting you merely have to disclose the existence of the sensitive interest rather than the detail of it, ~~at a meeting, and. Where it is a Disclosable Pecuniary the Interest the~~ Monitoring Officer ~~can~~ will also exclude the detail of the sensitive interest from the Council's publicly available version of the register. If circumstances change you should notify the Monitoring Officer so that the public register can be amended accordingly.
- 13-20. The Council has adopted a **Councillor Interests Protocol** to accompany this Code of Conduct; Councillors and co-opted members should refer to it for further information and guidance.
14. ~~You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer a “sensitive interest”, notify the Council's Monitoring Officer in writing.~~

## **APPENDIX 2**



**Nottinghamshire County Council**

**Councillor Interests Protocol**

Councillors and Co-opted members are required by law to register certain interests, and to declare them when taking part in meetings. Failure to do this is a criminal offence. The Council's Code of Conduct and meeting procedure rules also require Councillors and Co-opted members to declare private interests, whether pecuniary or non-pecuniary.

This Protocol provides information and guidance to assist Councillors and Co-opted members.

## **Important Information**

### **1. Deadlines**

The law requires Disclosable Pecuniary Interests to be registered within certain time limits. These are summarised below for ease of reference.

- Within 28 days of taking office as a councillor you must submit your declaration of interest.
- If you have been re-elected you do not need to submit a new form, but within 28 days of re-election you do need to review your declaration and submit any new/revised information, or confirm that there have been no changes.
- If you declare a DPI at a committee meeting that is not already on the register, you must submit written notice of it within 28 days of the meeting.
- You will be required to check on an annual basis that your declaration of interest is up to date.

### **2. Criminal Offences**

Failure to comply with some legal requirements is a criminal offence. These are summarised below for ease of reference.

- Failure to comply with the timescales above is a criminal offence.
- It is also a criminal offence to participate and vote in a meeting where you have a Disclosable Pecuniary Interest, or to take any other steps in relation to the matter.
- Providing false or misleading information is a criminal offence.
- Conviction can lead to a fine and disqualification from being a councillor for 5 years.

## **Guidance**

| <b>Appendix</b> | <b>Details</b>  | <b>Page</b> |
|-----------------|---|-------------|
| 1               | Interests that must be registered by law – Disclosable Pecuniary Interests  | 3           |
| 2               | How to complete the declarations form – a sample form   | 5           |
| 3               | Further information regarding the 'securities' DPI  | 10          |
| 4               | Declaring interests in meetings, including the circumstances in which you must not take part in a meeting and must not vote | 11          |

## Appendix 1

### DISCLOSABLE PECUNIARY INTERESTS

| Interest  | Prescribed description  |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| Sponsorship                                       | <p>Any payment or provision of any other financial benefit (other than from the council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the trade union and labour relations (consolidation) act 1992.</p> |
| Contracts   | <p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the council</p> <p>Under which goods or services are to be provided or works are to be executed; and</p> <p>Which has not been fully discharged</p>   |
| Land  | <p>Any beneficial interest in land which is within the council's area.</p> <p>For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</p>  |

|                     |  |
|---------------------|--|
| Licences            | Any licence (alone or jointly with others) to occupy land in the council's area for a month or longer.   |
| Corporate tenancies | Any tenancy where (to your knowledge) –<br><br>The landlord is the council; and<br><br>The tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest  |
| Securities          | Any beneficial interest in securities of a body where –<br><br>That body (to your knowledge) has a place of business or land in the council's area; and<br><br>Either –<br><br>The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br><br>If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.<br><br>For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the financial services and markets act 2000 and other securities of any description, other than money deposited with a building society. |

## Appendix 2

### DECLARATIONS FORM N1

#### Notification of Councillor's or Co-opted Member's Pecuniary Interests

You must use this form to provide details of your Pecuniary Interests. The form explains what Pecuniary Interests are and includes some examples.

Pecuniary Interests include both your financial interests and the financial interests of your spouse, civil partner or a person you are living with as if they were your spouse or civil partner.

**Note:** You do not have to separately identify which are your interests and which are your partner's.

The information you provide will be used to update your register of interests, which is published by the Council.

You are strongly advised to keep your register of interests up to date. Failure to do so may result in a criminal conviction.

#### **Pecuniary Interests to be registered on taking office**

You must provide us with details of all your Pecuniary Interests within 28 days of becoming a member of the Council. If anything changes you must provide updated details within 28 days.

#### **Pecuniary Interests disclosed at meetings**

Where you declare any unregistered Pecuniary Interest at a meeting, you must provide a form with written details of that interest within 28 days of the meeting.

#### **Sensitive Interests**

Pecuniary Interests that are included on the register of interests will be publicly available.

Where you are concerned that the disclosure of an interest would lead to you or a person connected with you being subject to violence or intimidation, you may request the Monitoring Officer to agree that the interest is a "sensitive interest".

The Monitoring Officer can exclude the detail of the interest from the Council's publicly available version of the register.

Do not include interests which you are requesting be treated as "sensitive interests" on this form. Please use Form N3.

I, (full name)

.....

a member of Nottinghamshire County Council **GIVE NOTICE** that I/ my partner have the following Pecuniary Interests:

**Please provide details of your/your partner's Pecuniary Interests in the boxes provided and state "none" where appropriate**

1. Details of any employment, office, trade, profession or vocation which is carried on for financial gain:

**Example:**

*Employer: Nottingham Trent University  
Job Title: Careers Advisor*

*Business: Nottinghamshire Careers Consultants  
Status in business: Partner*

*Employer: Boots plc  
Profession: Pharmacist*

**(Note:** The last entry relates to the Councillor's spouse, but there is no need to explain this on the form)

2. Details of any payment or provision of any other financial benefit received (other than from the Council) within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses:

**Example:**

*1 April 2013 - £50 - leaflet printing costs – Nottinghamshire Labour Party*

**(Note:** It is not sufficient following an election to refer here to your electoral expenses form. You should include the amount received, who it was received from, and what it was spent on)

3. Details of any contract which is made between you, your partner (or any organisation in which you or your partner have an interest) and the Council under which goods or services, or works, are done for the Council:

**Example:**

*Agreement for provision of careers advice to schools in Nottinghamshire  
Between Nottinghamshire County Council and Nottinghamshire Careers Consultants  
Dated 1 May 2012  
Duration 3 years  
Value £500*

4. The address or other description (sufficient to identify location) of any interests you/your partner hold in land situated in the Council's area (including any licences to occupy land) and/or tenancies where the Council is the landlord and the tenant is a body you/your partner hold an interest in:

**Example:**

*1 Smith Street Arnold Nottinghamshire NG5*

(**Note:** include any properties in Nottinghamshire that you or your partner own (whether you live in them or not), the address of the property you live in (whether you own it or not), and land you own (for example agricultural land). You do not need to specify the nature of the interest, but you can if you prefer.)

5. Details of any securities (e.g. shares, debentures, loan stock) that you/your partner hold which are worth over £25,000 or 100<sup>th</sup> of the total issued share capital in any body that has a place of business or land in the Council's area:

**Example:**

*Shares – Nottingham Forest Football Club*

(**Note:** There is no need to declare how many shares you or partner own or their value – further guidance on securities is available in Appendix 3 of the Councillor Interests Protocol)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

**Please send the completed form to Democratic Services.**

The Monitoring Officer is responsible for establishing and maintaining the Council's register of interests. You may contact the Monitoring Officer if you have any questions concerning the Council's register.

**A member must within 28 days of becoming aware of any new Pecuniary Interest or change to any Pecuniary Interest specified above, register details of that new interest or change by providing written notification to the Council's Monitoring Officer (Form N2 may be used for this purpose).**

**Any other matters:**

**Example:**

*Trade Union Membership – NUT*

*Parish Councillor – Arnold Parish Council*

**(Note: 'Other matters' declarations are voluntary – you are not required to complete this section)**

### Appendix 3

#### ADVICE FOR COUNCILLORS AND CO-OPTED MEMBERS REGARDING DISCLOSABLE PECUNIARY INTERESTS AND SECURITIES

Councillors and Co-optees are required to register Disclosable Pecuniary Interests in relation to securities as follows: -

**Details of any securities (e.g. shares, debentures, loan stock) that you/your partner hold which are worth over £25,000 or 100<sup>th</sup> of the total issued share capital in any body that has a place of business or land in the Council's area**

This checklist is designed to help to decide whether you have an interest that needs to be registered.

**1. Does the organisation you (or your partner) own shares in have a place of business or own land within Nottinghamshire?**

For some organisations their sole place of business is Nottinghamshire, but this could also include organisations that have branches, offices or factories in Nottinghamshire – for example high street chains and banks.

- If the answer to this question is yes go to 2.
- If the answer is no or don't know, a declaration is not required but do re-consider this checklist if circumstances change.

**2. Are your (or your partner's) shares worth over £25,000?**

- If the answer to this question is yes go to 4.
- If the answer is no, go to 3.

**3. Do you (or your partner) own 100<sup>th</sup> (or more) of the total issued share capital?**

For example, if the issued share capital is £200,000 and you own £3,000 of shares you own more than 100<sup>th</sup>.

You might have shares other than ordinary shares – if so you need to check if you own more than 100<sup>th</sup> of that class of share.

- If the answer to this question is yes go to 4.
- If the answer is no, a declaration is not required but do re-consider this checklist if circumstances change.

**4. If you have answered yes to any of the questions above you must register a DPI**

## Appendix 4

### MAKING DECLARATIONS IN MEETINGS

#### Disclosable Pecuniary Interests

1. If you have a Disclosable Pecuniary Interest (DPI) you must not be involved in any Council or committee decision **relating to** this interest, i.e. a decision that could impact that interest in some way. For example:
  - a. If you have a DPI in a sand and gravel business you should not take part in any item at Planning & Licensing Committee where the business is the applicant.
  - b. If you have a DPI in an information technology business you should not take part in any procurement decision where the business has tendered for the contract.
2. You must declare the fact that you have a DPI at the start of the meeting. If you realise you have an interest later in the meeting you should declare it as soon as possible.
3. The law says that you must not take part in debate or vote on the matter. The Council's procedure rules also require you to leave the meeting when the matter is under discussion.
4. If the subject matter of a report involves an organisation in which you have a DPI, but is **not in relation to** your DPI (i.e. a decision that would not impact your interest in any way) there is no need for you to declare a DPI. For example:
  - a. A committee report contains a proposal for a civic ceremony; the report contains a list of invitees, which includes the managing director of an organisation in which you have a DPI.

However you may wish to declare a private interest for the sake of transparency.

5. It is possible to make a written request to the Council's Chief Executive for a dispensation to take part in a matter despite the existence of a DPI. The Chief Executive may grant a dispensation in limited circumstances, including where so many Councillors would be prohibited from taking part that it would make the transaction of business impossible.

*(Continued)*

## **Private Interests**

6. Even if it is not a Disclosable Pecuniary Interest, you should always consider if you have an interest in a matter that you should make others aware of. This is to be open and above board.
7. This may include a financial interest which you are not required to register as a DPI because it relates to your children or parents or a close friend, rather than you or your partner. It could also include a non-financial interest such as being a school governor, where a matter relates to that school in particular.
8. In these circumstances it is for you to decide whether it would be appropriate to declare a private interest in the matter for the sake of transparency.
9. You should declare the fact that you have a private interest at the start of the meeting. If you realise that you have an interest later in the meeting you should declare it as soon as possible.
10. If you declare a private interest you can still stay in the meeting while the report is under consideration, and vote. However, depending on the circumstances you may prefer to leave the meeting while the report is under consideration, or to stay in the room but abstain from voting. You should consider whether a member of the public would find it difficult to believe that your personal interest had not influenced you.

