



## SUMMONS TO COUNCIL

date Thursday, 11 May 2023  
**commencing at 10:30**

venue County Hall, West Bridgford,  
Nottingham

You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as under.

Chief Executive

- 1 Election of Chairman
- 2 Election of Vice-Chairman
- 3 Minutes of the meeting held on 30 March 2023 7 - 34
- 4 Apologies for Absence
- 5 Declarations of Interests by Members and Officers:- (see note below)
  - (a) Disclosable Pecuniary Interests
  - (b) Private Interests (pecuniary and non-pecuniary)
- 6 Kirkby South By-Election Result and Recognition of Members and Officers of Groups 35 - 36
- 7 Chairman's Business
  - a) Presentation of Awards/Certificates (if any)

<b>8</b>	Constituency Issues (see note 4)	
<b>9a</b>	Presentation of Petitions (if any) (see note 5)	
<b>9b</b>	Responses to Petitions Presented to the Chairman of the County Council	37 - 42
<b>10</b>	Establishment of Committees	43 - 50
<b>11</b>	New Code of Conduct for Councillors and Co-opted Members	51 - 74
<b>12</b>	Revised Officer Code of Conduct and Procedure for Officer Reporting of Interests, Gifts and Hospitality	75 - 90
<b>13</b>	Executive Report: Key Issues and Activities	91 - 96
<b>14</b>	Questions (see note below)	

(a) Questions to Nottinghamshire and City of Nottingham Fire Authority

(b) Questions to the Leader, Cabinet Members and Committee Chairmen

## **15 NOTICE OF MOTIONS**

### Motion One

Nottinghamshire County Council welcomes the announcement that smart motorways will be removed from Government road-building plans. It has been stated this is due to the "...lack of public confidence felt by drivers."

This Council notes that there have been at least 79 deaths linked to smart motorways. There have also been hundreds of accidents causing injury and distress connected with smart motorways.

This council further notes that around 10% of England's motorway network is made up of smart motorways and that large parts of the M1, going through Nottinghamshire form a smart motorway. This Council believes that resident's lives are being put in danger on these roads of death.

This Council therefore calls for the Government to undertake an urgent review of existing smart motorways and calls for immediate Government investment to ensure that motorist's lives are not put in danger in Nottinghamshire and across the UK.

This Council resolves to write to the Secretary of State for Transport making this Council's opposition to smart motorways clear.

**Councillor Tom Hollis      Councillor Dave Shaw**

#### Motion Two

On 30 March 2023, Labour Party Leader Sir Keir Starmer stated that he would freeze Council Tax rises for the year 2023/24 if Prime Minister. This would be paid for by an increased windfall tax on energy companies who have profited excessively during the cost-of-living crisis, when so many people are struggling to pay bills and when food prices have risen by 19.2%, the highest observed annual rate in over 45 years.

A freeze in Council Tax rise at this time would provide an opportunity for Nottinghamshire residents to have more disposable income which could be used to mitigate the cost-of-living crisis.

This Council therefore resolves to:

- a) Support any proposals from this Government, or a future Government, to deliver a freeze in Council Tax rises for Nottinghamshire residents in the year 2024/25, paid for by an increased windfall tax on energy companies.
- b) Following years of significant cuts to public services, write to the Government outlining the case for long-term funding settlements and increased Local Government investment, to enable this Council to deliver the services our residents need.

**Councillor Kate Foale      Councillor Jim Creamer**

#### Motion Three

Encouraging Active Travel in Nottinghamshire is one of the stated ambitions of this Council.

This is acknowledged in the Nottinghamshire Plan as a Council priority to tackle the Climate Emergency.

Active Travel is sadly often too unsafe in some areas of Nottinghamshire, and this is notably the case for pedal cyclists.

Over in the last decade more than 1,875 cyclists have been injured by motor vehicles across Nottinghamshire.

For cyclists, potholes and highway junctions are a particular concern when trying to get safely to their destination.

To move beyond active travel advocacy and to accelerate increasing numbers of participation, it is clear that more needs to be done to improve safety.

This Council will therefore:

- Acknowledge that more needs to be done to make active travel participants feel safe, particularly pedal cyclists who travel by road.
- Identify the most dangerous areas in each Borough and District of the County for pedal cyclists and outline the steps which will be taken to improve active travel measures in these areas, and when these changes can expect to be delivered, on the Nottinghamshire County Council website.

**Councillor Penny Gowland      Councillor Paul Henshaw**

#### **NOTES:-**

##### **(A) For Councillors**

- (1) Members will be informed of the date and time of their Group meeting for Council by their Group Researcher.
- (2) Lunch will usually be taken at approximately 12.30pm.
- (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 budget meeting and an extraordinary meeting Members are given an opportunity to speak for up to three minutes on any issue 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 15 minutes for this item.
- (5) At any Full Council meeting except the budget meeting and an extraordinary meeting Members may present a petition to the Chairman of the County Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties. The Member presenting the petition can introduce and speak about the petition for up to one minute. Members are reminded that there is a time limit of 15 minutes for the presentation of petitions, after which any petitions not yet presented will be received en bloc by the Chairman.
- (6) In relation to questions to the Nottinghamshire and City of Nottingham Fire Authority and questions to the Leader, Cabinet Members and Committee Chairmen; after receiving an answer to their question, the Councillor asking the original question may ask one supplementary question on the same matter. There will be no additional supplementary questions.
- (7) Members' attention is drawn to the questions put to the Cabinet Member for Adult Social Care and Public Health, the Cabinet Member for Children and Families, the Cabinet Member for Economic Development and Asset Management, the Cabinet Member for Finance, and the Cabinet Member for Transport and Environment, under paragraphs 46, 49, 50 and 57 of the Procedure Rules, and the answers to which are included at the back of the Council book.
- (8) Members are reminded that these papers may be recycled. Appropriate containers are located in the respective secretariats.
- (9) Commonly used points of order
  - 26 – Constituency issues must be about issues which specifically relate to the Member's division and is relevant to the services provided by the County Council
  - 55 – Only 1 supplementary question per question is allowed from the Councillor who asked the original question and supplementary questions must be on the same matter
  - 65 – The Mover or Seconder has spoken for more than 10 minutes when moving the motion

68 – The Member has spoken for more than 5 minutes

70 – The Member is not speaking to the subject under discussion

71 – The Member has already spoken on the motion

90 – Points of Order and Personal Explanations

99 – Disorderly conduct

(10) Time limit of speeches

Motions

68 – no longer than 5 minutes (subject to any exceptions set out in the Constitution)

Constituency Issues

26 – up to 3 minutes per speech allowed

29 – up to 15 minutes for this item allowed

Petitions

33 – up to one minute per petition allowed

37 – up to 15 minutes for this item allowed

Questions

49 – up to 60 minutes for this item allowed

**(B) For Members of the Public**

- (1) 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.

- (2) The papers enclosed with this agenda are available in large print if required. Copies can be requested by contacting the Customer Services Centre on 0300 500 80 80. Certain documents (for example appendices and plans to reports) may not be available electronically. Hard copies can be requested from the above contact.
- (3) This agenda and its associated reports are available to view online via an online calendar –  
<http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting COUNTY COUNCIL

Date Thursday, 30 March 2023 (10.30 am – 5.27 pm)

**Membership**

**COUNCILLORS**

Roger Jackson (Chairman)

John Ogle (Vice-Chairman)

Reg Adair  
Mike Adams  
Pauline Allan  
Sinead Anderson - apologies  
Callum Bailey  
Matt Barney  
Chris Barnfather  
Ben Bradley MP  
Richard Butler  
Anne Callaghan BEM  
André Camilleri  
Scott Carlton  
Steve Carr  
John Clarke MBE  
Neil Clarke MBE  
Robert Corden  
John Cottee  
Jim Creamer  
Debbie Darby  
Sam Deakin  
Dr John Doddy  
Bethan Eddy  
Boyd Elliott  
Sybil Fielding  
Kate Foale  
Stephen Garner - apologies  
Glynn Gilfoyle  
Keith Girling  
Penny Gowland  
Errol Henry JP  
Paul Henshaw  
Tom Hollis

Mike Introna  
Richard Jackson  
Eric Kerry  
Bruce Laughton  
Johnno Lee  
David Martin  
John 'Maggie' McGrath  
Andy Meakin  
Nigel Moxon  
Kane Oliver - apologies  
Philip Owen  
Michael Payne  
Sheila Place - apologies  
Mike Pringle  
Francis Purdue-Horan  
Mike Quigley MBE  
Mrs Sue Saddington  
Dave Shaw  
Helen-Ann Smith  
Sam Smith  
Tom Smith  
Tracey Taylor  
Nigel Turner  
Roger Upton  
Lee Waters  
Michelle Welsh  
Gordon Wheeler  
Jonathan Wheeler  
Elizabeth Williamson - apologies  
John Wilmott  
Jason Zadrozny

## **HONORARY ALDERMEN**

Terence Butler  
John Carter  
Kay Cutts MBE

## **OFFICERS IN ATTENDANCE**

Adrian Smith	(Chief Executive)
Marjorie Toward	(Chief Executives)
Sara Allmond	(Chief Executives)
Sarah Ashton	(Chief Executives)
Carl Bilbey	(Chief Executives)
Isobel Fleming	(Chief Executives)
Hannah Gemmill	(Chief Executives)
David Hennigan	(Chief Executives)
James McDonnell	(Chief Executives)
Phil Rostance	(Chief Executives)
Nigel Stevenson	(Chief Executives)
Phil Smith	(Chief Executives)
Jonathan Gribbin	(Adult Social Care and Health)
Melanie Williams	(Adult Social Care and Health)
Colin Pettigrew	(Children and Families)
Derek Higton	(Place)

## **OPENING PRAYER**

Upon the Council, convening, prayers were led by the Chairman.

## **1. MINUTES**

### **RESOLVED: 2023/003**

That the minutes of the previous meeting held on 9 February 2023 be agreed as a true record and signed by the Chairman.

## **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from:-

- Councillor Sinead Anderson (medical/illness)
- Councillor Stephen Garner (medical/illness)
- Councillor Kane Oliver (other reasons)
- Councillor Sheila Place (medical/illness)
- Councillor Elizabeth Williamson (medical/illness)



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

None

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

#### **PRESENTATION OF AWARDS**

None

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

The Chairman updated Members on the business he and the Vice-Chairman had carried out since the last meeting, including attending many different events and dinners over the previous few weeks. A highlight was meeting the new Duke of Edinburgh at Portland Training College where he opened some new facilities. The Chairman also joined the High Sheriff of Nottingham in visiting the American Ambassador's residence in London, to plant saplings grown from the Major Oak tree in Sherwood Forest and the original Bramley Apple tree in Southwell. The Chairman had also carried out a number of fundraising events over the previous few weeks which had raised approximately £8,000 for his good cause.