**Always seek advice from Democratic Services if you are not sure, if possible before the meeting.**

## **APPENDIX 3**



### **Nottinghamshire County Council**

## **Councillors and Co-opted members – Protocol for Use of Resources**

### **1. INTRODUCTION**

This protocol provides rules on the use of Council resources in relation to your role as a Councillor.

The Council provides a range of support services and facilities to enable Councillors to carry out their duties. The full range of resources available and rules regarding use are set out in the **Schedule** attached to this protocol.

### **2. COUNCIL BUSINESS – WHEN THIS PROTOCOL APPLIES**

Councillors may use Council facilities and resources in connection with the following Council business:

- Matters relating to the decision making process of the Council, e.g. Council and committee meetings
- Representing the Council on an outside body
- Holding division surgeries
- Meeting, communicating with and dealing with correspondence from residents, other Councillors, officers, Government officials, MPs etc. in connection with Council business
- Matters for discussion by a political group of the Council, so long as it relates mainly to the work of the Council and not your political party or group

### **3. PRINCIPLES FOR USE OF RESOURCES**

- Councillors must be mindful of Council resources and must always seek to conduct business in the most cost effective way. Councillors must have regard to the need to ensure prudent and reasonable use of resources and value for money.
- Party political activities or individual campaigning do not form part of Council business and the Council's resources must not be used for these activities. This includes Council email addresses. The Council is prohibited by law from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party or an individual Councillor, or to highlight their achievements.

- Use of resources for the purpose of representing individuals or small groups of residents is acceptable. However, high volume use of resources including sending out circulars and conducting wide-scale consultation exercises is not acceptable, even though these may involve Council business.
- In the interests of economy and the environment, Councillors are requested to use e-mail, or to hand-deliver, instead of using post wherever possible.
- Governance and Ethics Committee is responsible for oversight of use of resources including review of postage and photocopying costs incurred by individual Councillors and political groups. Committee is also responsible for considering requests for exceptions to be made. Committee reserves the right to charge Councillors for excessive use.

## SCHEDULE

### **Equipment and Resources for Councillors**

**ICT Equipment** - you will be provided with appropriate equipment for your full term of office.

If you have been provided with a phone, you will have access to unlimited calls and texts to standard numbers, with a 2GB monthly data limit. Any laptop or tablet devices have a 5GB monthly data limit. You will be required to meet the costs of any usage above those limits at a cost of 5p per MB.

You will be reminded of the terms and conditions around the appropriate use of these devices during your induction training.

On receipt of equipment Councillors are required to confirm that they have read the Councillors' ICT Acceptable Use Guidance.

Support for technical matters is supplied by the Council's ICT helpdesk. User training is available on the intranet.

**Councillors' Webpages** - the Council's Website includes a page for each Councillor. This page includes your contact details, photograph, and committee membership details. There is also a facility for you to provide regular updates on your activities as a Councillor. These webpages will be removed during all pre-election periods.

**Arrangements for incoming mail** – you will have a pigeonhole, located within your relevant group area (where applicable) for meeting papers and any mail sent to you at County Hall. Mail should be collected wherever possible but if you are not expected to be at County Hall for some time then you can ask for mail to be sent to your home address. Please discuss your specific requirements with your group researcher.

**Arrangements for outgoing mail** – there will be an outgoing mail tray located within your relevant group area (where applicable); this is the only mail tray you should use. The Council's corporate letter templates and window envelopes **must** be used in order to enable mail to be franked. If mail cannot be franked it is more expensive to post. Unless there are exceptional circumstances postage will be second class. Councillors should be economical in their use of post; volume use (anything in excess of 50 items) is not acceptable unless approved in advance by Governance and Ethics Committee. Use email or hand-deliver instead where possible. The Post Room reserves the right to open any post to ensure policies are being adhered to.

**Stationery** - a limited range of stationery is available from either your group researcher or Democratic Services. Stationery must not be adapted to include political logos. Photographs can be included but must be printed in black and white. The Multi-Function Devices are regularly re-stocked with printer paper; you should contact Facilities to re-stock if necessary rather than taking paper from other locations in the building; this is to ensure proper reporting to Governance and Ethics Committee regarding volumes used.

**Printing**– Photo security passes will enable you to print, scan and photocopy from the Multi-Function Devices located around County Hall. These will be the only printing facilities available, with the exception of Central Print. This is in order to ensure to ensure proper reporting to Governance and Ethics Committee regarding volumes used. In the interests of transparency and cost-effectiveness these facilities are only available when security passes as used. In accordance with the Council's Print Strategy **high volume copying and printing (any job involving 99 plus sides of paper) must be sent to Central Print as this is the cheapest option.** Due to the high costs associated with colour printing, you should always print /copy in black and white unless colour is required to enable the document to be understood. Councillors should be economical in their use of print.

**Business Cards** can be obtained from Democratic Services. You may request a supply of 500 cards to cover your full term of office. These cards should only include contact details for County Hall, to prevent any subsequent changes being required.

**Room Hire for Surgeries** – for your constituency surgeries you should seek to use meeting rooms that do not incur a charge to the Council. These can include community facilities and some Council premises. If no suitable premises are available an application for the cost of hiring an alternative venue will need to be approved by Governance and Ethics Committee

**Disclosure and Barring Service checks** – to undertake your role as a Councillor you need to have a Disclosure and Barring Service (DBS) check. Democratic Services will contact you about the process and documentation required to complete an electronic DBS application form. You may have a current DBS check, however there are very limited circumstances in which checks can be transferred. Democratic Services will advise you on this issue.

**Nottingham City Transport Cards** - a limited number of Nottingham City Transport Cards for official business travel on City buses are available for staff and Councillors from Reception at County Hall. These must be signed for and returned to County Hall reception after each use. At all times your chosen method of travel must be the most cost effective method, taking into account the value of time saved, anticipated subsistence and other expenses and any other relevant matters. More details are available in the Travel and Accommodation Policy.

**Conferences** – attendance at conferences, seminars and training events for which a fee is payable must be approved in advance by the relevant committee.

## **County Hall Essential Information**

**County Hall** is open Monday to Friday, usually 6.30am to 6.30pm. The building is also usually open on Saturdays from 8.00am to 1pm. If you intend to continue working in an office after 6.30pm, you should inform the Facilities office on extension 73316.

**Security pass.** You will be issued with a security pass. Security is very important and you should wear your pass at all times on a County Council lanyard as you may be asked for identification. Your pass will operate the car park barrier, the reception barriers and the doors to secure areas of the County Hall campus.

Each card is individually programmed to provide access to particular areas in the building. Your initial pass will be a temporary version – this will be replaced with a new pass containing your photograph which, as well as giving you the relevant access rights, will also enable you to scan, copy and print from the large machines around the building (called Multi-Function Devices or MFDs).

**Car Parking** spaces for Councillors' exclusive use in connection with Council business are available in the Members' Car Park on the River Trent frontage. Drive around to the rear of County Hall and present your security pass at the barrier to allow access to this area. Unless you are on Council business you should pay for parking at times when members of the public are required to pay to use the Car Park, for example during cricket and football matches.

**Office Accommodation** is provided for Councillors' use. There are currently suites of rooms on the ground and first floors at County Hall. The allocation of accommodation will be confirmed as soon as possible after the election, after consultation with the political groups.

**Confidential Waste** bins are provided in all work areas for secure disposal of confidential or sensitive documents. Recycling bins are also provided.

**Meeting rooms** – meetings involving Councillors will usually be held in

|                                |                                  |
|--------------------------------|----------------------------------|
| Council Chamber                | - main building, floor 1.        |
| Committee rooms B & C          | - main building, ground floor.   |
| Rufford Suite                  | - Riverside block, floor 1.      |
| Committee room A & Civic Suite | - Riverside block, ground floor. |

**Lifts** are available to all floors within County Hall. There is also a wheelchair lift to the Rufford Suite and Riverview Restaurant.

**Catering facilities** are available. Rolls, beverages and other snacks can be bought from the snack bar in Reception. The Riverview restaurant in the Riverside block serves hot meals and sandwiches. Councillors are entitled to complementary drinks from within their group accommodation or from the snack bar.

**Visitors** to County Hall must sign in at the reception desk in the entrance foyer; all visitors will be provided with a temporary pass. They should sign out and return the pass on leaving the building.

**Fire Alarms** are tested at 10.00am on the first Wednesday of every month. A continuous ring signals the fire alarm and an intermittent ring signals a bomb alert. If you hear the alarm bell you must vacate the building at the nearest fire exit. Please make yourself aware of these with the posters placed around County Hall and be aware of the relevant assembly points.

## **APPENDIX 4**



### **Nottinghamshire County Council**

## **Councillors and Co-Opted Members - Protocol in relation to Gifts and Hospitality**

### **WHAT TO DO IF YOU ARE OFFERED A GIFT**

1. It is reasonable to accept a modest gift of a promotional character given to a wide range of people, and not uniquely to you, such as calendars, diaries, pens and other articles of use in the office. Modest gifts at the conclusion of any courtesy visit to a factory or firm of the sort normally given by that firm may also be accepted.
2. From time to time, Councillors and Co-Opted Members may be offered other higher value or personal gifts. You need to consider why you have been offered the gift. If you are in doubt as to the motive behind the gift, you should seek advice from Democratic Services as to whether it is appropriate to accept it. No gift worth over £50 should be accepted under any circumstances. Any gift offered, whether accepted or refused, should be recorded in the gift and hospitality register held by Democratic Services, which is available for public inspection.
3. If it is impractical to return a gift, or to do so would cause undue offence, in circumstances where it would otherwise be inappropriate to accept the gift, the gift can be donated to raise money for the Chairman's Charity.

### **WHAT TO DO IF YOU ARE OFFERED HOSPITALITY**

4. Councillors and Co-Opted members should only accept offers of hospitality if they are invited in their role as a Council representative. Offers to attend events should be accepted only when these are significant for Nottinghamshire, relate to business that is currently relevant to Nottinghamshire, or where the Council should be seen to be represented. Acceptance of such invitations should be recorded in the gift and hospitality register.
5. When hospitality has to be declined, the third party offering the hospitality should be courteously informed of the reasons for the requirement to decline.
6. When receiving hospitality, Councillors and Co-Opted Members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
7. There may be circumstances where it will not always be possible, or even desirable, to reject offers of hospitality on a modest scale. Acceptable examples

would include official hospitality at a function organised by a public authority; overseas civic twinning arrangements and similar events; refreshments following a site visit; or a working lunch of a modest standard to enable the parties to continue to discuss business. The decision whether to accept or not must depend on the circumstances in each case. These circumstances will also determine whether the hospitality needs to be entered in the register. If in doubt Councillors and Co-Opted Members should err on the side of caution and enter the appropriate details in the register.

## **FAMILY AND FRIENDS**

8. Councillors and Co-Opted Members should give the same consideration to offers made to members of their family, or friends, which could be viewed as securing an indirect benefit to themselves.

## **APPENDIX 5**



### **Nottinghamshire County Council**

## **Social Media Protocol for Councillors**

### **Introduction**

Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This Protocol covers social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders, and encourages people to be involved in local decision making, enabling better engagement and feedback, ultimately helping to improve the services we provide.

For the purposes of this Protocol, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, MySpace, Flickr, YouTube, Instagram, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this Protocol where Nottinghamshire County Council could be represented via online participation.

The Council acknowledges social media as a useful tool however, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the Council to security risks, reputational damage or breach the Data Protection Act.

### **Policy Statement**

This Protocol provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.

Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council

or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

## **Purpose**

This Protocol applies to Councillors and Co-opted Members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Council's reputation.
- Social engineering attacks (also known as 'phishing').
- Bullying or "trolling". An internet "troll" is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response, or of otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

This Protocol aims to ensure appropriate use of social media, that Council information remains secure and is not compromised through use of social media, and that the Council's reputation is not damaged or adversely affected.

## **Responsibilities of Councillors and Co-opted Members**

1. Social media must not be used in a way that might lead to a complaint that you have breached the Council's Code of Conduct for Councillors and Co-opted Members.
2. You may prefer to have separate social media profiles for your role as a County Councillor or Co-opted Member. For example on Facebook you could have both a personal and a public figure account. However, remember you are an ambassador for the County Council whenever you are in public, including on social media when you are not using your County Council social media profile. You should bear this in mind at all times.

3. You are personally responsible for the content you publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which you will be personally liable; no indemnity from the Council will be available. This could include 'liking' or sharing someone else's content as this could be viewed as endorsement.
4. Be careful not to give the impression your personal website or social media account is an official County Council website or account, for example by misleading use of the Council's logo. It is acceptable to share the Council's public social media content through your own social media account/s
5. Social media sites are in the public domain and it is important to ensure that you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
6. Make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
7. Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data Protection policies.
8. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.
9. Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).
10. Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
11. Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.

12. You may wish to review your social media history to ensure that content is appropriate.

## **Principles for Using Social Media**

You should follow these five guiding principles for any social media activities:

**Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.

**Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.

**Be honest about who you are** – it's important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.

**Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.

**Think twice** – Think carefully about all your social media posts. Once published it will be too late to change your mind. Follow these rules and seek further guidance if you need it.

## **Inappropriate Use of Social Media by Others**

Anyone receiving threats, abuse or harassment via their use of social media should report it to the police.

Other inappropriate content can be reported to the social media site directly to ask for it to be removed.

You may wish to save a screenshot in the circumstances.

## **APPENDIX 6**

### **PROCEDURE FOR DEALING WITH CONDUCT ALLEGATIONS**

#### **Introduction**

1. The Council is committed to promoting and maintaining high standards of conduct by all Councillors and Co-opted Members and has adopted a Code of Conduct which all of its members must adhere to.
2. This procedure covers complaints made against Councillors and Co-optees who are alleged to have breached the Code.

#### **Responsibilities**

3. Any complaints should be addressed to the Monitoring Officer who will consider the matter.
4. An Independent Person appointed by Council will be consulted on any matter that is referred to the Governance and Ethics Sub-Committee. The Governance and Ethics Sub-Committee must take the Independent Person's views into account before making a decision on an allegation that is subject to investigation and formal hearing.
5. The member who is the subject of a complaint may consult the Independent Person in respect of the complaint.

#### **Receiving the complaint**

6. Any complaint must be made in writing. The complaint should include details of:
  - a. the complainant's name, address and other contact details
  - b. the complainant's status, for example, member of the public, fellow member or officer
  - c. who the complaint is about and
  - d. the alleged misconduct including, where possible, dates, witness details and other supporting information
  - e. whether the complainant is willing for their name to be disclosed to the person who the complaint is about

#### **Initial considerations**

7. The Monitoring Officer will check that the complaint relates to a serving member of the Council or a Co-optee and could amount to a breach of the Code and is therefore valid.
8. If the complaint is not valid the complainant will be informed that no further action will be taken.

9. Where the complaint falls under the scope of one of the Council's other complaints procedures, the Monitoring Officer may refer the complaint on to the Complaints and Information Team for investigation.

## Consideration of the complaint

10. The Monitoring Officer can decide to:

- a. Take no further action, for example where the complaint is in the Monitoring Officer's opinion frivolous, vexatious or so minor that it would be disproportionate use of resources to take further action
- b. Consult with the Chair of Governance and Ethics Committee before deciding whether to take further action
- a.c. Consult with a cross-party panel of Governance and Ethics Committee Members before deciding whether to take further action
- b. ~~Refer the complaint to the Councillor's political Group in order for it to be dealt with under the Group's discipline rules or agreed process, in which case the political Group will be required to report back on the outcome for the sake of transparency~~
- e.d. Seek to resolve the issue through mediation, explanation, or by the Councillor or Co-optee agreeing to make an apology
- d.e. Seek to resolve the issue through mediation, explanation, or by the Councillor or Co-optee agreeing to make an apology
- e.f. ~~Fully i~~ Investigate the complaint further before deciding on the most appropriate course of action. The use of resources in relation to any investigation should, in the opinion of the Monitoring Officer, be proportionate to the seriousness of the alleged misconduct, and refer to the Conduct Committee for formal decision
- f.g. Taking into account proportionate use of resources, if following investigation the Monitoring Officer is satisfied that the alleged misconduct is sufficiently serious that another course of action would be inappropriate, r ~~Refer the complaint to the Conduct Governance and Ethics Sub-Committee for a decision on which of the above courses of action to take a formal hearing~~

11. The Monitoring Officer will inform the relevant Councillor or Co-optee that the complaint has been received and, unless the complainant objects, the identity of the complainant.
12. All complaints will be dealt with within a reasonable time period.
13. The Monitoring Officer will keep the relevant Councillor or Co-optee and the complainant up to date with the progress and outcome of the complaint.
14. Where the complaint is fully investigated and referred to the Conduct Governance and Ethics Sub-Committee for a formal hearing, the relevant Councillor or Co-optee and the complainant will be given reasonable notice.

15. There is a presumption that ~~Conduct~~Governance and Ethics Sub-Committee meetings will be open to the public, but in some circumstances members of the public may be excluded where exempt information is being discussed.
16. The Council's appointed Independent Persons will be entitled to attend all ~~Conduct~~Governance and Ethics Sub-Committee meetings and to speak if they wish, but not vote.

17. In accordance with the rules of natural justice aAt any ~~Conduct Governance and Ethics Sub-~~Committee meeting where an investigation report is to be considered and a complaint determined the complainant and the Councillor or Co-optee who is the subject of the complaint will be entitled to speak if they wish. The matter may be considered on the papers if parties do not wish to speak. The order of speaking will be as follows:

- a. Presentation of the investigation report
- b. The complainant
- c. The Councillor or Co-optee who is the subject of the complaint
- d. The Independent Person/s
- e. Members of the Committee may ask questions of speakers when they finish speaking and/or after all speakers have finished
- f. At the Chair's discretion the complainant and the Councillor or Co-optee who is the subject of the complaint may speak again to clarify issues arising during the meeting

#### **Powers of ~~Conduct Governance and Ethics Sub-~~ Committee**

18. The ~~Sub-~~Committee has authority to decide whether there has been a breach of the Code of Conduct.
19. In the event the Committee concludes that there has been a breach of the Code of Conduct, it may impose any of the following sanctions:
- a. censure the Councillor or Co-optee
  - b. recommend that Council censures the Councillor or Co-optee
  - ~~c. recommend that the Councillor be removed from a position of responsibility~~
  - ~~d. in relation to Co-optees appointed on behalf of an external organisation, recommend that the organisation removes them from that position~~
  - ~~e. recommend that the Councillor or Co-optee makes a formal apology~~
  - ~~f.c. recommend relevant training~~any other appropriate sanction available under the relevant legislation

#### **Appeal**

20. ~~There is no right of appeal under this procedure~~Any decision of the Monitoring Officer or Governance and Ethics Sub-Committee is final.

## **Reporting**

21. Subject to paragraph 15 above in relation to exempt information, all findings of the Governance and Ethics Sub-Committee will be reported on the Council's website.
22. Governance and Ethics Committee will receive regular reports on complaints considered under this Procedure, including any complaints determined by the Governance and Ethics Sub-Committee



## **REPORT OF THE CHIEF EXECUTIVE AMENDMENTS TO THE CONSTITUTION**

### **Purpose of the Report**

1. To seek approval of changes to the Council's Constitution.

### **Information**

2. The Council's current Committee System was adopted by the Full Council on 25 May 2017, when the number of committees was reduced in order to improve efficiency and effectiveness. Some amendments to the Constitution are now proposed in order to implement committee recommendations, and to assist the smooth running of committee meetings.

### **Committee Terms of Reference**

3. An earlier item on County Council's agenda is to consider changes to the Code of Conduct for Councillors and Co-opted Members. At its meeting of 14 March 2018 Governance & Ethics Committee resolved that hearings under the Procedure for dealing with Conduct Allegations would be more effectively considered by an ad-hoc sub-committee with cross-party membership. Proposed terms of reference are attached at **Appendix – Amendment A**.
4. At its meeting of 7 March 2018 the Health and Wellbeing Board considered a report regarding its governance and management. Some minor amendments to the Board's terms of reference are proposed as a result and these are attached at **Appendix – Amendment B**.
5. The Health and Wellbeing Board also concluded that it would be able to discharge its duties more effectively if it could establish sub-groups. It is proposed to enable this by adding the standard provision that is included for other committees, to the Board's terms of reference. A minor amendment to the standard provision is proposed for clarity, and this is shown in tracked changes at **Appendix – Amendment C**. If approved, this amendment will be made throughout the Constitution where this standard provision is included.
6. In January 2017 County Council approved the establishment of the LGPS Central Joint Committee. The terms of reference for the Joint Committee were approved by LGPS Central Limited on 23 March 2018 and are available as a background paper. The Joint Committee will be included in the list of 'other bodies' in the Constitution. The proposed wording is attached at **Appendix – Amendment D**.

7. On the recommendation of external auditors, in order to improve efficiency it is proposed that Governance and Ethics Committee be delegated authority to approve the Council's Annual Governance Statement, and to keep the Council's Local Code on Corporate Governance under review. These two documents are inextricably linked, as the Annual Governance Statement sets out each year the extent to which the Local Code has been complied with. The proposed amendments are attached at **Appendix – Amendment E**.

### **Procedure Rules for Meetings**

8. As part of its review of the Code of Conduct Governance and Ethics Committee recommends that some changes are made to the procedure rules for Full Council and committee meetings, in relation to disorderly conduct at meetings. The proposed changes are shown as tracked changes in at **Appendix – Amendment F**.
9. It is considered that the procedure rules relating to motions, questions and constituency speeches would benefit from an update, to ensure they are practical and allow for electronic working. Also, for the efficient conduct of the annual budget meeting it is proposed that individual motions are not allowed at that meeting. The proposed changes are shown as tracked changes in at **Appendix – Amendment G**.
10. Currently, changes in membership for County Council and committee meetings must be notified no later than 4pm on the working day before the relevant meeting. This is not always practical and it is therefore proposed to change the deadline to 10am on the day of the relevant meeting. The proposed revision is shown as tracked changed at **Appendix – Amendment H**.