### **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 Michelle Welsh regarding green and open spaces in Arnold South

Councillor Jason Zadrozny regarding road safety in Ashfields

Councillor David Martin regarding issues with social care in Selston

Councillor Francis Purdue-Horan regarding education cuts in Bingham

Councillor Dave Shaw regarding the impact of bus service reductions on Hucknall

The time limit of 15 minutes for speeches was reached and the remaining speech fell.

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

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

- (1) Councillor Matt Barney, regarding withdrawal of the Skylink bus service through Sutton Bonington and other villages

- (2) Councillor John 'Maggie' McGrath, regarding resident parking in his division

**RESOLVED: 2023/004**

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

**6b. RESPONSES TO PETITIONS PRESENTED TO THE CHAIRMAN OF THE COUNTY COUNCIL**

**RESOLVED: 2023/005**

That the contents and actions taken as set out in the report be noted.

Councillor Samantha Deakin left the Chamber at 10.41am during consideration of this item and did not return to the meeting.

**7. NOTTINGHAMSHIRE COUTY COUNCIL'S PAY POLICY STATEMENT 2023-24**

Councillor Gordon Wheeler introduced the report and moved a motion in terms of resolution 2023/006 below.

The motion was seconded by Councillor Jonathan Wheeler.

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

**RESOLVED: 2023/006**

That the Pay Policy Statement be approved, as set out in the appendix to the report, for publication on the Council's website in April 2023.

Councillor Helen-Ann Smith left the Chamber at 11.04am during consideration of this item and did not return to the meeting.

Councillor Tom Hollis left the Chamber at 11.07am and returned at 11.18am during consideration of this item.

**8. DEVOLUTION DEAL – CONSIDERATION OF CONSULTATION RESPONSES AND SUBMISSION THE EAST MIDLANDS COMBINED COUNTY AUTHORITY PROPOSAL TO GOVERNMENT**

Councillor Ben Bradley MP introduced the report and moved a motion in terms of resolution 2023/007 below.

The motion was seconded by Councillor Bruce Laughton.

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

**RESOLVED: 2023/007**

- 1) That the final Proposal as attached at Appendix 2 to the report be approved, having regard to the consultation responses, and the public sector equality duty, to create the East Midlands Combined County Authority (EMCCA) for the areas of Nottinghamshire County, Derbyshire County, Derby City and Nottingham City.
- 2) That it be noted how the Proposal has been amended to take account of the results of the Consultation, other engagement activity, and recent developments as set out in the report and in more detail within Appendix 1 (the Summary of the Consultation and the Constituent Councils' Response), Appendix 4 (the Consultation Report), and Appendix 3 (the Engagement Report) of the report.
- 3) That it be agreed to delegate authority to the Chief Executive to submit the Proposal in consultation with the Chief Executives of the other Constituent Councils to the Secretary of State once the Levelling-up and Regeneration Bill has received Royal Assent and the relevant provisions come into force.
- 4) That it be agreed to delegate authority to the Chief Executive to approve any typographical or technical amendments to the final Proposal which the Chief Executives of the other three Councils also agree on, on behalf of Nottinghamshire County Council, prior to submission.
- 5) To note that a further report will be brought back to Council to consent to the relevant Statutory Instrument that will formally establish the EMCCA in due course.

Councillor Andy Meakin left the Chamber at 12.14pm and returned at 12.25pm during consideration of this item.

Councillor Tom Hollis left the meeting at 12.23pm during consideration of this item and did not return to the meeting.

The Council adjourned from 12.39pm to 1.45pm for lunch.

Councillor Pauline Allan did not return to the meeting after lunch.

**9. EXECUTIVE REPORT – KEY ISSUES AND ACTIVITIES**

**RESOLVED: 2023/008**

That the contents of the report be noted.

### **10a. QUESTIONS TO NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY**

1 question had been received as follows: -

- 1) from Councillor Jason Zadrozny regarding Ashfield Fire Station (Councillor Michael Payne replied)

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

### **10b. QUESTIONS TO COMMITTEE CHAIRMAN**

13 questions had been received as follows: -

- 1) from Councillor Bethan Eddy concerning Investment Zones (Councillor Ben Bradley MP replied)
- 2) from Councillor Penny Gowland concerning school places in West Bridgford (Councillor Tracey Taylor replied)
- 3) from Councillor Dave Shaw about bus services (Councillor Neil Clarke MBE replied)
- 4) from Councillor Kate Foale about staff representation in scrutiny arrangements (Councillor Gordon Wheeler replied)
- 5) from Councillor Mike Introna regarding Levelling Up Partnerships (Ben Bradley MP replied)
- 6) from Councillor Francis Purdue-Horan concerning strategic review of recycling centre network (Councillor Neil Clarke MBE replied)
- 7) from Councillor Michelle Welsh concerning frontline worker interactions with families experiencing food poverty (Councillor Tracey Taylor replied)
- 8) from Councillor Matt Barney about Skylink bus service (Councillor Neil Clarke MBE replied)

The full responses to the 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 questions within 15 working days of the meeting and be included in the papers for the next available Full Council meeting after the deadline.

- 9) from Councillor Lee Waters regarding update on costings for offices at Top Wighay (Councillor Keith Girling to reply)
- 10) from Councillor Anne Callaghan BEM regarding school meals for those not receiving free school meals (Councillor Tracey Taylor to reply)
- 11) from Councillor John 'Maggie' McGrath regarding resurfacing off Pasture Road and safe crossing for Albany School (Councillor Neil Clarke MBE to reply)
- 12) from Councillor Steve Carr regarding the Councillors Divisional Fund (Councillor Richard Jackson to reply)
- 13) from Councillor Paul Henshaw regarding CQC ratings for residential care homes (Councillor Matt Barney to reply)

## **11. NOTICE OF MOTIONS**

### **MOTION ONE – CARRIED OVER FROM 20 JANUARY 2023 MEETING**

A Motion as set out below was moved by Councillor Francis Purdue-Horan and seconded by Councillor Debbie Darby:

“Nottinghamshire County Council believes that it should do everything possible to ensure that no child goes hungry.

This Council notes that according to information from the October 2022 school census, covering pupils in years R-11 in all primary, secondary and special schools in the county (including academies) there are 25,265 - 22.1% of all pupils claiming free school meals.

This Council further notes the following table which shows the highest number of schoolchildren ever claiming free school meals across Nottinghamshire.

District of school	Number on roll NCY R-11 (1)	Number of pupils known to be eligible for and claiming free school meals (2)	Percentage of pupils known to be eligible for and claiming free school meals (2)
Ashfield	17,997	5,283	29.4
Bassetlaw	16,130	3,795	23.5
Broxtowe	14,910	2,913	19.5
Gedling	16,469	3,208	19.5
Mansfield	16,711	4,681	28.0
Newark	14,225	3,370	23.7
Rushcliffe	18,055	2,015	11.2
Nottinghamshire	114,497	25,265	22.1

This Council believes that there are children who may be entitled to free school meals but do not claim them for a variety of reasons.

This Council therefore resolves to increase Free School Meal take up by investigating whether Nottinghamshire County Council can:

- 1) Automatically enrol children on to free school meals, using existing Housing Benefit and Council Tax Reduction data.
- 2) Implement a policy of 'opt out' meaning that those not aware of their entitlement can benefit from free school meals.

The council believes that this will significantly increase Free School Meal uptake in Nottinghamshire, which will lead to additional Pupil Premium Funding to help reduce the gap in attainment between children from higher and lower income households.”

An amendment to the motion as set out below was moved by Councillor Ben Bradley MP and seconded by Councillor Tracey Taylor:

“Nottinghamshire County Council believes that it should do everything possible to ensure that no child goes hungry.

This Council notes that according to information from the October 2022 school census, covering pupils in years R-11 in all primary, secondary and special schools in the county (including academies) there are 25,265 - 22.1% of all pupils claiming free school meals.

This Council further notes the following table which shows the **highest** number of schoolchildren ~~ever~~ claiming free school meals across Nottinghamshire.

District of school	Number on roll NCY R-11 (1)	Number of pupils known to be eligible for and claiming free school meals (2)	Percentage of pupils known to be eligible for and claiming free school meals (2)
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Rushcliffe	18,055	2,015	11.2
Nottinghamshire	114,497	25,265	22.1

**This Council acknowledges the ongoing work of the Children and Families department and their continued efforts to find new ways of encouraging parents and carers to enrol onto the free school meal scheme through regular bulletins and Governor communications.**

**However**, this Council **believes recognises** that there are children who may be entitled to free school meals but do not claim them for a variety of reasons.

This Council therefore resolves to increase Free School Meal take up by investigating whether Nottinghamshire County Council can:

- 1) **Automatically Expand and seek new methods of enrolling** children onto free school meals, **using by exploring ways in which** existing Housing Benefit and Council Tax Reduction data **can be shared and used more effectively by schools and data holders.**
- 2) ~~Implement a policy of 'opt out'~~ **Take action to improve public awareness so meaning** that those **currently** not aware of their entitlement can benefit from free school meals.

The Council believes that this will **significantly** increase Free School Meal uptake in Nottinghamshire, which will lead to additional Pupil Premium Funding to help reduce the gap in attainment between children from higher and lower income households.”

The meeting was adjourned from 3.15pm to 3.30pm to allow the amendment to be considered.

The amendment was accepted by the mover of the Motion and became the altered (substantive) motion.

A further amendment was submitted for validation. The meeting adjourned from 3.31pm to 4.11pm to enable the amendment to be validated. The amendment was ruled as invalid by the Monitoring Officer under paragraph 63d of the Council Procedure Rules (page 55 of the Constitution).

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

#### **RESOLVED: 2023/009**

“Nottinghamshire County Council believes that it should do everything possible to ensure that no child goes hungry.

This Council notes that according to information from the October 2022 school census, covering pupils in years R-11 in all primary, secondary and special schools in the county (including academies) there are 25,265 - 22.1% of all pupils claiming free school meals.

This Council further notes the following table which shows the number of schoolchildren claiming free school meals across Nottinghamshire.

District of school	Number on roll NCY R-11 (1)	Number of pupils known to be eligible for and claiming free school meals (2)	Percentage of pupils known to be eligible for and claiming free school meals (2)
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Ashfield	17,997	5,283	29.4
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Newark	14,225	3,370	23.7
Rushcliffe	18,055	2,015	11.2
Nottinghamshire	114,497	25,265	22.1

This Council acknowledges the ongoing work of the Children and Families department and their continued efforts to find new ways of encouraging parents and carers to enrol onto the free school meal scheme through regular bulletins and Governor communications.

However, this Council recognises that there are children who may be entitled to free school meals but do not claim them for a variety of reasons.