### **Other Amendments**

11. As part of its review of the Code of Conduct Governance and Ethics Committee recommends a minor amendment to the Travel and Accommodation Policy to clarify that where a fee or allowance is paid by an outside body to cover expenses, Councillor should not claim travel expenses from the County Council. See **Appendix – Amendment I**.
12. Authority for the commencement or defence of, or participation in legal proceedings is currently delegated to the Corporate Director Resources. With the deletion of that post, it is proposed to delegate authority to the Group Manager for the Legal Service with effect from 30 June 2018. Whilst a number of other changes will need to be made to the Constitution in light of the deletion of the Corporate Director post, these can be dealt with as consequential amendments following Council's approval of the re-structure on 22 March.

### **Other Options Considered**

13. With the exception of the LGPS Central Joint Committee and the authority for dealing with legal proceedings, the County Council may conclude that any of the proposed amendments are not necessary.

### **Reason/s for Recommendation/s**

14. To implement committee recommendations, and to assist the smooth running of committee meetings

## **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) To approve the amendments to the Council's Constitution set out in the Appendix to the report.
- 2) To delegate authority for the commencement or defence of, or participation in legal proceedings to the Group Manager for the Legal Service with effect from 30 June 2018.
- 3) To delegate authority to the Council's Monitoring Officer to make any necessary consequential amendments to the Constitution.

**Anthony May**  
**Chief Executive**

### **For any enquiries about this report please contact:**

Jayne Francis-Ward, Corporate Director Resources  
0115 977 3478  
[jayne.francis-ward@nottsc.gov.uk](mailto:jayne.francis-ward@nottsc.gov.uk)

### **Constitutional Comments (SMG 17/04/18)**

16. County Council has responsibility for changing the Council's Constitution. The proposals within this report fall within the remit of County Council.

### **Financial Comments (SES 18/04/18)**

17. There are no specific financial implications arising directly from this report.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- LGPS Central Asset Pooling – Governance Arrangements – Full Council 12<sup>th</sup> January 2017 (published)
- LGPS Central Joint Committee Terms of Reference approved 23 March 2018
- [LGPS Central Joint Committee draft Terms of Reference report dated 23 March 2018](#) (published)
- Health and Wellbeing Board Governance and Management – Health and Wellbeing Board 7<sup>th</sup> March 2018 (published)
- Governance and Ethics Committee report dated 14 March 2018 (published)
- Governance and Ethics Committee report dated 8 November 2017 (published)
- Future Management of Corporate Services report dated 22 March 2018 (published)

#### **Electoral Division(s) and Member(s) Affected**

- All

## **APPENDIX**

### **AMENDMENT A**

#### **GOVERNANCE AND ETHICS SUB-COMMITTEE – TERMS OF REFERENCE**

1. Responsibility for formal hearings under the Council's Procedure for dealing with Conduct Allegations against Councillors and Co-opted Members, including deciding whether there has been a breach of the Code of Conduct, and if appropriate imposing any sanction available under the Procedure and the relevant legislation.

### **AMENDMENT B**

#### **HEALTH AND WELLBEING BOARD – TERMS OF REFERENCE**

~~29.~~ To prepare and publish and maintain a joint strategic needs assessment.

~~29-30.~~ To prepare, publish and maintain a Pharmaceutical Needs Assessment.

~~30-31.~~ To prepare and publish a joint health and wellbeing strategy based on the needs identified in the joint strategic needs assessment and to oversee the implementation of the strategy.

~~31-32.~~ Discretion to give Nottinghamshire County Council an opinion on whether the Council is discharging its statutory duty to have due regard to the joint strategic needs assessment and the health and wellbeing strategy.

~~32-33.~~ To promote and encourage integrated working including joint commissioning in order to deliver cost effective services and appropriate choice. This includes providing assistance and advice and other support as appropriate, and joint working with services that impact on wider health determinants.

~~33-34.~~ To discuss all issues considered to be relevant to the overall responsibilities of the Health and Wellbeing Board, and to perform any specific duties allocated by the Department of Health.

## **AMENDMENT C**

The Board [or Committee] will be responsible for its own projects and may establish steering groups to consider projects but, where it considers it appropriate, projects will be considered by a cross-committee project steering group that will report back to the [Board or] most appropriate Committee.

## **AMENDMENT D**

### **LGPS CENTRAL JOINT COMMITTEE**

1. A joint committee established to provide oversight of the delivery of the objectives of LGPS Central, including the delivery of client service and the delivery against its business case, and to deal with common investor issues.

## AMENDMENT E

### GOVERNANCE AND ETHICS COMMITTEE – TERMS OF REFERENCE

| Table  |
|--|
| Responsibility for advising Full Council on the adequacy of the Council's systems of internal control and overseeing the external auditor's annual audit of the accounts                                     |
| Responsibility for approving the Annual Statement of Accounts  |
| Responsibility for <del>recommending</del> <u>approving</u> the Annual Governance Statement <del>to Full Council for approval</del> and keeping it under review on a regular basis                           |
| <u>Responsibility for reviewing and maintaining the Council's Local Code on Corporate Governance</u>   |
| Responsibility for maintaining an overview of the Council's Financial Regulations and anti-fraud and anti-corruption strategies, and for recommending the Financial Regulations to Full Council for adoption |
| Responsibility for ensuring high standards of conduct by the County Council, its Councillors, co-opted members and Officers  |
| Responsibility for dealing with all matters relating to alleged breaches of the Code of Conduct for Councillors and Co-opted Members   |
| Responsibility for the implementation of and revision to all codes of conduct and practice of the County Council   |
| Responsibility for Information Governance including but not limited to Data Protection and Freedom of Information  |
| Responsibility for resolving any issues arising from the Members' Allowances Scheme  |
| Responsibility for monitoring the Councillors' Divisional Fund   |
| Responsibility for approving the recruitment process for any independent members of committees and panels required by statute  |
| Responsibility for the Council's risk management strategy  |
| Responsibility for Legal, Democratic and Complaints Services   |

## AMENDMENT F

### DISORDERLY CONDUCT

77. Councillors are expected to act in a reasonable and professional manner at Full Council, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the Full Council.

78. If, at any meeting, any Councillor in the opinion of the Chairman of the County Council ~~misbehaves by persistently disregarding their ruling, or by behaving improperly or offensively, or by obstructing the business of the Full Council,~~ is in breach of Procedure Rule 77 the Chairman may warn the Councillor about their behaviour.

~~77-79.~~ If following any warning a Councillor continues to breach~~If, at any meeting, any Councillor in the opinion of the Chairman of the County Council is in breach of~~ Procedure Rule 77 the Chairman may move "that [the Councillor named] should not be further heard" and ~~the motion~~, if seconded, will be voted on a vote will be taken without discussion.

~~78-80.~~ If any Councillor ~~named~~ continues the misconduct after a "should not be further heard" ~~motion~~ vote has been carried, the Chairman:

- a. may request the Councillor to leave the meeting; or
- b. may adjourn the meeting of the Full Council for any period considered necessary

~~79-81.~~ In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

## AMENDMENT G

### CONSTITUENCY ISSUES

~~23.~~ If a Any Councillor ~~who~~ wishes to make a three minute speech ~~must notify the Governance Team in~~ Democratic Services must be notified by 10am two working days before the Full Council meeting. The notification must confirm who will be making the speech and the subject matter.

~~23-24.~~ If a speech is not properly notified in advance, the Chairman has discretion not to allow the speaker to proceed.

### PETITIONS

~~26.~~ If a Any Councillor ~~who~~ wishes to submit a petition ~~must notify the Governance Team in~~ Democratic Services must be notified by 10 am the day before the meeting, giving details about the petition.

~~26-27.~~ If a petition is not properly notified in advance, the Chairman has discretion not to allow the petition to be submitted at the meeting.

### QUESTIONS TO COMMITTEE CHAIRMEN

~~34.~~ If any Councillors ~~must post~~ wishes to submit a question ~~a copy of their question(s)~~ under paragraph 32 and 33 a copy of their question(s) must be posted in the box in Democratic Services or emailed to council.questions@nottsc.gov.uk no later than 10 am two working days before the meeting. The question must make it clear who the question is addressed to and who is asking it.

### CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS

43. Councillors may raise an issue at Full Council meetings except the annual budget meeting by submitting a motion. The procedure for submitting a motion for debate is as follows:

- ~~a. The motion must be proposed and seconded.~~
- ~~b.~~ Notice must be given ~~either by submitting a signed copy of the motion to Democratic Services or by emailing council.questions@nottsc.gov.uk~~ no later than 10 am six clear working days before the Full Council meeting by one of the following methods:
  - ~~i.~~ Submitting a signed original to the Governance Team, Democratic Services
  - ~~ii.~~ Submitting a scanned copy of the signed original, or a motion with electronic signature, by email to council.questions@nottsc.gov.uk

~~a. The motion must be proposed and seconded.~~

~~b.c.~~ ~~The m~~Motions will be included in the agenda for the meeting in the order of receipt.

#### AMENDMENT H

85. Any changes in membership must be notified to the Governance Team in Democratic Services no later than 4-10 pm-am on the ~~working-day~~ before-of the relevant meeting.

#### AMENDMENT I

##### **Approved Duties (Travelling and Subsistence Allowances) For Councillors**

4. Attendance at any meeting or events of Outside Bodies or organisation to which you have been appointed by the Council unless a fee or allowance is paid by that body to you to cover such expenses. If such a body has its own travel scheme, claims should be made to that body.

**REPORT OF THE CHAIRMAN OF GOVERNANCE & ETHICS COMMITTEE****COUNCILLORS' TRAINING AND THE GENERAL DATA PROTECTION REGULATION (GDPR)****Purpose of the Report**

1. To inform Council of new training available to support the Council's approach to becoming compliant with new General Data Protection Regulation (GDPR).

**Information and Advice**Background Information

2. The Council's Information Governance (IG) approach is currently undergoing a programme of improvement, approved by Policy Committee in June 2017. The most pressing imperative for improvement is the General Data Protection Regulation (GDPR). This will be in force from 25th May 2018 and will be supplemented by a new Data Protection Act (2018).
3. The legislation responds to the digital age and strengthens the control and rights that citizens have over their own personal data. The new law places increased information governance and data protection obligations on the Council (and other data controlling / processing organisations). It also introduces significantly higher penalties for personal data breaches and failure to evidence compliance with the law (maximum fines of £17m and £8.5m respectively).
4. The legislation requires that all employees within the Council are trained to a level where they understand the impact of GDPR on their duties and to understand the principles of good information management
5. Policy Committee approved a new Information Governance Framework and underpinning policies on 28 March 2018. This applies to all Council employees and Councillors.

Councillors and the GDPR

6. Under the GDPR, Councillors continue to have data protection responsibilities for the personal information they process in their work in a similar way to their current obligations under the Data Protection Act 1998. They will continue to be data controllers under the GDPR which means they are responsible for ensuring all personal data they handle is done in a way which complies with the requirements of the GDPR.

7. The Information Commissioner's Office (ICO), the Regulator for data protection in the UK, has issued a guidance note titled '[Advice for Elected and Prospective Councillors](#)'. This was included as part of the induction pack issued to all Councillors in 2017. Whilst this guidance note is not yet GDPR compliant, it does enable Councillors to have a better understanding of their data protection responsibilities.
8. The ICO has also issued a '[Guide to GDPR](#)' to increase awareness of the new legislation particularly amongst data controllers.
9. Current data protection law and the GDPR require that organisations ensure that those that access the personal data they hold are appropriately trained. The Council has recently secured e-learning modules which are currently being rolled out to all staff who use personal computers and form part of mandatory training requirements. These modules are GDPR compliant and were developed specifically for local government.
10. Governance and Ethics Committee received a demonstration of the new e-learning modules at its meeting in March. The Committee was positive about them and determined that Council be informed so that all Councillors are aware of and can access the training.
11. As referenced above the e-learning, coupled with a separate arrangement for those staff who do not use personal computers in their work, will give all staff a basic understanding of data protection. The intention is to develop additional role specific training for particular staff groups.
12. In a similar way, specific additional training could be developed for Councillors should that be wanted and made available in summer / autumn 2018. This will give time to digest the provisions of the new Data Protection Act 2018, which will supplement GDPR.

### **Other Options Considered**

13. The Local Government Association (LGA) recognised that this was a potential development need for Councillors and did commission a project to develop specific e-learning covering elected member responsibilities for data protection, in accordance with the new law. However, the LGA have advised that this project has run into difficulties and has significantly slipped from the timeline anticipated for release (originally autumn 2017), with no revised completion date.

### **Reason/s for Recommendation/s**

14. GDPR requires that data controllers take appropriate 'organisational and technical measures' to ensure the protection and security of personal data. Data protection training is considered to be the primary organisational means of ensuring data protection knowledge and application.

### **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability

and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) That all Councillors have access to the new data protection e-learning and are encouraged to undertake the training.
- 2) That two half day, cross-party sessions be arranged for Councillors to undertake this training as part of a group ( N.B. the training package will still be available to individual members to undertake on an individual basis if that is more appropriate)
- 3) That additional role specific training is developed and made available in summer / autumn 2018 for Councillors to enable them to better understand how they can fulfil their data protection responsibilities under the new law.

**County Councillor Bruce Laughton**  
**Chairman of Governance & Ethics Committee**

**For any enquiries about this report please contact: Caroline Agnew**

### **Constitutional Comments [SLB – 16/4/18]**

15. It is appropriate for Full Council to consider the content of this report.

### **Financial Comments [RWK 26/04/2018]**

16. There are no specific financial implications arising directly from the report.

### **HR Comments [JP – 24/4/18]**

17. There are no specific HR comments or issues.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Information Governance Framework – NCC, March 2018
- Advice for Elected and Prospective Councillors: Data Protection Act – ICO Guidance
- Guide to GDPR – ICO Guidance

### **Electoral Division(s) and Member(s) Affected**

All



**REPORT OF THE LEADER****MEMBERSHIP OF THE LOCAL GOVERNMENT ASSOCIATION****Purpose of the Report**

1. To seek approval for Nottinghamshire County Council's membership of the Local Government Association (LGA) to transfer from the existing Unincorporated Association organisation to a new private unlimited company.

**Information**

2. The LGA is the national representative body for local authorities in England and Wales. Cross-party and politically led, it seeks to provide local Councils with a strong voice with national government and other stakeholders. In total, 415 local authorities are members of the LGA in 2017/18.
3. Nottinghamshire County Council is a longstanding member of the LGA with representatives on the LGA appointed by Policy Committee. Its current representatives are Councillors Cutts, Adair and Rhodes along with Chief Executive Anthony May.

**Incorporating the LGA**

4. Like its member councils, the LGA is continually reviewing its arrangements to keep membership costs down. In July 2017, the LGA's General Assembly, its main decision-making body made up of councillors from its member councils, voted to create a new incorporated LGA in the form of a 'private unlimited company'.
5. Nottinghamshire County Council has received a request from the LGA asking it to formally sign up as a member of this new company. A copy of the draft Articles of Association can be found at Appendix A.
6. The LGA considers this change in status will enable it to be more financially sustainable, invest more in the work it does for member councils and keep subscriptions as low as possible. The LGA has stated that incorporation will mean that this change will enable it to enter into contracts and hold property in its own name (which it could not do as an unincorporated association) which will 'regularise' its commercial activities. The LGA has specified that the change will not affect the way that Nottinghamshire County Council accesses services as a member of this organisation.

7. The LGA has confirmed that under the proposed unlimited company, member councils would have the same entitlement to a share of the assets of the LGA and the same responsibility for its liabilities in the event of its formal liquidation. This means that the liability position of Nottinghamshire County Council as a member of the newly incorporated company would potentially be the same as under the current unincorporated LGA.
8. It is understood that the current unincorporated LGA will continue to be run in parallel until its General Assembly on 3 July 2018. At that stage, subject to all member councils having joined the new company, the General Assembly will be invited formally to dissolve the unincorporated LGA.

### **Financial Implications**

9. There are no financial implications arising directly from this report. The Council's annual membership subscription to the LGA remains at the same level as for 2017/2018.

### **Other Options Considered**

10. The option for Nottinghamshire County Council to remain members of the existing LGA Unincorporated Association organisation was considered but is not the preferred option.

### **Reason/s for Recommendation/s**

11. To support the LGA become more commercial in order for it to offer members best value.

### **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) The Chief Executive be authorised to sign the application for admission as a member authority of the Local Government Association in accordance with the Associations new Articles of Association with effect from 1 April 2018.

**Councillor Kay Cutts**  
**Leader of the County Council**

**For any enquiries about this report please contact:**

Celia Morris, Group Manager, Performance & Improvement

**Constitutional Comments (HD 1/5/18)**

13. The proposals set out in this report fall within the remit of Full Council.

**Financial Comments (SES 25/4/18)**

14. There are no specific financial implications arising directly from this report.

**Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

**Electoral Division(s) and Member(s) Affected**

- All





## LOCAL GOVERNMENT ASSOCIATION

### APPLICATION FOR ADMISSION AS A MEMBER AUTHORITY

**To the Board of Local Government Association (the Association)**

[ ] Council hereby applies for admission as a Member Authority of the Local Government Association in accordance with the Association's Articles of Association, such admission to take effect on 1 April 2018.

On and from the Admission Date, the Council agrees to be bound by the Articles of Association of the Association and by such rules, standing orders and resolutions made or passed under or pursuant to them from time to time.

The council agree that all notices, documents or other information from the Association may, at the option of the Association, be sent to any address specified below, or to such other address as we may subsequently notify to the Association in accordance with the Articles of Association.

**Signed:**

---

**Name (printed):**

---

**Position:**

---

**Date:**

---

**For and on behalf of (applicant council):**

---

**Address of applicant council:**

---

**Contact e-mail address:**

---

**All communications to be marked for the attention of:**

---



**THE COMPANIES ACT 2006**  
**PRIVATE UNLIMITED COMPANY**

**ARTICLES OF ASSOCIATION**  
**OF**

**LOCAL GOVERNMENT ASSOCIATION**

**(Adopted by special resolution passed on ..... 2018)**

## Contents

| Item   | Page      |
|--|-----------|
| <b>PART 1 – NAME, OBJECTS AND POWERS</b>                                     | <b>4</b>  |
| <b>1 NAME</b>  | <b>4</b>  |
| <b>2 OBJECTS AND POWERS</b>  | <b>4</b>  |
| <b>3 RESPONSIBILITY FOR ACTION</b>   | <b>5</b>  |
| <b>PART 2 – MEMBERSHIP AND MEMBER AUTHORITY REPRESENTATIVES</b>              | <b>5</b>  |
| <b>4 MEMBERSHIP</b>  | <b>5</b>  |
| <b>5 MEMBER AUTHORITY REPRESENTATIVES</b>                                    | <b>6</b>  |
| <b>PART 3 – GOVERNANCE STRUCTURE</b>   | <b>6</b>  |
| <b>6 GOVERNANCE STRUCTURE: SUMMARY</b>                                       | <b>6</b>  |
| <b>7 POLITICAL BALANCE AND SUPPORT FOR POLITICAL GROUPS</b>                  | <b>7</b>  |
| <b>8 PRESIDENT AND VICE PRESIDENTS</b>                                       | <b>8</b>  |
| <b>9 CHIEF EXECUTIVE AND STAFF</b>   | <b>8</b>  |
| <b>PART 4 – THE GENERAL ASSEMBLY</b>   | <b>8</b>  |
| <b>10 THE GENERAL ASSEMBLY: INTRODUCTORY PROVISIONS</b>                      | <b>8</b>  |
| <b>11 CALLING THE GENERAL ASSEMBLY</b>                                       | <b>8</b>  |
| <b>12 ATTENDANCE AND SPEAKING AT THE GENERAL ASSEMBLY</b>                    | <b>8</b>  |
| <b>13 QUORUM</b>   | <b>9</b>  |
| <b>14 CHAIRING THE GENERAL ASSEMBLY</b>                                      | <b>9</b>  |
| <b>15 ADJOURNMENT OF GENERAL MEETINGS</b>                                    | <b>10</b> |
| <b>16 VOTING AT THE GENERAL ASSEMBLY</b>                                     | <b>10</b> |
| <b>17 AMENDMENTS TO RESOLUTIONS</b>  | <b>11</b> |
| <b>PART 5 – LEADERSHIP BOARD</b>   | <b>11</b> |
| <b>POWERS AND RESPONSIBILITIES</b>   | <b>11</b> |
| <b>18 DIRECTORS' GENERAL AUTHORITY AND MEMBER AUTHORITIES' RESERVE POWER</b> | <b>11</b> |
| <b>19 DIRECTORS MAY DELEGATE</b>   | <b>11</b> |
| <b>APPOINTMENT AND REMOVAL OF DIRECTORS</b>                                  | <b>12</b> |
| <b>20 APPOINTMENT OF DIRECTORS</b>   | <b>12</b> |
| <b>21 TERMINATION OF A DIRECTOR'S APPOINTMENT</b>                            | <b>12</b> |
| <b>PART 6 – FINANCE AND DISSOLUTION</b>                                      | <b>13</b> |
| <b>22 FINANCE</b>  | <b>13</b> |
| <b>23 MEMBER AUTHORITIES' SCHEME OF ALLOWANCES</b>                           | <b>13</b> |
| <b>24 DISSOLUTION</b>  | <b>14</b> |
| <b>PART 7 – ADMINISTRATIVE ARRANGEMENTS</b>                                  | <b>15</b> |
| <b>25 MEANS OF COMMUNICATION TO BE USED</b>                                  | <b>15</b> |
| <b>26 SEAL</b>   | <b>15</b> |
| <b>27 INDEMNITY</b>  | <b>16</b> |
| <b>28 INSURANCE</b>  | <b>16</b> |

|                                      |           |
|--------------------------------------|-----------|
| <b>PART 8 - INTERPRETATION .....</b> | <b>18</b> |
| <b>20 INTERPRETATION .....</b>       | <b>18</b> |

---

**THE COMPANIES ACT 2006**  
**PRIVATE UNLIMITED COMPANY**  
**ARTICLES OF ASSOCIATION**  
**OF**  
**LOCAL GOVERNMENT ASSOCIATION**

**PART 1 – NAME, OBJECTS AND POWERS**

**1 NAME**

**1.1** The name of the Association shall be the LOCAL GOVERNMENT ASSOCIATION.

**2 OBJECTS AND POWERS**

**2.1** The objects of the Association (Objects) are:

- 2.1.1** to support, promote and improve local government in England and Wales;
- 2.1.2** to represent, wherever possible by consensus, the interests of Member Authorities to national governments, to Parliament, to political parties, to European and other international institutions and to other bodies, and to negotiate on behalf of local government;
- 2.1.3** to formulate policies to support the improvement and development of local governance, effective management in local authorities and the enhancement of local democracy in England, Wales and elsewhere;
- 2.1.4** to provide forums for discussion of matters of common interest and/or concern to Member Authorities, including groups of Member Authorities, and a means by which joint views may be formulated and expressed;
- 2.1.5** to provide a full range of cost-effective services to Member Authorities in accordance with their wishes, including the dissemination of accurate, timely and relevant information;
- 2.1.6** to co-ordinate collective legal actions on behalf of groups of Member Authorities where authorised by the Leadership Board or relevant Board;
- 2.1.7** to promote the policies of the Association and to provide information on local government issues to the public and outside organisations;
- 2.1.8** to endeavour to give democratically elected local representatives from different political groups the opportunity to contribute to the Association's work and to the development of policies which represent, as far as possible, consensus between the political groups and between groups of Member Authorities;
- 2.1.9** to appoint democratically elected local representatives to the boards of the Improvement and Development Agency for Local Government and Local Partnerships LLP to ensure that the work and priorities of those organisations reflect those of the Member Authorities; and
- 2.1.10** to support all democratically elected local representatives of Member Authorities.