This Council therefore resolves to increase Free School Meal take up by investigating whether Nottinghamshire County Council can:

- 1) Expand and seek new methods of enrolling children onto free school meals, by exploring ways in which existing Housing Benefit and Council Tax Reduction data can be shared and used more effectively by schools and data holders.
- 2) Take action to improve public awareness so that those currently not aware of their entitlement can benefit from free school meals.

The Council believes that this will increase Free School Meal uptake in Nottinghamshire, which will lead to additional Pupil Premium Funding to help reduce the gap in attainment between children from higher and lower income households.”

## **MOTION TWO – CARRIED OVER FROM 20 JANUARY 2023 MEETING**

The Motion was withdrawn.

## **MOTION THREE**

A Motion as set out below was moved by Councillor Paul Henshaw and seconded by Councillor Mike Pringle:

“On 27 February 2023, it was reported that Nottinghamshire was named one of ‘most dangerous places to live in UK for crime’.

An Office for National Statistics (ONS) report published in January confirmed that in the annual period between September 2021 and 2022, every area of Nottinghamshire has experienced rising crime, including:



- In Ashfield, an increase in ‘Bicycle Theft’ by 115% and of ‘Non-Residential Burglaries’ by 50%.
- In Bassetlaw, an increase in ‘possession of dangerous weapons’ by 76% and ‘Violent Crime’ by 23%.
- In Mansfield, rises in ‘Robbery’ by 71% and ‘Shoplifting’ by 66%.
- In Newark and Sherwood, an increase in ‘Sexual Offences’ by 41% and ‘Public Order Offences’ by 27%.
- In the South Nottinghamshire Community Safety Partnership area, an increase in ‘All other theft’ by 28% and ‘Theft from person’ by 14%.
- Across Nottinghamshire, Total Recorded Crimes rising by 15%.

This Council’s Plan, The Nottinghamshire Plan, states:

“Helping our communities to stay safe is one of our top priorities as a Council. Over 1 in 3 people hoped to see lower crime in their local area over the next 10 years. So, we’ll lead the Safer Nottinghamshire Board, working closely with Nottinghamshire Police, to reduce crime and make people feel safer and more protected.”

The Safer Nottinghamshire Board (SNB) developed a 3-year Community Safety Agreement, to be reviewed annually from 2020-2023. This agreement outlines the strategic priorities of the SNB and assigns strategic leads to each priority.

This Council therefore resolves to recommend to the SNB that they:

- Ensure that rising crime rates across Nottinghamshire are acknowledged in the upcoming annual SNB CSA review.
- Consider the identified specific types of rising crime within a future CSA beyond 2023, to ensure there are targeted responses to these crimes across Nottinghamshire.
- Report on performance under current strategic priorities outlined in the SNB CSA and review whether those currently assigned to lead on these priorities remain suitable.

Ensure that all past and future SNB CSA annual review reports are published online and easily accessible to Nottinghamshire residents via the Nottinghamshire County Council website.”

An amendment to the motion as set out below was moved by Councillor Chris Barnfather and seconded by Councillor Mike Introna:

“On 27 February 2023, it was reported that Nottinghamshire was named ~~one of the~~ **18th** ‘most dangerous places ~~area out of 42~~ to live in **the** UK for crime’.

An Office for National Statistics (ONS) report published in January confirmed that in the annual period between September 2021 and 2022, every area of Nottinghamshire has experienced rising crime **in particular categories, although the overall picture across different categories was varied.** including:

- ~~In Ashfield, an increase in 'Bicycle Theft' by 115% and of 'Non-Residential Burglaries' by 50%.~~
- ~~In Bassetlaw, an increase in 'possession of dangerous weapons' by 76% and 'Violent Crime' by 23%.~~
- ~~In Mansfield, rises in 'Robbery' by 71% and 'Shoplifting' by 66%.~~
- ~~In Newark and Sherwood, an increase in 'Sexual Offences' by 41% and 'Public Order Offences' by 27%.~~
- ~~In the South Nottinghamshire Community Safety Partnership area, an increase in 'All other theft' by 28% and 'Theft from person' by 14%.~~
- ~~Across Nottinghamshire, Total Recorded Crimes rising by 15%.~~

This Council's Plan, The Nottinghamshire Plan, states:

"Helping our communities to stay safe is one of our top priorities as a Council. Over 1 in 3 people hoped to see lower crime in their local area over the next 10 years. So, we'll lead the Safer Nottinghamshire Board, working closely with Nottinghamshire Police, to reduce crime and make people feel safer and more protected."

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- Ensure that rising crime rates **in particular categories** across Nottinghamshire are acknowledged in the upcoming annual SNB CSA review.
- Consider the identified specific types of rising crime within a future CSA beyond 2023, to ensure there are targeted responses to these crimes across Nottinghamshire.
- Report on performance under current strategic priorities outlined in the SNB CSA and review whether those currently assigned to lead on these priorities remain suitable.

Ensure that all past and future SNB CSA annual review reports are published online and easily accessible to Nottinghamshire residents via the Nottinghamshire County Council website."

The Council adjourned from 4.31pm to 4.39pm to allow the amendment to be considered. The amendment was accepted by the mover of the motion and became the substantive (altered) motion.

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

**RESOLVED: 2023/010**

On 27 February 2023, it was reported that Nottinghamshire was named the 18th 'most dangerous area out of 42 to live in the UK for crime'.

An Office for National Statistics (ONS) report published in January confirmed that in the annual period between September 2021 and 2022, every area of Nottinghamshire had experienced rising crime in particular categories, although the overall picture across different categories was varied.

This Council's Plan, The Nottinghamshire Plan, states:

"Helping our communities to stay safe is one of our top priorities as a Council. Over 1 in 3 people hoped to see lower crime in their local area over the next 10 years. So, we'll lead the Safer Nottinghamshire Board, working closely with Nottinghamshire Police, to reduce crime and make people feel safer and more protected."

The Safer Nottinghamshire Board (SNB) developed a 3-year Community Safety Agreement, to be reviewed annually from 2020-2023. This agreement outlines the strategic priorities of the SNB and assigns strategic leads to each priority.

This Council therefore resolves to recommend to the SNB that they:

- Ensure that rising crime rates in particular categories across Nottinghamshire are acknowledged in the upcoming annual SNB CSA review.
- Consider the identified specific types of rising crime within a future CSA beyond 2023, to ensure there are targeted responses to these crimes across Nottinghamshire.
- Report on performance under current strategic priorities outlined in the SNB CSA and review whether those currently assigned to lead on these priorities remain suitable.

Ensure that all past and future SNB CSA annual review reports are published online and easily accessible to Nottinghamshire residents via the Nottinghamshire County Council website."

Councillors Lee Waters and Dave Shaw left the Chamber at 4.20pm during consideration of this item and did not return to the meeting.

Councillor Bruce Laughton did not return to the Chamber after the meeting reconvened at 4.39pm.

Councillor Ben Bradley MP left the Chamber at 5.02pm and did not return to the Chamber.

The Chairman declared the meeting closed at 5.27 pm.

**CHAIRMAN**

## **APPENDIX A**

### **COUNTY COUNCIL MEETING HELD ON 30 MARCH 2023 QUESTION TO CHAIRMAN OF THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY**

#### **Question from Councillor Jason Zadrozny**

On 24 February, the Fire Authority unanimously backed a recommendation which read: "To instruct the Chief Fire Officer to swiftly work up and implement proposals at Ashfield fire station to address the identified gap in resourcing to risk faced by the community in Ashfield." Could the Chairman please give this Council an update on progress to return Ashfield Fire Station to a 24 hour, full-time service?

#### **Response from the Chairman of the Nottinghamshire and City of Nottingham Fire Authority, Councillor Michael Payne**

Can I just take a couple of seconds to put on record, my and I hope the whole of the County Council's thanks to the heroism and diligence of the fire service personnel who responded to the fire on 18 March 2023 on Forest Road in Mansfield at Savanna Rags. The debris and damage that was caused as part of that fire was felt not only by those that work there Mr Chairman, but also by the wider community, and my heartfelt thanks to everybody who responded to that incident.

At the February 2023 Fire Authority meeting an update report was presented by the Chief Fire Officer on the Services Futures 25 Programme which seeks to address the financial challenges that significant government cuts over the last decade continue to place on the fire service in future years. This also, as you're aware Councillor Zadrozny, included the public consultation exercise on the potential need to reduce the number of fire appliances within Nottinghamshire Fire and Rescue Service as a result of ongoing government cuts. This exercise was data and evidence based and there was a public consultation on it. I am pleased, Mr Chairman, to report that the Labour led Fire Authority have been able to mitigate the extent of cuts required for the coming financial year, with no cuts, I repeat, no cuts in the number of fire engines at London Road or Stockhill Stations, nor any cuts at West Bridgford; maintaining a 24 hour service at West Bridgford Station and congratulations to Councillor Penny Gowland who spearheaded the campaign in that neck of the woods to protect that service.

The Chief Fire Officer and wider management team are now working through possible options to resource to risk identified by independent experts in the Ashfield area. Work to identify options has already started and the Chief Fire Officer envisages that they will be reported over the next few weeks and certainly, Councillor Zadrozny, prior to this summer.

I should say it is likely given the ongoing severity of government cuts that any option will require the redistribution of existing service resources, unless Nottinghamshire Fire and Rescue Service sees an end to the ongoing cuts that it has received in recent years.

Let me finish Mr Chairman by saying this, we and certainly I as the Chairman of the Labour led Fire Authority are keen that the good people and good communities of Ashfield get their fair share of fire resources even if the resources that we receive continue to dwindle year on year as a result of this right wing pernicious Tory Government.

## **APPENDIX B**

### **COUNTY COUNCIL MEETING HELD ON 30 MARCH 2023 QUESTIONS TO THE LEADER, CABINET MEMBERS AND COMMITTEE CHAIRMEN**

#### **Question to the Leader of the Council from Councillor Bethan Eddy**

Would the Council Leader join me in welcoming the Chancellor of the Exchequer's announcement, in his Spring Budget, that 12 new Investment Zones will be created across the UK, including one in the East Midlands?

What does this mean for Nottinghamshire and the East Midlands in terms of economic development and central government investment?

#### **Response from the Leader of the Council, Councillor Ben Bradley MP**

A really important opportunity for us, one that we're only really able to access because we are on this path to Devolution. Only areas with Combined Authorities, or emerging Combined Authorities are able to host one of these Investment Zones.

£80 million of flexible funding incentives for things like either tax incentives to attract businesses to come and invest here, or also capital and revenue funding to get sites ready for those investments, and it builds on the funding we've already had, as I've mentioned, for things like retrofit, gigabit broadband and bringing forward brownfield land.