- 2.2 The Association may do all such things that a person can lawfully do which are or may be necessary, or intended to facilitate, or conducive or incidental to the discharge or achievement of the Objects.

### **3 RESPONSIBILITY FOR ACTION**

- 3.1 In matters of local government in general or which concern all Member Authorities, the Association will speak for all Member Authorities.
- 3.2 Recognised groupings of Member Authorities established under these Articles (or standing orders adopted pursuant to these Articles) may speak for the interests they represent, subject to their views not conflicting with or undermining the Association's policy as a whole or damaging the interests of other Member Authorities.
- 3.3 The Association shall ensure that the appointment of any democratically elected local representative to represent the views of Member Authorities on outside bodies or on delegations shall so far as is practicable reflect the political balance of the Association as calculated in accordance with Article 7.
- 3.4 The Association shall not in the context of the issue of local government reorganisation adopt or support any policy which adversely affects any Member Authority. Nothing in this Article shall prevent any Member Authority or group of Member Authorities seeking factual information from officers to assist such a Member Authority or group in promoting outside the Association a view in connection with any reorganisation.
- 3.5 The Association may provide goods and services to other entities engaged in local government (Associates) at such times and on such terms, including classes of Associate, as the Leadership Board may approve from time to time.

## **PART 2 – MEMBERSHIP AND MEMBER AUTHORITY REPRESENTATIVES**

### **4 MEMBERSHIP**

- 4.1 The Association may invite into membership of the Association Principal Councils in England and Wales which are capable of being included in the political balance calculations in Article 7, with each of them upon admission to membership being a Member Authority.
- 4.2 The Association must maintain a register of Member Authorities.
- 4.3 The liability of the Member Authorities is unlimited.
- 4.4 Any Member Authority wishing to terminate its membership of the Association shall give not less than twelve months' notice in writing to the Chief Executive to expire on 31 March in any year. At the expiration of the period of notice the Member Authority giving notice shall cease to be a Member Authority and shall become a Past Member Authority.
- 4.5 Subject to Article 4.7, a Past Member Authority shall have:
- 4.5.1 forfeited all right to and claims upon the Association and its property and funds; and
  - 4.5.2 lost any entitlement whatsoever to any share in the assets of the Association whether on a dissolution or otherwise (save in so far as these Articles provide for the assets of the Association to be set off against the liabilities of the Association to determine the net liabilities under Article 24).
- 4.6 A Past Member Authority shall remain liable for its share of the net liabilities of the Association, calculated in accordance with Article 24, for a period of five years from the date when it ceased to be a member of the Association and shall discharge its share of the net liabilities of the Association on the Association's dissolution.

- 4.7 These Articles shall continue to be binding on Past Member Authorities insofar as they relate to the rights and liabilities of Past Member Authorities.

## **5 MEMBER AUTHORITY REPRESENTATIVES**

- 5.1 Each Member Authority may appoint up to four persons, with each such person being a Member Authority Representative. A Member Authority Representative shall serve on/at the General Assembly.
- 5.2 Each Member Authority Representative shall be a democratically elected local representative of that Member Authority. A Member Authority Representative serving on any of the Association's governance structures, or otherwise representing or undertaking business on behalf of the Association, is required to operate in accordance with the member code of conduct of the Member Authority which appointed him/her.
- 5.3 The names of the Member Authority Representatives shall be submitted in writing to the Chief Executive not less than five clear working days in advance of the Annual Meeting in each year, by the appropriate officer of the appointing Member Authority. In exceptional circumstances, names can be submitted after that deadline subject to agreement with the Chief Executive.
- 5.4 The periods of office for Member Authority Representatives appointed to serve on the General Assembly, the Leadership Board and any Board or other governance structure of the Association shall begin as follows:
- 5.4.1 For any Member Authority Representative appointed to serve on the General Assembly, with effect from the Annual Meeting in a given year.
- 5.4.2 For any Member Authority Representative elected to serve as a director on the Leadership Board, with effect from the Annual Meeting in a given year.
- 5.4.3 For any Member Authority Representative appointed to serve on any governance structure (other than the General Assembly or the Leadership Board), on the date specified in his/her letter of appointment.
- 5.5 A Member Authority Representative shall serve on the General Assembly and (if elected or appointed to do so) as a director on the Leadership Board or member of any other governance structure until the earlier of:
- 5.5.1 the date of (but excluding) the Annual Meeting in the following year (provided that this shall not apply in relation to a Member Authority Representative appointed to relevant governance structures in accordance with Article 5.4.3);
- 5.5.2 his/her resignation as a Member Authority Representative;
- 5.5.3 him/her ceasing to be a democratically elected local representative of his/her appointing Member Authority; and
- 5.5.4 his/her appointing Member Authority becoming a Past Member Authority.

## **PART 3 – GOVERNANCE STRUCTURE**

### **6 GOVERNANCE STRUCTURE: SUMMARY**

- 6.1 The General Assembly may from time to time by special resolution passed in accordance with the Companies Acts amend these Articles.
- 6.2 The General Assembly may from time to time by ordinary resolution:

- 6.2.1 make standing orders for the regulation of its proceedings and conventions governing relationships between the political parties in the conduct of the Association's business; and
- 6.2.2 delegate any of its powers to any person, board or committee on such terms as it shall determine,

provided always that the standing orders, conventions or terms of delegation do not conflict with the provisions of these Articles.

- 6.3 The General Assembly may from time to time by ordinary resolution passed in accordance with the Companies Acts approve (and/or amend existing) standing orders for the Leadership Board to cover any matter relating to the Leadership Board not already covered by these Articles (the Leadership Board Standing Orders) including the delegated powers, size and political composition of the Leadership Board.
- 6.4 If there is any conflict between the provisions of these Articles and the provisions of the Leadership Board Standing Orders, the provisions of these Articles shall prevail and the Member Authorities shall exercise all voting and other rights and powers available to them to give effect to the provisions of the Articles and/or to remedy the conflict.
- 6.5 The Leadership Board may from time to time approve (and/or amend existing) standing orders (other than the Leadership Board Standing Orders) for any Board (the Board Standing Orders), to cover any matter relating to any Board not already covered by these Articles including the delegated powers, size, periods of office and political composition of that Board.
- 6.6 If there is any conflict between the provisions of these Articles and the provisions of any Board Standing Orders, the provisions of the Articles shall prevail and the Leadership Board shall exercise all voting and other rights and powers available to them to give effect to the provisions of the Articles and/or to remedy the conflict.

## **7 POLITICAL BALANCE AND SUPPORT FOR POLITICAL GROUPS**

- 7.1 The political balance on the Leadership Board and any Board or other governance structure of the Association shall be calculated annually and approved by the Leadership Board by reference to the overall electorate represented by the democratically elected local representatives of each party, immediately after the last principal elections of Member Authorities and in accordance with the following principles:
  - 7.1.1 only Principal Councils which are Member Authorities before the polls open on the day of the principal local elections shall be included in the political balance calculations; and
  - 7.1.2 to be included in the political balance calculations, Principal Councils joining the Association on or after 1 April of the membership year must have paid their subscriptions in full, with the funds cleared in an account nominated by the Leadership Board prior to the opening of the polls on the day of the principal local elections.
  - 7.1.3 A 50% weighting will be applied in respect of Member Authorities in areas with county and district councils and in Wales.
- 7.2 When a director resigns or his/her period of office terminates prior to the Annual Meeting at which he/she would otherwise cease to be a director in accordance with Article 5.5.1, his/her nominating party may elect or appoint a replacement, who will be designated as "acting" until formally elected by the General Assembly at that Annual Meeting.
- 7.3 Political groups recognised by the Association for the purposes of representation on its governance structures, and whose total share of the weighted electorate is 5% or more, shall be entitled to reasonable support from the Association to enable them to play their part in influencing parties on behalf of Member Authorities.

- 7.4 Independent democratically elected Member Authority Representatives and Member Authority Representatives from smaller recognised political groups may join together voluntarily to secure a collective share of the weighted electorate of 5% or more, in order to qualify for support from the Association comparable to that provided to larger political groups.

## **8 PRESIDENT AND VICE PRESIDENTS**

- 8.1 A President of the Association (President) shall be elected at the Annual Meeting in each year and shall be eligible for re-election for up to a maximum of eight years in the post.
- 8.2 Vice-Presidents shall be appointed annually by the leaders of the Association's political groups and be reported at the Annual Meeting.
- 8.3 The President and Vice-Presidents need not be democratically elected local representatives of Member Authorities and shall not have a vote at the General Assembly.
- 8.4 The President and Vice-Presidents are required to operate in accordance with the Code of Conduct for members of Parliament, members of the House of Lords, for MEPs or for members of the Welsh Assembly.

## **9 CHIEF EXECUTIVE AND STAFF**

- 9.1 There shall be a Chief Executive of the Association (who shall not be a director) appointed on such terms and conditions as agreed by the Leadership Board and such other staff as may be necessary for the purpose of implementing the Association's Objects. The Chief Executive and Deputy Chief Executive shall act as advisers to the Leadership Board
- 9.2 The Association may appoint a company secretary on such terms as may be agreed by the Leadership Board.

## **PART 4 – THE GENERAL ASSEMBLY**

### **10 THE GENERAL ASSEMBLY: INTRODUCTORY PROVISIONS**

- 10.1 A reference in these Articles to the General Assembly is to the Member Authorities in general meeting or to the general meeting itself, as the case may be.
- 10.2 The General Assembly shall be held on such days and at such places as may be decided by the Leadership Board.
- 10.3 Once each year, the General Assembly will elect the directors as set out in Article 20. This shall be the Annual Meeting. Other meetings (known as extraordinary general meetings or EGMs) may be held as required.
- 10.4 The General Assembly shall deal with such business (including at the Annual Meeting) as may be determined by the Leadership Board.