Very similar incentives to the Freeport and you have to choose a specific sector. Members who know our area well I'm sure will be able to choose from some of those that we have real capability in, but from sectors like digital and technology, green industries, life sciences, advanced manufacturing, creative industries. They're the nationally significant industries on the Government's list and therefore, as you will recognise, we have really good bases in several of those sectors to be able to build something really positive.

It's worth saying, because I know Members opposite had some concerns about Investment Zones when Liz Truss was Prime Minister, that these aren't the same proposition. It's a very research and science-led proposition, to the extent where we have to partner with a research institution – a university – to deliver it, and it is all about advancing those largely engineering and scientific sectors.

It is also an opportunity for us to get 100% rates growth retention which, again, is a hugely important benefit for us for anything we're able to do in terms of bringing investment to the area, bringing jobs to the area, we can keep the benefits of that to reinvest, so that will be fantastic.

The challenge that we will have, is that other Combined Authority areas have clear governance, they have a system to put these decisions into, where collectively they can decide where this goes and what it looks like. Obviously, we are still some months away from having that system, so it wouldn't be right for me to say it should be this

place or that place at this stage, because we're going to have to go and work that through with colleagues in Derby and Derbyshire and in Nottingham, but it does have the potential to attract significant inward investment to our area, and as I say, I can't say where it will be, but Members will be able to think – and we talk on these benches a lot – of significant investments, anchor institutions, perhaps in the North of Nottinghamshire, that could benefit from these incentives if we look a little further down the road.

So, huge opportunities, and an example of where our journey on all of this - regardless of our conversation about the structures and all the rest of it – our Devolution journey is already starting to help us to make those changes for our residents.

**Question to the Cabinet Member for Children and Families from Councillor Penny Gowland**

The Council will be aware that children in West Bridgford have been offered school places a long distance from their home and some as far away as Eastwood and Hucknall.

As this is clearly an appalling situation for children and their families, what will the Council be doing to mitigate this problem?

**Response from the Cabinet Member for Children and Families, Councillor Tracey Taylor**

In the past few weeks, I've heard certain Labour councillors trying to imply that the situation that Councillor Gowland describes in her question is caused by a shortage of school places and a lack of school place planning in the Rushcliffe area.

This is not true, and I believe Councillor Gowland and other Labour councillors know very well it is not true.

Demand for school places in the Rushcliffe area is high, which is a compliment to quality of the schools in the area, but the situations to which Councillor Gowland refers mostly arise from the way some parents have chosen to engage with the school admissions process, which is a national statutory procedure.

To explain, I will quote directly from page 9 of the 2023/24 Nottinghamshire County Council Admissions to Schools Guide for Parents booklet. It states, and I quote:

'Before making your preferences, it is important that you consider carefully which schools you would like your child to go to. You should check the admission oversubscription criteria for all your preferred schools.'

'We recommend that you use all 4 preferences, as listing only one preference could substantially reduce the chances of your child being allocated a preference.'

And I'll repeat this, Chairman, because it is absolutely key to answering Councillor Gowland's question, and indeed to avoiding these unfortunate outcomes in future:



'We recommend that you use all 4 preferences, as listing only one preference could substantially reduce the chances of your child being allocated a preference.'

'You should check the admission oversubscription criteria for all your preferred schools.'

The guidance booklet also states:

'Remember that living in the catchment area, attending a nursery or children's centre, attending a linked school or having a brother or sister attending a school does not guarantee that your application will be successful.'

It is also crucially important to note our role in the admission process described in the statutory code, and that is to administer it on behalf of secondary academies in Nottinghamshire, all of whom are their own "Admissions Authorities". The academies define their own "over-subscription" criteria, each of which may be subtly different from the next.

Chairman, the truth is that in most of the cases fitting the description in Councillor Gowland's question, parents unfortunately chose not to use all four of their preferences. It was also evident in some cases that the choices were not for places at schools where their child met the eligibility criteria.

If parents had listed four preferences, presumably for schools closer than Eastwood or Hucknall, and had heeded the eligibility criteria, they would have stood a far better chance of being successful in receiving an offer from one of those schools, but because they did not, those other parents who did exercise all four preferences were given consideration ahead of them.

The Guide for Parents booklet could not be clearer about this process. In fact, the key words recommending parents to use all 4 preferences are highlighted in bold.

In a recent radio interview, I heard a spurious claim that this Council is 'blaming' parents who did not select four preferences. We are doing no such thing. We're simply explaining the statutory process that we must follow and emphasising why it is so important for parents to select four preferences and check eligibility criteria, but we cannot and would not force them to complete all four.

In effect, parents decide whether they wish to join up to four queues to get a place in a school, or whether they take the risk of joining only three, or two or even one queue. The fewer queues you join, the more you are limiting your chances of achieving a desirable outcome. In fact, your child could even lose out on a place in a catchment school to a child whose parents have exercised all four preferences and included, as alternate preferences, schools which aren't in their catchment area.

This in turn can potentially push an applicant who did not exercise all their preferences further and further away from the area and schools they would prefer.

I'm not saying this system is right, or wrong, but it's the way the school admissions process works under the law, and as a Council we can only give our best advice to parents on how to achieve their preferred outcome.

Councillor Gowland asks what can we do to mitigate the situation for children and parents who are not happy with the outcome of this process?

There is potential mitigation built into the system through the Admission Appeals process, where parents can appeal against a school's decision to offer a place, and provide evidence of why they believe their child should be admitted. An independent panel of three or more people then hears the appeal and reaches a decision in line with the School Admission Appeals Code.

As a Council we do our utmost to offer parents a preferred school, but when families do not receive the offer they were hoping for - whatever the reason - we fully understand the disappointment and frustration this can cause. We have in fact written to each parent from the West Bridgford area that received an alternate offer for a school some distance away. We offered to provide additional support and guidance including how to appeal for a school place at a more local school.

I'm pleased to report that this year, the vast majority of children in Nottinghamshire have been allocated a place at their preferred school. In Rushcliffe, 91 per cent of families were offered their top preference school, and 97 per cent received the offer of a school place at one of their preferences.

**Question to the Cabinet Member for Transport and Environment from Councillor Dave Shaw**

In February, you made the decision that ultimately led to reductions in bus services in Hucknall. At the same, this Council stated that its ambition "...that every Nottinghamshire community will be connected to a bus or other public transport route." How do the bus service reductions which will be implemented on Monday square with this ambition and can give timescales for the bus service review being undertaken by this Council?

**Response from the Cabinet Member for Transport and Environment, Councillor Neil Clarke MBE**

It is no secret that bus services in Nottinghamshire and across the country are facing a severe challenge in recovering from the Covid pandemic. Passenger numbers are still around 80% of their previous levels in most areas outside Greater Nottingham.

This presents a challenge in trying to protect as many bus routes as possible. Solutions that could work in one area, such as the Nottsbus On-Demand service to villages, are not necessarily best-suited to other areas.

Councillor Shaw will be aware that local operators have advised us that a number of routes will either be withdrawn or reduced from 1<sup>st</sup> April.

In the context that bus operators are withdrawing services, it is incorrect to say that my decision has led to reductions in bus services. It's the operators withdrawing services.

The Council has had to make difficult decisions about which routes to support, but we have recently approved funding to support twelve more routes. These are primarily routes where services would be completely withdrawn and would leave communities with no alternative access to public transport.

The Hucknall Connect services are not being withdrawn, and most areas on the route will continue to receive a regular daytime service.

The Council currently supports over 80 routes at a cost of £4.1 million per year. The additional 12 routes we intend to support will be funded from the three-year £3.9 million Bus Service Improvement Plan funded from central government.

A full review of all these bus services is underway, so we are open to examining different solutions and funding decisions to the ones currently in place. Indeed, it has been agreed that all County Councillors will be included in the initial consultation exercise, after which any plans or developments resulting from the review will be considered later this year.

Therefore, Mr Chairman, I stand by our ambition that every community in Nottinghamshire will be connected to a bus or other public transport route.

#### **Question to the Cabinet Member for Personnel from Councillor Kate Foale**

The views, experience and attitudes of our staff is vital to ensure this Council's decision making and scrutiny processes are well informed.

How in your role as Cabinet Member have you been able to represent staff during the scrutiny process, when decisions which impact upon personnel are being considered?

#### **Response from the Cabinet Member for Personnel, Councillor Gordon Wheeler**

I wholeheartedly agree it is important that employees are properly engaged and consulted by the those responsible for employment matters on decisions which may have significant impact on their employment with the Council, in line with our agreed policies and procedures.

Staffing consultation mechanisms have been agreed with the Trades Unions and are set out in our Employment Relations Agreement and also in the Constitution in the Employment Procedure Rules which form part of our collective bargaining arrangements. Most employee-related decisions are delegated to the Chief Executive, acting as the Head of Paid Service, and other officers delegated by the Chief Executive with whom responsibility for full and proper staff consultation lies.

In some instances, proposals require formal collective consultation and we are bound by how we consult in these circumstances by the Trade Union and Labour Relations (Consolidation) Act 1992

Chairman, I meet regularly with the trade unions. I met them on 2<sup>nd</sup> February, and my next meeting is on 26<sup>th</sup> April. Our Services Director – Customers, Governance & Employees and our Head of Human Resources also meet regularly with the trade unions and keep them up-to-date and informed – it's a great consultation mechanism, which I think probably works better than anywhere else - a personal view.

Where there are decisions made by Cabinet that impact on employees, the relevant Cabinet Member will work with officers to confirm they have undertaken the necessary staffing engagement and consultation and what the outcomes and possible impacts are.

In a Cabinet model of governance, Select Committees and Overview and Scrutiny Committees are not decision-making bodies. As such it is difficult to imagine where the requirements to directly consult employees would be met in a scrutiny context. As the Cabinet Member for Personnel, I am not accountable for staff engagement on individual decisions across the Council as I've already described.

It is also not within my delegation as Cabinet Member for Personnel to represent the views of employees during the scrutiny process as you have described in your question. Any consultation with employees would take place by officers in relation to the actual decision, not at the scrutiny stage. Employees would have the right to represent their own views in this process or be represented by a recognised trades union.

In considering a decision or proposed change to services with a potential impact on employees, scrutiny members may ask questions about staff consultation and the outcomes. I am aware that recent scrutiny undertaken by the Overview Committee, ably chaired by Councillor Boyd Elliott, involved a number of member visits and informal dialogue with staff about their views in relation to ways of working and the use of buildings as part of a wide-ranging review of the use of Council buildings.

In my role, I do have oversight of wider informal employee engagement activities across the Council, as it is important to know the views of our staff on a broad range of employment matters and to provide opportunities for employees to raise issues, hence the consultation I referred to earlier on, Mr Chairman. This involves ongoing dialogue between staff and managers, staff newsletters, intranet pages, blogs, surveys, focus groups and workshops. This approach is reflected in our "Nottinghamshire Way" programme where we have worked with staff to shape our values and the culture of the organisation.