### **11 CALLING THE GENERAL ASSEMBLY**

- 11.1 A General Assembly may be called at any time by the Chief Executive with the approval of the Leadership Board and must be called within 21 days of a written request from Member Authorities representing at least 5% of the total voting rights of all the Member Authorities having a right to vote at general meetings and made in accordance with section 303 of the Companies Act 2006.
- 11.2 The Chief Executive shall:
- 11.2.1 not less than three months before the Annual Meeting, and not less than 28 clear days before each extraordinary general meeting, send to each Member Authority, to their chief

executive or clerk, all Leadership Board directors and the Association's auditors a notice stating:

- (a) the date, time and place of the meeting (and in the case of an Annual Meeting shall specify the meeting as such); and
- (b) If a special resolution is proposed, the full text of the resolution and that it is a special resolution,

together with a proxy card; and

- 11.2.2 not less than 10 working days before the Annual Meeting, or extraordinary general meeting, send to each Member Authority Representative appointed by a Principal Council, and publish on the Association's website, an agenda specifying the business to be transacted.

- 11.3 Notice must be given in hard copy form, electronic form or by means of a website, in each case in accordance with the Companies Act 2006.

- 11.4 The accidental omission to give notice of a General Assembly meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice, or a technical defect in the timing or manner of giving such notice of which the directors are unaware shall not invalidate the proceedings of that meeting, shall not invalidate the proceedings at that meeting.

## **12 ATTENDANCE AND SPEAKING AT THE GENERAL ASSEMBLY**

- 12.1 A person is able to exercise the right to speak at the General Assembly when that person is in a position to communicate to all those attending the meeting, during the meeting, any information or opinions which that person has on the business of the meeting.

- 12.2 A person is able to exercise the right to vote at the General Assembly when:

- 12.2.1 that person is able to vote, during the meeting, on resolutions put to the vote at the meeting; and

- 12.2.2 that person's vote can be taken into account in determining whether or not such resolutions are passed at the same time as the votes of all the other persons attending the meeting.

- 12.3 The Leadership Board may make whatever arrangements it considers appropriate to enable those attending a general meeting to exercise their rights to speak or vote at it.

- 12.4 In determining attendance at the General Assembly, it is immaterial whether any two or more persons attending it are in the same place as each other.

- 12.5 Two or more persons who are not in the same place as each other attend the General Assembly if their circumstances are such that if they have (or were to have) rights to speak and vote at that meeting, they are (or would be) able to exercise them.

## **13 QUORUM**

- 13.1 The quorum for the General Assembly shall be one-third of the total number of Member Authorities.

- 13.2 No business other than the appointment of the General Assembly Chair is to be transacted at a General Assembly if the persons attending it do not constitute a quorum.

## **14 CHAIRING THE GENERAL ASSEMBLY**

- 14.1 At the Annual Meeting, the President shall chair the General Assembly so as to elect the Chair of the Association and thereafter the Chair shall chair the General Assembly. At other meetings of the General Assembly, the Chair, or in his/her absence the senior Vice Chair, or in their absence another

Vice Chair or person chosen by the meeting, shall preside. The person presiding as chair of the General Assembly at any time is the General Assembly Chair.

## **15 ADJOURNMENT OF GENERAL MEETINGS**

**15.1** If the persons attending the General Assembly within half an hour of the time at which the meeting was due to start do not constitute a quorum, or if during a meeting a quorum ceases to be present, the General Assembly Chair must adjourn it.

**15.2** The General Assembly Chair must adjourn a general meeting if directed to do so by the meeting.

**15.3** The General Assembly Chair may adjourn a meeting at which a quorum is present if:

**15.3.1** the meeting consents to an adjournment; or

**15.3.2** it appears to the General Assembly Chair that an adjournment is necessary to protect the safety of any person attending the meeting or ensure that the business of the meeting is conducted in an orderly manner.

**15.4** When adjourning a general meeting, the General Assembly Chair must:

**15.4.1** either specify the time and place to which it is adjourned or state that it is to continue at a time and place to be fixed by the Leadership Board; and

**15.4.2** have regard to any directions as to the time and place of any adjournment which have been given by the meeting.

**15.5** If the continuation of an adjourned meeting is to take place more than 14 days after it was adjourned, the Association must give at least 7 clear days' notice of it:

**15.5.1** to the same persons to whom notice of the General Assembly is required to be given; and

**15.5.2** containing the same information which such notice is required to contain.

**15.6** No business may be transacted at an adjourned general meeting which could not properly have been transacted at the meeting if the adjournment had not taken place.

## **16 VOTING AT THE GENERAL ASSEMBLY**

**16.1** Member Authorities shall be entitled to vote on matters at the General Assembly as follows:

**16.1.1** In areas with both a county and district councils, each district council shall have one vote and the county council shall have votes equal to the number of district councils in its area;

**16.1.2** the total number of votes of unitary authorities shall represent the same proportion of the total votes of county and district councils, as the total population of unitary authorities in relation to the total population of county and district councils. Votes shall be allocated between individual unitary authorities on the basis of population bands that are reviewed and determined by the Leadership Board from time to time; and

**16.1.3** the population for this purpose shall be as given in the latest figures published by the Registrar General before the convening of each Annual Meeting. Welsh Member Authorities shall be entitled to vote on the election of a Chair, Vice-Chairs and Deputy Chairs of the Association and on non-devolved matters directly relevant to their statutory duties and responsibilities.

**16.2** Where a Member Authority is entitled to more than one vote, then:

- 16.2.1 the Member Authority Representative(s) appointed by the Member Authority and attending the General Assembly shall be entitled to cast collectively all votes of that Member Authority;
  - 16.2.2 written notice of the intention of those Member Authority Representatives present on behalf of an appointing Member Authority to exercise the votes of those Member Authority Representatives not present (or not appointed) by the same Member Authority must be given to the Chief Executive before the start of the General Assembly. The notice must be from the Member Authority in question; and
  - 16.2.3 it shall be the responsibility of the Member Authority Representatives present to ensure that they are in agreement as to how their Member Authority's votes should be cast.
- 16.3 In the case of an equality of votes, the General Assembly Chair shall have the casting vote in addition to any vote(s) he or she may be entitled to cast as a Member Authority Representative on behalf of his/her appointing Member Authority.
- 17 AMENDMENTS TO RESOLUTIONS**
- 17.1 An ordinary resolution to be proposed at the General Assembly may be amended by ordinary resolution if:
- 17.1.1 notice of the proposed amendment is given to the Association in writing by a person entitled to vote at the meeting at which it is to be proposed not less than 48 hours before the meeting is to take place (or such later time as the General Assembly Chair may determine); and
  - 17.1.2 the proposed amendment does not, in the reasonable opinion of the General Assembly Chair, materially alter the scope of the resolution.
- 17.2 A special resolution to be proposed at the General Assembly may be amended by ordinary resolution, if:
- 17.2.1 the General Assembly Chair proposes the amendment at the general meeting at which the resolution is to be proposed; and
  - 17.2.2 the amendment does not go beyond what is necessary to correct a grammatical or other non-substantive error in the resolution.
- 17.3 If the General Assembly Chair, acting in good faith, wrongly decides that an amendment to a resolution is out of order, the General Assembly Chair's error does not invalidate the vote on that resolution.

## **PART 5 – LEADERSHIP BOARD**

### **POWERS AND RESPONSIBILITIES**

#### **18 DIRECTORS' GENERAL AUTHORITY AND MEMBER AUTHORITIES' RESERVE POWER**

- 18.1 Subject to these Articles, the directors are responsible for the management of the Association's business for which purpose they may exercise all the powers of the Association.
- 18.2 The General Assembly may, by special resolution, direct the directors to take, or refrain from taking, specified action. No such special resolution invalidates anything which the directors have done before the passing of the resolution.

#### **19 DIRECTORS MAY DELEGATE**

- 19.1 Subject to these Articles, the Leadership Board may delegate any of the powers which are conferred on it under these Articles:

- 19.1.1 to such Board;
  - 19.1.2 by such means (including by power of attorney);
  - 19.1.3 to such an extent;
  - 19.1.4 In relation to such matters or territories; and
  - 19.1.5 on such terms and conditions,
- as it thinks fit.
- 19.2 If the Leadership Board so specifies, any such delegation may authorise further delegation of the directors' powers by any person to whom they are delegated.
- 19.3 The Leadership Board may revoke any delegation in whole or part, or alter its terms and conditions.

## **APPOINTMENT AND REMOVAL OF DIRECTORS**

### **20 APPOINTMENT OF DIRECTORS**

- 20.1 The General Assembly shall, at the Annual Meeting each year, elect from amongst the Member Authority Representatives:
- 20.1.1 the Chair of the Association;
  - 20.1.2 Vice Chairs of the Association; and
  - 20.1.3 Deputy Chairs of the Association.
- 20.2 Each of the above directors shall be a representative of a political group of democratically elected local representatives, whose share of the weighted electorate exceeds 5% of the total. The largest group at the point of calculating the political balance shall appoint the chair of the Leadership Board (the Chair).
- 20.3 The remaining directors are appointed according to proportionality in line with Article 7 (*Political balance*).
- 20.4 The Vice Chair nominated by the second largest group shall be the Senior Vice Chair.

### **21 TERMINATION OF A DIRECTOR'S APPOINTMENT**

- 21.1 A person ceases to be a director as soon as:
- 21.1.1 that person ceases to be a Member Authority Representative pursuant to Article 5.5;
  - 21.1.2 the Leadership Board determines that he or she has breached the code of conduct of the Member Authority which appointed him/her;
  - 21.1.3 that person ceases to be a director by virtue of any provision of the Companies Act 2006 or is prohibited from being a director by law;
  - 21.1.4 a bankruptcy order is made against that person;
  - 21.1.5 a composition is made with that person's creditors generally in satisfaction of that person's debts;

- 21.1.6 a registered medical practitioner who is treating that person gives a written opinion to the Association stating that that person has become physically or mentally incapable of acting as a director and may remain so for more than three months; or
- 21.1.7 notification is received by the Association from the director that the director is resigning from office, and such resignation has taken effect in accordance with its terms.

## **PART 6 – FINANCE AND DISSOLUTION**

### **22 FINANCE**

- 22.1 The Leadership Board shall approve prior to the last day of March in each year a statement of estimated expenditure for the year commencing on the following first day of April.
- 22.2 The subscriptions of Member Authorities for each year commencing 1 April shall be at rates to be determined annually by the Leadership Board.
- 22.3 The annual subscription of each Member Authority shall be calculated according to a formula determined by the Leadership Board, having regard to the allocation of votes as set out in Article 18.1. A maximum subscription for any year shall be set.
- 22.4 Where one or more Principal Councils that make up a Combined Authority are not Member Authorities, a separate subscription will be charged to that Combined Authority in respect of those Principal Councils.
- 22.5 Subscriptions shall be payable on 1 April in each year.
- 22.6 The Chief Executive shall be responsible for the preparation of an Income and Expenditure Account and Balance Sheet each year, for their examination and certification by independent professional auditors and for the submission of those accounts to the General Assembly.
- 22.7 The Association may invest, lend or otherwise deal with monies not immediately required for its purposes in such manner as may be thought fit by the Leadership Board and may borrow or raise money in accordance with financial regulations agreed by the Leadership Board.
- 22.8 The Association may purchase, take on lease or otherwise obtain land and buildings for use as offices, to provide accommodation for meetings of the Association, for the use of staff and ancillary and related bodies and for the purpose of generating income to support the activities of the Association; and may sell, or otherwise dispose of, such land and buildings all on such terms and in such manner as the Leadership Board considers suitable, and may establish companies for this purpose.