Councillor Foale, I would be very happy to meet with you to talk through the Council's approach to these matters, if she would find that helpful. As part of this discussion, I can also explain to you how deleted posts are reviewed and addressed in our delivered service in another way, and I hope a far more efficient way too.

#### **Question to the Leader of the Council from Councillor Mike Intra**

Would the Council Leader join me in welcoming the Chancellor of the Exchequer's announcement, in his Spring Budget, that the districts of Bassetlaw and Mansfield are

two of the areas being invited to form Levelling Up Partnerships, to provide bespoke place-based regeneration over 2023-24 and 2024-25?

Could the Leader explain what financial and practical benefits this announcement will bring to these areas as part of our County?

**Response from the Leader of the Council, Councillor Ben Bradley MP**

Another example of an opportunity for our County from the Levelling Up Programme – the ‘gimmick’ as it has been described, the ‘vanity project’ that is funding North Nottinghamshire to the tune of pushing 300 million quid, over the course of the last year or eighteen months or so!

I am pleased that North Nottinghamshire represents 10% of the country’s allocation of this round of Levelling Up Partnerships with both Mansfield and Bassetlaw worthy of support. Unlike Levelling Up bids, district councils didn’t bid for these, so I should put my thanks on record to Brendan Clarke-Smith for his work in lobbying the Government, and Councillor Payne already knows that Mansfield is always front of the queue anyway, so that should be a given!

The opportunity to have structured conversations with Government on these is really important. Unlike Levelling Up fund bids, we haven’t submitted a specific project. This is Government saying ‘let’s have a conversation between partners locally and the department about the data, about the need locally, and about what therefore we can build and deliver.

Brendan Clarke-Smith and I have written to the Minister just in the last week to say that we really want to see a strategic approach to this, so we can seek to tackle some of those long-standing issues and make sure we don’t just end up building a building with a short-term impact. We want to do something really meaningful.

So, I hope that long-term focus on Bassetlaw and Mansfield, the strong relationship with Government that can come from this means we can replicate some of the examples (if Members want to have a quick Google) of places like Grimsby or Blackpool who have achieved some really big outcomes from these partnerships in the past. I hope we can replicate some of those for our communities.

**Question to the Cabinet Member for Transport and Environment from Councillor Francis Purdue-Horan**

On 5 January 2022, Nottinghamshire County Council approved carrying out a Strategic Review of the recycling centre network across Nottinghamshire to “...ensure it continues to meet the increasing needs of the county’s growing population.” This Strategic Review was expected to take three months, then delayed with the recommendations expected by the end of January 2023. What has changed?

**Response from the Cabinet Member for Transport and Environment, Councillor Neil Clarke MBE**

If Councillor Purdue-Horan had actually read the recent Nottingham Post online article about recycling centres, he would already know the answer to his question.

Nottinghamshire County Council is in the process of finalising a strategic review of our recycling centre network, and Councillor Purdue-Horan is correct that this process is taking longer than originally anticipated, but for very good reasons.

Reference was made in the question to 'expected by the end of January 2023'. Well, that was an invention by Councillor Purdue-Horan's Independent colleagues on the scrutiny committee, asking or requesting for something by the end of January. It wasn't the administration putting that forward.

We are keen to ensure that the proposals arising from the review deliver a service suitable to meet the waste recycling needs of residents long into the future. The review is taking account of learning from the Covid pandemic, predicted housing growth, and upcoming changes to kerbside collections required to meet the statutory obligations of the Environment Act and the Resources & Waste Strategy for England.

Any proposals resulting from the review need to align with national waste and recycling policy. This means it is not possible to finalise our recycling centre review, or complete a refresh of our recycling centre strategy, within our original timescales, given the delays to the implementation of the Environment Act and Resources and Waste Strategy. We will continue with the review and announce our proposals as soon as possible.

This review is for the whole of Nottinghamshire. The outcomes of the review will cover all of Nottinghamshire, not just Rushcliffe, but it is certainly important to ensure we put the right plan in place for the Rushcliffe area. If that means taking longer to fully incorporate the factors I've described, it's better we do that properly rather than implement the wrong solution quickly.

I use the phrase, Mr Chairman, 'better to be right than rushed'.

**Question to the Cabinet Member for Children and Families from Councillor Michelle Welsh**

This Council's Early Help Strategy states that "Many more families are experiencing food insecurity and the number of children living in poverty is rising."

As this Council has ended its partnership with Family Action to deliver 11 FOOD clubs across Nottinghamshire via the use of our Children's Centre services, is the Cabinet Member concerned that this decision may mean fewer opportunities for our frontline workers to interact with those children and families experiencing food poverty?

**Response from the Cabinet Member for Children and Families, Councillor Tracey Taylor**

The initial funding received by Family Action was administered through our Public Health and Communities functions, falling within the remit of the Cabinet Member for Adult Social Care & Public Health, and our Cabinet Member for Communities, rather



than me. But given that you raise the issue of children's centre services, I am happy to take your question.

Since the start of the Covid-19 pandemic, Nottinghamshire County Council has awarded significant amounts of money to support food redistribution schemes.

In 2020, there were no known schemes in Nottinghamshire, but funding received through temporary Covid grants from central government enabled 22 Family Action Food On Our Doorstep clubs to be established, 11 of which were hosted in children's centre buildings, given that normal use of these centres had been interrupted by the pandemic.

It is untrue to imply that Nottinghamshire County Council "ended its partnership with Family Action", to quote Councillor Welsh's words, and I'd have to add it does seem to be a day for having to correct the Labour councillors questions, in terms of the way they're framed, before we actually get to the real facts.

The Covid funding used to sustain these Food On Our Doorstep clubs was, by definition, a temporary funding stream that simply came to an end in August 2022. In fact, as an interim measure, this administration made available £50,000 for the Food On Our Doorstep club schemes in children's centre service buildings to continue operating until March 2023.

Between August 2022 and December 2022, we conducted a review of food redistribution schemes, exploring the availability of provision across the county, particularly given that new schemes had been developed by community and voluntary organisations in response to local need. That report was discussed on 15<sup>th</sup> December.

With life returning to normal after the pandemic, the right priority for our children's centres has been to return to delivering core services for families with children under five, and expectant parents. This may or may not mean there are fewer opportunities for our frontline workers in these centres to interact specifically with children and families experiencing food poverty, but the Council as a whole remains very attentive to this issue.

In December, the County Council's Cabinet agreed that food redistribution schemes should be supported with funding made available to the voluntary and community sector via our Local Communities Fund, which is administered through the Communities portfolio. This has enabled £210,000 to be made available over the next three years, with funds totalling £90,000 in 2023/24, £65,000 in 2024/25 and £55,000 in 2025/26.

We continue to work closely with our borough and district council colleagues to make sure voluntary and community sector organisations are aware of this funding. We seek to ensure food redistribution schemes are based in the best location for the people who need them. To date, Family Action have not made any bids for Local Communities Fund food redistribution grant monies. I note that my colleague for Communities signed a decision yesterday in respect of allocation of money under the latest scheme.

The voluntary and community sector plays a crucial role in providing a lifeline to some of our most vulnerable and hard-to-reach residents. The sector is well placed to deliver food redistribution schemes in their local area, and we are pleased to support them with Local Communities Funding. This means our children's centres, having fulfilled a commendable alternative role during the unusual conditions of the pandemic, are now able to re-focus fully on their primary purpose.

**Question to the Cabinet Member for Transport and Environment, from Councillor Matt Barney**

Earlier today, I presented petitions from people living on the Nottinghamshire/Leicestershire border expressing their concern about Trent Barton's proposed decision to discontinue the Skylink bus route between East Midlands Airport and Loughborough, which serves several villages in the south-west of my division.

Nottinghamshire County Council previously stepped in to save this part of the Skylink route and fund it until April 2023, but unfortunately patronage has not been sufficient to make it viable, even with the Council's financial support.

Does the Cabinet Member nevertheless appreciate how important this bus service has been to some residents in my division who rely on it to access jobs at East Midlands Airport, and can this Council do anything to help them continue commuting to and from the airport, given the importance of these jobs to the local economy?

**Response from the Cabinet Member for Transport and Environment, Councillor Neil Clarke MBE**

I absolutely do appreciate how important the Skylink bus service between East Midlands Airport and Loughborough is to some of Councillor Barney's residents, and others who rely on it to access jobs at East Midlands Airport.

As with other bus services to those in village communities, the fact that a service might not command enough passengers to make it commercially viable does not mean it is any less vital to the small number of people who rely on it, whether that's to get to jobs at an airport, into major towns to access shops and other amenities, or anywhere else.

Therein lies our dilemma. We appreciate the value of bus transport, not least for people in this predicament, but we cannot write blank cheques from public money to subsidise a multitude of bus routes that fall well short of commercial viability. To do so would put too much pressure on the Nottinghamshire taxpayer.

That's why we seek to target the money we currently spend on supporting bus services in a very careful, evidence-based way, focusing on those services whose withdrawal would leave passengers with no alternative at all, and those [services] that could conceivably regain commercial viability given the right interim support.

As I've said in previous Council meetings, we're now looking at new ways of serving people who really need a bus service, but where passenger numbers are insufficient to meet commercial viability thresholds throughout a fixed bus route.



The key concept behind our new 'Nottsbus On-Demand' service is that we send our buses to stops where we know passengers are waiting for them, rather than the bus travelling a fixed route past stops where there's nobody to collect, and perhaps even travelling empty. It's still a bus service - not a door-to-door taxi service - but it is far more efficient, environmentally-friendly and responsive to public need.

The Council was successful in a bid to the Government's Rural Mobility Fund to introduce FOUR Demand Responsive Transport (DRT) pilots - Nottsbus On-Demand - in Nottinghamshire. The first three were successfully implemented last year, replacing traditional fixed route services, and the fourth pilot is going to be introduced in Rushcliffe to improve travel opportunities for residents, including the travel for work purposes I just mentioned. This area was the next best example to be considered as a pilot, following the excellent feedback from those three pilot services further north in the County.

This new service, which will replace the 865 service, will connect people from your division, Councillor Barney, to a number of key destinations including East Midlands Airport, East Midlands Gateway, East Midlands Parkway and the NET Park and Ride site in Clifton. It will enable passengers to connect to other bus services including the remaining Skylink network, Nottingham City Transport services 1 and 53, and the tram. So, I think you can see from that, Mr Chairman, it will provide a very important link to other services.

Given TrentBarton's proposed commercial decision to withdraw the Skylink leg that goes via Sutton Bonington, I have asked officers to consider the provision of some peak services to cater for workers and students for a trial period.

The 'use it or lose it' principle still applies. We cannot justify investing public money in any type of bus service that people say they want, but then don't use. However, I believe this new Nottsbus On-demand approach has the potential to achieve best value, and great outcomes, for passengers and taxpayers alike.



## **REPORT OF THE CHIEF EXECUTIVE**

### **KIRKBY SOUTH BY-ELECTION RESULT AND RECOGNITION OF MEMBERS AND OFFICERS OF GROUPS**

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

1. To report on the outcome of the by-election in the Kirkby South Division on 4 May 2023 and to report details of the membership of the political Groups, together with the names of officers appointed within the Groups

#### **Information**

2. The by-election for Kirkby South will be held on 4 May 2023 and an addendum to this report will be circulated once the result has been announced.
3. The Constitution requires the membership of political Groups of the Council and their Leader, Deputy Leader and Business Manager (officers of the Groups) to be noted at the Annual Meeting.
4. There are currently three political Groups on the Council, which are:-
  - the Nottinghamshire County Council Conservative Group
  - the Nottinghamshire County Council Labour Group
  - the Independent Alliance Group
5. Further information on the political balance of the Council and the members and officers of groups will be circulated as an addendum to this report once the result of the by-election is known.

#### **Other Options Considered**

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

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

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

#### **Statutory and Policy Implications**

8. 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**

9. There are no financial implications arising directly from this report.

## **RECOMMENDATIONS**

- 1) That the outcome of the by-election held in Kirkby South be noted.
- 2) That the membership of the political Groups be recognised.
- 3) That the Officers of the Groups be noted.

**Adrian Smith**  
**Chief Executive**

**For any enquiries about this report please contact:**  
Sara Allmond, Advanced Democratic Services Officer  
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### **Constitutional Comments (CEH 26/04/2023)**

10. Council has the remit to consider and decide the recommendations under their terms of reference in the Constitution.

### **Financial Comments (SES 26/04/2023)**

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

**REPORT OF THE CABINET MEMBER FOR TRANSPORT AND ENVIRONMENT  
AND THE CABINET MEMBER FOR ECONOMIC DEVELOPMENT AND ASSET  
MANAGEMENT****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 Cabinet Member for Transport and Environment and the Cabinet Member for Economic Development and Asset Management concerning issues raised in petitions presented to the County Council at its 24 November 2022 and 19 January 2023 meetings.

**Information****Decisions by the Cabinet Member for Transport and Environment****A. Request for carriageway resurfacing on Nottingham Road and High Street, Arnold  
(Ref:2023/03)**

2. A petition containing 474 signatures was presented to the 19 January 2023 meeting of the County Council by Councillor Michael Payne. The petition was from local residents requesting the carriageway on Nottingham Road and High Street in Arnold be resurfaced.
3. Nottingham Road and High Street form a busy arterial route through Arnold Town Centre and any resurfacing works would have to be phased over a number of years due to its length and the impact this would have.
4. Phase one from Arnot Hill Road to Portland Street was approved for delivery as part of the highways capital maintenance programme for the forthcoming financial year, 2023/24.
5. The condition of the carriageway in the meantime would continue to be monitored by the routine highway inspections and any safety defects addressed.
6. It was agreed that the lead petitioner be informed accordingly.

**B. Request for the pavements to be repaired on Wolsey Road, Newark (Ref:2023/01)**

7. A petition containing 106 signatures was presented to the 19 January 2023 meeting of the County Council by Councillor Debbie Darby. The petition was from local residents requesting that the footways on Wolsey Road be repaired due to damage caused by tree roots.
8. Wolsey Road is a busy residential road with a high number of well-established trees along its length.

9. The footway was inspected on Thursday 2 February and some defects identified. Cracks in the footways have been repaired using hot bituminous material and patching in selected areas to address the tree root uplift carried out. These repairs have now been completed.
10. The condition of the footway would continue to be monitored by the routine highway inspections.
11. It was agreed that the lead petitioner be informed accordingly.

**C. Request for Nottinghamshire County Council to work with Nottinghamshire Police, Nottingham Forest Football Club, Nottinghamshire County Cricket, and residents, to address traffic issues in West Bridgford on match days (Ref:2023/02)**

12. A 233-signature petition was presented to the 19 January 2023 meeting of the County Council by Councillor Penny Gowland, requesting that the Nottinghamshire County Council, Nottinghamshire Police, Nottingham Forest Football Club and Nottinghamshire County Cricket Club work together with residents to address traffic issues on match days.
13. The County Council is aware of the traffic issues created by visitors to the City Ground on match days. Traffic has increased due in part to the increased profile of the club in the Premier League and in part due to frequent rail strikes that have impacted upon the availability of public transport for away supporters.
14. Potential safety matters arising are taken very seriously and the County Council chairs a multi-agency Safety Advisory Group (SAG) for Nottingham Forest Football Club which provides specialist advice to the Council. The SAG provides a forum within which the Council and other agencies may develop a co-ordinated approach to safety for the ground. The SAG also considers matters relating to the safety of those attending events at the sports ground which fall outside the remit of the Club's General Safety Certificate, such as traffic management in the vicinity of the ground. At the most recent SAG meeting in January issues relating to traffic management and safety were discussed, particularly in relation to Lady Bay and Trent Bridges. Key members of the SAG have agreed to continue to monitor the situation for the next 2-3 fixtures and then meet to discuss any potential actions that may be needed to improve safety on match days.
15. Parking enforcement has also increased for home games and officers now cover a wide residential area around the ground typically issuing a significant number of Penalty Charge Notices. In addition, the recent planning application from Nottingham Forest to build flats adjacent to the ground and increase the capacity of the Peter Taylor stand includes several proposals to mitigate against the increased traffic; proposals that will potentially benefit the wider local community. These proposals include the consideration (subject to local consultation) of residential parking permit schemes on several local streets which would resolve many of the issues that are raised. Nottingham Forest have also been asked to look at the feasibility of assisting with public transport initiatives. It is anticipated that subject to the finalising of the planning agreement, these proposals will be able to be developed further in the near future.
16. Meetings have also taken place with representatives from Nottingham Forest, the Council and the local public to directly address local issues and going forward, increased community engagement from the club will be actively encouraged.

17. It was agreed that the lead petitioner be informed accordingly.

### **Link to Nottinghamshire Plan/Annual Delivery Plan**

18. The agreed actions will help deliver the following Nottinghamshire Plan ambitions/delivery plan priorities:

- 'Improving transport and digital connections' and more specifically:
  - response to petitions labelled A and B will help in the delivery of the action: '*Invest in and improve the condition of the County's roads and pavements*'
  - response to petition labelled A, B and C will help in the delivery of the action: '*Keep our highways safe and reduce congestion*'

### **Decisions by the Cabinet Member for Economic Development and Asset Management**

#### **D. Request for the immediate building of a new school at Gateford Manor (Ref:2022/14)**

19. A 280-signature petition was presented to the 24 November 2022 meeting of the County Council by Councillor Sybil Fielding. The petition was from residents in Worksop requesting that work starts immediately on building the new school at Gateford Manor.
20. Planning permission was granted by Bassetlaw District Council in 2015 for development comprising 750 new dwellings, a one form entry primary school including a community hall and two junior playing pitches, landscaping, incidental and informal open space, highway and drainage works, associated earthworks and access from Churchill Way and Ashes Park Avenue. The new primary school at Gateford is an essential piece of infrastructure to support the delivery of this sustainable development and the County Council has consistently stated that a school will be built.
21. A large number of houses granted by this permission are now occupied and Officers are progressing work to transfer the school land to the County Council. Colleagues in Arc have been in pre-application discussions with planning officers and a planning application has now been submitted to the County Council.
22. The timely submission of the application will allow it to progress to the County Council's Planning and Rights of Way Committee in June or July 2023, providing sufficient time to construct the new school for an opening date of September 2024. The County Councillor for Worksop West, Councillor Sybil Fielding, has been kept informed regarding progress on the land transfer and the planning application.
23. It was agreed that the proposed actions be approved, and the lead petitioner be informed accordingly.

#### **E. Planning agreement for development surrounding Highfields School (Ref 2022/9)**

24. A 125-signature petition was presented to the 24 November 2022 meeting of the County Council by Councillors Sam Smith and John Lee. The petition was from residents of London Road, The Woodwards and Glebe Park in Newark requesting that the Council withdraw from their planning agreement with Avant Homes for the development of the land surrounding Highfields school.

25. At its meeting on 17 March 2021 Policy Committee approved terms for the Council to sell its land in this location, along with that of adjoining owners, to Avant Homes, subject to them achieving planning consent for residential development. The Council subsequently entered into a contract for sale subject to planning consent and Avant Homes has a planning application lodged with Newark and Sherwood District Council. The application awaits determination and the contract has a long stop date such that if this is reached without planning being secured, or the purchaser waives the requirement for consent, the contract can be terminated. In these circumstances the Cabinet Member for Economic Development and Asset Management confirmed at Full Council on 24 November 2022 that the future of the site would be reconsidered in view of the continued failure to secure an acceptable planning consent.

26. It was agreed that the proposed actions be approved, and the lead petitioner be informed accordingly.

### **Link to Nottinghamshire Plan/Annual Delivery Plan**

27. Should the proposed actions be approved, they will help deliver the following Nottinghamshire Plan visions and ambitions/delivery plan priorities:

- Making Nottinghamshire somewhere people love to live, work and visit. In particular, response to petition labelled D:
  - will ensure the Gateford development is attractive, sustainable and well planned.
- In respect of petition E the objective of the existing contract is to bring forward homes but if the contract falls then the Council will consider options for its land holding to meet other priorities.

### **Other Options Considered**

28. There are no other options to consider as this report is for noting only.

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

29. The recommendations detailed within this report have been developed to help ensure delivery of the County Council's 'Nottinghamshire Plan 2021-31' priorities, national priorities, and local transport goals and objectives. Recommendations are based on their ability to deliver strategic objectives (including transport objectives), evidence of need (including technical analysis), feasibility, and value for money assessments.

### **Statutory and Policy Implications**

30. 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**

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



## **RECOMMENDATION**

It is recommended that the contents of the report be noted.

**Councillor Neil Clarke MBE**  
**Cabinet Member for Transport and Environment**

**Councillor Keith Girling**  
**Cabinet Member for Economic Development and Asset Management**

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

Derek Higton, Interim Corporate Director Place  
derek.higton@nottscc.gov.uk

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

- Responses to Petitions Presented to the Chairman of the County Council – Delegated Decision (Reference 251) by Cabinet Member for Transport and Environment (published)
- Responses to Petitions Presented to the Chairman of the County Council – Delegated Decision (Reference 258) by Cabinet Member for Economic Development and Asset Management (published)

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

- Arnold North – Councillor Michael Payne and Councillor Pauline Allan
- Collingham – Councillor Debbie Darby
- Newark East – Councillor Sam Smith
- West Bridgford North – Councillor Penny Gowland
- Worksop West – Councillor Sybil Fielding.