### **23 SCHEME OF ALLOWANCES**

- 23.1 The Association shall provide a scheme for the payment of allowances and expenses to democratically elected local representatives appointed to agreed Association roles, in recognition of duties carried out on behalf of the Association (Scheme of Allowances).
- 23.2 The Leadership Board will consider annually whether to establish an independent Panel to review the Scheme of Allowances and to make recommendations for decision by the Leadership Board. An independent review of the Scheme should be carried out at least every 4 years.
- 23.3 The membership of the Panel shall comprise of a minimum of 3 and a maximum of 5 members and be agreed by the Leadership Board. The Chair of the Panel must be independent of the Association and may not be a serving democratically elected local representative. The remaining Panel members may be serving democratically elected local representatives, but must not hold an Association role whilst a member of the Panel.

## **24 DISSOLUTION**

- 24.1** If at any General Assembly where at least two-thirds of Member Authorities are represented a motion for the winding up of the Association is passed by a two-thirds majority, a special resolution must then be put to all Member Authorities for decision via an electronic or postal vote. For the special resolution to be passed, it must be agreed by at least 75% of the votes capable of being cast by all Member Authorities.
- 24.2** If the Association is wound up for any reason, the remaining assets of the Association (if any) shall be distributed to each Member Authority at the date of dissolution (the Existing Member Authorities) in proportion to the amount which the total annual subscriptions paid by that Existing Member Authority in the last ten full accounting periods prior to the date when the winding up resolution was passed bears to the total subscriptions paid by all Existing Member Authorities in the same period.
- 24.3** In the event that the Association's assets should prove to be insufficient to discharge its liabilities, Member Authorities and Past Member Authorities (subject to Article 4.6) shall contribute such additional sums as are required to eliminate the deficiency. Where any one or more Existing Member Authorities or Past Member Authorities is/are required to contribute more than its/their proper proportion towards the Association's liabilities, as calculated below, the Existing Member Authorities and Past Member Authorities shall ensure that they pay across to those "over-contributing" such amount(s) as may be required to ensure that all Existing Member Authorities and Past Member Authorities contribute in accordance with this Article 24.
- 24.4** Every Existing Member Authority and Past Member Authority (subject to Article 4.6) shall contribute towards any deficiency in the proportion to which the annual subscription which it was liable to pay in its last year of membership (which in the case of an Existing Member Authority shall be the full accounting year immediately before the accounting year in which the winding up resolution was passed, and in the case of Past Member Authorities shall be the accounting year at the end of which its membership ceased) bears to the total amount of subscriptions, as so determined, payable by all Member Authorities (both existing and past).
- 24.5** The liabilities of the Association shall include (without prejudice to the general meaning of "liabilities") the following:
- 24.5.1** any sums which are or may in the future become due and payable by the Association under the terms of any lease, licence, mortgage, debenture, loan, guarantee, indemnity or any other agreement or arrangement to which the Association is a party and pursuant to which the Association is or becomes indebted;
- 24.5.2** any sums which are or may in the future become due and payable by the Association:
- (a) to an administering authority for the purposes of the local government pension scheme regulations for the time being in force; and
  - (b) in respect of the Association's liability to pay the amount of any unfunded pension costs rechargeable to the Association. The amount of such unfunded pension costs shall be determined by an actuary acting as an expert and appointed by the Association and whose determination shall be conclusive;
- 24.5.3** any sums which are or may in the future become due and payable to officers and/or employees of the Association including salary, wages, redundancy, compensation for loss of office or employment or any other benefits (including early retirement packages) to which such officer or employee is or becomes entitled by reason of law or in circumstances where the Association is dissolved, in accordance with the policy of the Association existing at the date of the passing of winding up resolution; and
- 24.5.4** any sums (whether by way of damages or otherwise) which are or may in the future become due and payable in respect of any liability in law whether in contract, tort or otherwise.
- 24.6** For the purposes of Article 24.5:

- 24.6.1 a sum may become due in the future in whatever circumstance including on the dissolution of the Association;
  - 24.6.2 net liabilities shall mean the assets of the Association less "the liabilities" of the Association; and
  - 24.6.3 "the assets of the Association" shall include all legal and equitable interests in any asset whatsoever including fixed, current, tangible and intangible assets.
- 24.7 In the event of a dispute between an Existing Member Authority or Past Member Authority and the Association as to the amount which the Existing Member Authority or Past Member Authority should contribute or receive under this Article 24 the matter shall be referred to arbitration. Any arbitration shall be conducted in accordance with the Arbitration Rules of the Chartered Institute of Arbitrators. The Arbitrator shall be appointed by the President for the time being of the Institute of Chartered Accountants of England and Wales. In the event that the Arbitrator issues a determination providing that the Existing Member Authority or Past Member Authority is liable to contribute a specified sum under this Article the Existing Member Authority or Past Member Authority shall pay the monies which the Arbitrator determines it ought to pay within seven days of the issue of the award.
- 24.8 The provisions set out in Articles 24.2 to 24.4 do not apply where dissolution is effected for the purpose of reconstitution or merger.

## **PART 7 – ADMINISTRATIVE ARRANGEMENTS**

### **25 MEANS OF COMMUNICATION TO BE USED**

- 25.1 Subject to the Articles, anything sent or supplied by or to the Association under these Articles may be sent or supplied in any way in which the Companies Act 2006 provides for documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Association.
- 25.2 Subject to the Articles, any notice or document to be sent or supplied to a director in connection with the taking of decisions by directors may also be sent or supplied by the means by which that director has asked to be sent or supplied with such notices or documents for the time being.
- 25.3 A director may agree with the Association that notices or documents sent to that director in a particular way are to be deemed to have been received within a specified time of their being sent, and for the specified time to be less than 48 hours.

### **26 SEAL**

- 26.1 Any common seal may only be used by the authority of the Leadership Board.
- 26.2 The Leadership Board may decide by what means and in what form any common seal is to be used.
- 26.3 Unless otherwise decided by the Leadership Board, if the Association has a common seal and it is affixed to a document, the document must also be signed by at least one authorised person in the presence of a witness who attests the signature.
- 26.4 For the purposes of this Article, an authorised person is:
  - 26.4.1 any director;
  - 26.4.2 the secretary (if any); or
  - 26.4.3 any person authorised by the Leadership Board for the purpose of signing documents to which the common seal is applied.

## **27 INDEMNITY**

**27.1** Subject to Article 27.2, a relevant director of the Association or an associated company may be indemnified out of the Association's assets against:

**27.1.1** any liability incurred by that director in connection with any negligence, default, breach of duty or breach of trust in relation to the Association or an associated company;

**27.1.2** any liability incurred by that director in connection with the activities of the Association or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006); and

**27.1.3** any other liability incurred by that director as an officer of the Association or an associated company.

**27.2** This Article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law.

**27.3** In this Article:

**27.3.1** companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and

**27.3.2** a relevant director means any director or former director of the Association or an associated company.

## **28 INSURANCE**

**28.1** The directors may decide to purchase and maintain insurance, at the expense of the Association, for the benefit of any relevant director in respect of any relevant loss.

**28.2** In this Article:

**28.2.1** a relevant director means any director or former director of the Association or an associated company;

**28.2.2** a relevant loss means any loss or liability which has been or may be incurred by a relevant director in connection with that director's duties or powers in relation to the Association, any associated company or any pension fund or employees' share scheme of the Association or associated company; and

**28.2.3** companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

## **PART 8 - INTERPRETATION**

### **29 INTERPRETATION**

**29.1** In these Articles:

**Annual Meeting** has the meaning given in Article 10.3

**Articles** means these articles of Association as amended from time to time

**Association** means the company governed by these Articles

**bankruptcy** includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy

**Board** means any person, board or committee to whom or which any of the Leadership Board's powers are delegated

**Board Standing Orders** has the meaning given in Article 6.5

**Chair** has the meaning given in Article 20.2

**Companies Act** means the Companies Act (as defined in section 2 of the Companies Act 2006) in so far as they apply to the Association;

**director** means a director of the Association, and includes any person occupying the position of director, by whatever name called

**document** includes, unless otherwise specified, any Document sent or supplied in Electronic Form

**electronic form** has the meaning given in section 1168 of the Companies Act 2006

**General Assembly** has the meaning given in Article 10.1

**General Assembly Chair** has the meaning given in Article 14

**hard copy form** has the meaning given in section 1168 of the Companies Act 2006

**Instrument** means a document in hard copy form

**Leadership Board** means the directors of the Association or such of them as are present at a meeting of the directors at which a quorum is present

**Leadership Board Standing Orders** has the meaning given in Article 6.3

**Member Authority** has the meaning given in Article 4.1

**Member Authority Representative** has the meaning given in Article 5

**Objects** has the meaning given in Article 2.1

**ordinary resolution** has the meaning given in section 282 of the Companies Act 2006

**Past Member Authority** has the meaning given in Article 4.4

**Scheme of Allowances** has the meaning given in Article 23

**Senior Vice Chair** has the meaning given in Article 20.4

**special resolution** has the meaning given in section 283 of the Companies Act 2006

**writing** means the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise, but excluding fax

**year** means calendar year

**29.2** Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Act 2006 as in force on the date when these Articles become binding on the Association.

**29.3** A reference to a person shall include a reference to an individual, firm, company, corporation, partnership, unincorporated body of persons, government, state or agency of a state or any

association, trust, joint venture or consortium (whether or not having separate legal personality) and that person's personal representatives, successors, permitted assigns and permitted transferees.

**29.4** Unless the context otherwise requires:

**29.4.1** words in the singular shall include the plural and in the plural shall include the singular; and

**29.4.2** a reference to one gender shall include a reference to the other genders.

**29.5** A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time. A reference to a statute or statutory provision shall include all subordinate legislation made from time to time under that statute or statutory provision. A reference to a regulation includes any regulation, rule, official directive, request or guideline (whether or not having the force of law) of any governmental, inter-governmental or supranational body, agency, department or regulatory, self-regulatory or other authority or organisation.

**29.6** Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

**29.7** References to a month shall be construed as a reference to a period starting on one day in a calendar month and ending on the day immediately preceding the numerically corresponding day in the next calendar month or, if there is no numerically corresponding day in the next calendar month, the last day in the next calendar month.

**29.8** The expressions **body corporate, holding company, subsidiary, parent undertaking, subsidiary undertaking and parent company** shall have the respective meanings given in the Companies Act 2006, and, for the purposes of sections 1159(1) and 1162(2)(b) and (d) of that Act, a company or undertaking (the first person) shall be treated as a member of another company or undertaking if:

**29.8.1** any of the first person's subsidiaries or subsidiary undertakings is a member of that other company or undertaking; or

**29.8.2** any shares or capital interests in that other company or undertaking are held by a person acting on behalf of the first person or any of its subsidiaries or subsidiary undertakings; or

**29.8.3** any shares or capital interests in that other company or undertaking are registered in the name of a person (or its nominee) by way of security or in connection with the granting of security over those shares or capital interests by the first person.