## **REPORT OF THE CHIEF EXECUTIVE**

### **ESTABLISHMENT OF COMMITTEES**

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

1. To agree the composition of the Council's Committees and make appointments to the positions of Chairmen and Vice-Chairmen and to note the Cabinet Member and Deputy Cabinet Member appointments made by the Leader of the Council.

#### **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 and confirm their terms of reference and size. The chairman and vice chairman of each committee should also be appointed. It is a legal requirement to review the representation of different political groups of the Council on committees at the Annual Meeting.
3. The current committee structure was established by Full Council on 12 May 2022 and there are no proposed changes to this structure or terms of reference.

#### **The Cabinet**

4. Cabinet carries out all of the County Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution.
5. Cabinet appointments and portfolio responsibilities are determined by the Leader of the Council. The Leader has decided to appoint a Cabinet of 10 members. The proposed positions and portfolio responsibilities were reported to Full Council on 31 March 2022 and noted on 12 May 2022. There are no proposed changes to these arrangements.
6. The Council is asked to note the following appointments made by the Leader:-

<b>Portfolio</b>	<b>Cabinet Member</b>	<b>Deputy Cabinet Member</b>
Deputy Leader and Cabinet Member for Transformation	Bruce Laughton	N/A
Cabinet Member Business Management	Chris Barnfather	N/A

Cabinet Member for Adult Social Care and Public Health	Matt Barney	Scott Carlton
Cabinet Member for Children and Young People	Tracey Taylor	Sinead Anderson
Cabinet Member for Communities	John Cottee	Tom Smith
Cabinet Member for Economic Development and Asset Management	Keith Girling	Reg Adair
Cabinet Member for Finance	Richard Jackson	André Camilleri
Cabinet Member for Personnel	Gordon Wheeler	Jonathan Wheeler
Cabinet Member for Transport and Environment	Neil Clarke MBE	Mike Adams

## Overview and Select Committees

7. Section 21 of the Local Government Act 2000 requires that a Local Authority with Executive arrangements establish overview and scrutiny committees. The current committee structure was established by Full Council on 12 May 2022, with the name of the Children and Young People's Select Committee changing to the Children and Families Select Committee at Full Council on 24 November 2022. The current committee structure is:-

- Overview Committee
- Adult Social Care and Public Health Select Committee
- Children and Families Select Committee
- Place Select Committee

It was also agreed to establish a Health Scrutiny Committee to carry out health scrutiny in accordance with Section 244 (and Regulations under that section) of the National Health Services Act 2006 as amended by the Local Government and Public Involvement in Health Act 2007 relating to local health service matters.

8. In determining the composition of Committees, account must be taken of the requirements of Section 15 of the Local Government and Housing Act 1989. This requires that seats on Committees and Sub-Committees are allocated to the political Groups of the Council in a way which reflects the overall balance on the Council. To comply with legislative requirements the allocation of seats is based on overall seat numbers rather than on individual committee numbers. The Committees and allocation of seats are set out in Appendix A of this report (To Follow – awaiting outcome of Kirkby South by-election).

## Committees

9. On 12 May 2022, Full Council agreed to establish Committees to carry out non-executive functions of the Council, and there are no proposals to make any changes to these arrangements. As set out in paragraph 8 above, all seats on Committees and Sub-Committees are required to be allocated to the political Groups of the Council in a way which reflects the overall balance on the Council. The Committees and allocation of seats are set out in Appendix A of this report (To Follow – awaiting outcome of Kirkby South by-election).

10. The Council also appoints members to a number of other committees, joint committees and boards which, except for the Nottinghamshire and City of Nottingham Fire Authority, are not part of the requirements set out in paragraph 8 above. Appendix B provides details of these appointments which Council is asked to agree.

11. The Council is asked to appoint the Committee Chairmen and Vice-Chairmen for the municipal year as set out below:-

<b>Committee</b>	<b>Chairman</b>	<b>Vice-Chairman</b>
Overview Committee	Boyd Elliott	To be confirmed
Adult Social Care and Public Health Select Committee	Roger Jackson	To be confirmed
Children and Families Select Committee	Sam Smith	To be confirmed
Place Select Committee	Nigel Moxon	To be confirmed
Governance and Ethics	Philip Owen	Johno Lee
Health and Wellbeing Board	Dr John Doddy	Appointed by the Board
Health Scrutiny Committee	Mrs Sue Saddington	Bethan Eddy
Joint Strategic Planning and Transport	Neil Clarke MBE	City Councillor
Nottinghamshire Pension Fund	Eric Kerry	Mike Introna
Planning and Rights of Way Committee	Mike Quigley MBE	To be confirmed

12. The following Committees have alternative arrangements for appointing the Chairman:-

<b>Committee</b>	<b>Chairman appointment</b>
Governance and Ethics Sub-Committee	To be appointed by the sub-committee when required
Greater Nottingham Light Rapid Transit Advisory Committee	Appointed by Nottingham City Council
Local Joint Resolutions Committee	To be appointed by the committee when required
Senior Staffing Committee	To be appointed by the committee when required

13. A number of committees have other representatives to be appointed, either following nomination by other organisations or following recruitment and selection procedures:-

- (a) Children and Families Select Committee: One representative of the Church of England (Diocese of Southwell and Nottingham), one representative of the Roman Catholic Church (Diocese of Nottingham), and two Parent Governors

- (b) Health and Wellbeing Board: One Councillor from each of the seven Nottinghamshire District and Borough Councils, one representative of the NHS Nottingham and Nottinghamshire Integrated Care Board, two representatives from each of the three Nottinghamshire NHS Place-Based Partnerships (Bassetlaw, Mid-Nottinghamshire and South Nottinghamshire), one representative of NHS England, one representative of Healthwatch Nottingham and Nottinghamshire, one representative of the Office of the Nottinghamshire Police and Crime Commissioner, and three County Council officers (the Corporate Director for Adult Social Care and Health, the Corporate Director for Children and Families and the Director of Public Health)
- (c) Nottinghamshire Pension Fund Committee: Three City Councillors, two Nottinghamshire District / Borough Council representatives, two Trade Union Representatives, one Scheduled Body representative plus two pensioner representatives, all of whom are appointed as non-voting members.
14. No changes to these seat allocations are proposed. The established arrangements for appointments are set out in paragraph 16 below.
15. It is the responsibility of the Chief Executive (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 Constitution. As set out in paragraph 14 above, the Chief Executive also has responsibility for appointing co-optees to committees when required. As in previous years, it is proposed to delegate these responsibilities to the Team Manager, Democratic Services to enable the effective management of the appointments.
16. It is a legal requirement for the County Council to appoint Independent Persons, whose views must be sought and taken into account if a Code of Conduct complaint against a Councillor is investigated and in certain other circumstances. The currently appointed Independent Persons are Ian Bayne, Craig Coles and Rob White and it is recommended to appoint them as the Council's Independent Persons for the forthcoming year. Should any further appointments be recommended by Governance and Ethics Committee then a further report will be brought to Council to seek approval to their appointment.

### **Other Options Considered**

17. No other options considered, it is a requirement of the Constitution that Full Council establishes committees for the forthcoming municipal year.

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

18. To ensure that the Council has appropriate executive and non-executive structures in place.

### **Statutory and Policy Implications**

19. 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**

20. Cabinet Members, Cabinet Support Members, Committee Chairmen and Committee Vice-Chairmen are entitled to claim Special Responsibility Allowances (SRAs).
21. The Members Allowances Scheme was agreed at Full Council on 12 May 2022 and updated on 24 November 2022. There are no changes to the allowances scheme.

## **RECOMMENDATIONS**

It is recommended:-

- 1) That the Council note the Leader's appointments to the Cabinet and their portfolio responsibilities, and the appointment of Deputy Cabinet Members as set out in paragraph 6.
- 2) That the Council confirm the establishment of the Committees and Sub-Committees of the Council and the allocation of seats as set out in **Appendix A** until the Annual Meeting of the Council in May 2024.
- 3) That the Council confirm the membership and allocation of seats and its continued participation of the Joint Committees set out in **Appendix A** and confirm the establishment or continued participation as applicable in the other committees, joint committees and boards, and allocation of seats, as set out in **Appendix B** until the Annual Meeting of the Council in May 2024.
- 4) That the Council make the appointments of Chairmen and Vice-Chairmen set out in Paragraph 12, and agrees the arrangements for appointing the Chairman of the Committees set out in Paragraph 13 until the Annual Meeting of the Council in May 2024.
- 5) That the other representatives on the committees / sub-committees set out in Paragraph 14 be agreed.
- 6) That the appointment of members of the political Groups of the Council to committees, sub-committees, joint committees and boards 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 of the Council.
- 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 Council appoints Ian Bayne, Craig Coles and Rob White as the Council's Independent Persons until the Annual Meeting of the Council in May 2024.

**Adrian Smith**  
**Chief Executive**

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

Marjorie Toward, Service Director, Customers, Governance and Employees and Monitoring Officer

### **Constitutional Comments (CEH 26/04/2023)**

22. Council has the authority to consider the report and recommendations.

### **Financial Comments (SES 26/04/2023)**

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

24. Cabinet Members, Cabinet Support Members, Committee Chairmen and Committee Vice-Chairmen are entitled to claim Special Responsibility Allowances (SRAs).

25. The Members Allowances Scheme was agreed at Full Council on 12 May 2022 and updated on 24 November 2022. There are no changes to the allowances scheme.

### **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.

- [Change to Council Governance Arrangements report to Full Council](#) – 31 March 2022 (published)
- [Establishment of Committees report to Full Council](#) – 12 May 2022 (published)
- [Members' Allowances Scheme report to Full Council](#) – 12 May 2022 (published)
- [Members' Allowances Scheme – Update report of the Independent Remuneration Panel report to Full Council](#) – 24 November 2022 (published)
- [Council Constitution](#) (published)

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

- All



## 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 Guardianship Panel be established with 5 members (3 Conservative Group, 1 Labour Group, 1 Independent Alliance 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 6 June 2022.

That 2 members of the Conservative 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 in a way that reflects the political balance on the Council and is allocated between the Groups as follows:-

- |                              |   |
|------------------------------|---|
| • The Conservative Group     | 7 |
| • Labour Group               | 3 |
| • Independent Alliance Group | 2 |

**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 Cabinet Member, Transport and Environment 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 Cabinet Member, Transport and Environment be appointed as the Council's representative.

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

The LGPS Central Joint Committee is a 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 authorities can be required to establish a joint committee to consider the proposals.

The Council is currently a member of the South Yorkshire, Derbyshire and Nottinghamshire Joint Health Scrutiny Committee.

That the Chairman of the Health Scrutiny Committee be appointed as the Council's representative.

**Corporate Parenting Panel**

A Panel established to assist the Council in fulfilling its legal corporate parenting duties to ensure the Council and partner agencies act as effective corporate parents. The Panel will invite members of the Children Looked After and Care Leavers Partnership Board, the Foster Carers Liaison Group and No Labels Group (Children in Care Council) to attend meetings and input. The Panel will establish its terms of reference.

That 2 members of the Conservative Group, 1 member of the Labour Group and 1 member of the Independent Alliance be appointed to the Panel.

**REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE****NEW CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS****Purpose of the Report**

1. To update Council on the work of the Members Working Group reviewing the Local Government Association (LGA) Model Code of Conduct for Councillors (the Model Code) and its adaptation for use by Nottinghamshire County Council as its Code of Conduct for Councillors and Co-opted Members (the Nottinghamshire Code).
2. To seek approval to adopt the Nottinghamshire Code attached to the report as **Appendix 1** and the subsequent amendment of Part Three, Section Ten of the Constitution to reflect those changes.
3. To note that appropriate mandatory training will be arranged for Members, to be completed as soon as practicable.
4. To note that Members will review their declarations of interest following notification by Democratic Services.

**Information**

5. In January 2019 the Committee on Standards in Public Life (CoSPL) made recommendations regarding Local Authority standards following a period of review and consultation which it had previously carried out. One of the CoSPL recommendations was that a national model code of conduct should be developed to assist with improving consistency across Councils of their Codes of Conduct, against which member standards are assessed.
6. Following publication of the above recommendations, the LGA undertook a process of developing a Model Code and associated guidance. A draft was developed and consulted upon by the LGA during June 2020, which then resulted in a final published Model Code in December 2020. Subsequent amendments were made to the Model Code in January and May 2021.
7. Work was undertaken with a cross party members working group (MWG) before the last County Council elections in 2021 to review the new Model Code. That working group comprised the former Chairman and Vice Chairman of the Governance and Ethics Committee, Group Business Managers as well as the two non-aligned independent members of the Council at that time.

8. The original working group met during February and March 2021 to consider different aspects of the Code and in particular, whether there were any matters from the Council's current Code of Conduct which would be helpfully retained for inclusion in the new Code.
9. As a result of their work, the MWG reached the preliminary conclusion that it would be advisable for the Model Code to be adopted by the Council with only a few minor local variations. Those variations were to retain wording from the existing Nottinghamshire Code where it was felt that the Model Code did not adequately address those issues and/or where the wording provided useful and well established provisions which it was felt, would improve upon the wording in the Model Code.
10. This approach to adopting either wholly or largely the same wording as the Model Code means that the Council can rely more closely on the LGA guidance and will be more consistent with many other authorities whose codes also follow the Model Code.
11. The work was then paused whilst the MWG awaited publication in July 2021 of the LGA guidance to accompany the Model Code, the County Council elections in May 2021 and the work required to make and implement the change to the Council's governance arrangements between September 2021 and summer 2022.
12. Following a period of settling in of the new executive arrangements after their implementation on 12<sup>th</sup> May 2022, officers were able to refocus their attention on the Code of Conduct once more. The MWG established to consider the change in governance arrangements then continued this work and met in October 2022 and again in early March 2023. In addition, officers met with the Council's 3 Independent Persons on 22 February, to discuss the proposed changes to the Nottinghamshire Code as well as the general approach to complaints handling and received helpful feedback which was reported to the next MWG meeting.
13. The working group were provided with the latest information which the previous MWG had considered, as well as additional information, including the Council's current Code of Conduct for Councillors, the Model Code marked up to show where minor local adjustments were proposed, LGA guidance and a flowchart relating to the Council's proposed approach to complaints handling.
14. The MWG agreed with the position adopted by the previous working group that the Council should in the main follow the drafting in the Model Code proposed some further local changes. The areas in which the proposed new Nottinghamshire Code departs from the LGA Model Code are shown in tracked changes in the Document attached as **Appendix 1**.
15. The draft Nottinghamshire Code was presented to Governance and Ethics Committee on 22 March 2023 where it was unanimously endorsed and recommended to Full Council for approval.
16. The LGA have also developed extensive guidance for handling complaints made under the LGA Model Code. As a result, it was considered appropriate to review the Council's own complaints handling arrangements in light of that guidance and the changes in governance arrangements and to ensure that the arrangements were fit for purpose moving forward. Given the complexity and length of the guidance it was felt that although the Council process would

benefit from additional stages being incorporated, a simplified approach to setting out those stages may be more helpful at this time both for members and the general public.

17. Governance and Ethics Committee were presented with a draft flowchart that had been reviewed by the MWG setting out the key procedural aspects for complaints handling. It was agreed that this would be a useful way of setting out the key elements of the procedures together with timescales for relevant stages (subject to amendment in appropriate circumstances at the Monitoring Officer's discretion). The flowchart is appended at **Appendix 2** and will form the basis of new procedures to be developed by the Monitoring Officer.
18. The new Nottinghamshire Code requires approval by Full Council as part of the Constitution. The Protocols that sit beneath the Code fall within the terms of reference of Governance and Ethics Committee. Beneath the Protocols, Governance and Ethics Committee have agreed a delegation to the Monitoring Officer, in consultation with the Chairman of Governance and Ethics Committee where appropriate, to develop, amend and implement guidance and procedures as may be necessary to sit alongside the revised Nottinghamshire Code.

## **Training**

19. The proposal to adopt the draft Nottinghamshire Code will require compulsory training by Members, which is enshrined as part of the terms of the Model Code. The Monitoring Officer will make arrangements to ensure that members have received appropriate training on the way in which the Nottinghamshire Code works. The Independent Persons also expressed a desire to be involved in that training to give their perspectives and explain a bit more about their roles within the process and the importance of the Code.
20. It is therefore proposed that appropriate training be arranged for members which must be undertaken as soon as practicable.

## **Declarations of Interests**

21. The Model Code also contains different requirements regarding the disclosure of "other interests". These are certain types of interest which do not meet the legislative test for a Disclosable Pecuniary Interest (DPI) but which may create for example, a conflict of interest or a perception of bias if a decision maker failed to disclose such an interest and continued to be involved in the decision making process where it was inappropriate to do so.
22. This will result in the need for all members to review their declarations of interest form to ensure that all relevant interests are appropriately declared in light of the requirements of the revised Nottinghamshire Code. Colleagues in Democratic Services will write to members in due course asking them to update their forms and offering support and guidance as appropriate.

## **Other Options Considered**

23. The Council could choose not to adopt the Model Code but this would go against the clear recommendations of the CoSPL and the considerable work of the LGA to develop a Model Code in light of extensive consultation with Councils across the country.

24. The views of the members working groups were sought about the best approach to the issues within the Model Code and the Council's existing Code in order to reach the proposals set out in the report. Given the recommendations of the CoSPL one of which was to try to achieve greater consistency between Council's Codes of Conduct, it is suggested that the recommendation of the working group and of Governance and Ethics Committee be endorsed and recommended to Council for adoption.

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

25. To maintain a modern and updated Code of Conduct for Councillors and Co-opted Members in a way which is largely consistent with the LGA Model Code.

### **Statutory and Policy Implications**

26. 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**

27. There are no direct financial implications arising from the report other than potential costs associated with training requirements which can be contained within available budgets.

### **Consultation**

28. Members working groups were consulted throughout the process to ensure that representative views of members across the political spectrum were taken into account in arriving at the end product. The LGA model Code was also subject to consultation during its development by the LGA.

### **Crime and Disorder Implications**

29. The proposed draft Nottinghamshire Code reflects the legal requirements relating to the disclosure of DPs imposed by statute, breach of which may constitute a criminal offence.

### **Data Protection and Information Governance**

30. The proposed draft Nottinghamshire Code reflects the requirement for members to maintain the confidentiality of information entrusted to them in their role as Councillors.

### **Public Sector Equality Duty implications**

31. In coming to a decision, the Council should have regard to the Public Sector Equality Duty under the Equality Act 2010. In respect of this decision, it is not considered that there are any disproportionate impacts on any particular groups arising from the recommendations within this report.



## **Implications for Residents**

32. The Code of Conduct for Councillors and Co-opted members provides a framework against which standards of conduct by members will be assessed. Residents may make complaints in the event they believe that the Code may have been broken and the Council has arrangements in place to assess those complaints under the Code using other tools to assist in that process where appropriate, including relevant guidance.

## **RECOMMENDATIONS**

That Council:

- 1) Adopts the Nottinghamshire Code attached at Appendix 1 and approves the subsequent amendment of Part 3, Section Ten of the Constitution.
- 2) Notes that appropriate mandatory training will be arranged for Members, to be completed by Members as soon as practicable.
- 3) Notes that Members will be required to review their declarations of interests following notification by Democratic Services.

**Councillor Philip Owen**  
**Chairman of Governance and Ethics Committee**

**For any enquiries about this report please contact:**  
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## **Constitutional Comments (CEH 13/04/2023)**

33. Council has the authority to approve changes to the Council's Constitution and the other recommendations set out in the report.

## **Financial Comments (SES 14/04/2023)**

34. There are no specific financial implications arising directly from this report. Any potential costs associated with training requirements can be contained within available budgets.

## **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.

- Report to Governance and Ethics Committee 22 March 2023 (published)

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

- All





## **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. Section 27(2) of the Localism Act 2011 requires all councils to have a local Councillor Code of Conduct.
2. Following the Committee on Standards in Public Life Report recommendation regarding a national Model Councillor Code of Conduct, the Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. Authorities are invited to adopt it in whole or in part. Nottinghamshire County Council has opted to adopt it as a whole.
3. The Code sets out the standards of behaviour that is expected from Councillors and co-opted members of the County 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. It is the responsibility of individual Councillors and co-opted members to comply with the provisions of the Code. Failure to do so may result in sanctions being applied. This Code should be read in conjunction with the Guidance that sits alongside the Code. Advice is also available from the Council's Monitoring Officer.

### **DEFINITIONS**

4. For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
  - a) is a member of any committee or sub-committee of the authority, or;
  - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".
5. For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities and "the County Council" means Nottinghamshire County Council.

### **PURPOSE OF THE CODE OF CONDUCT**

6. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The County Council encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillors and local government.

## **GENERAL PRINCIPLES OF COUNCILLOR CONDUCT**

7. Everyone in public office at all levels; all who serve the public or delivery public services, including ministers, civil servants, councillors and local authority officers' should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles (see appendix A).
8. Building on these principles, the following general principles have been developed specifically for the role of councillor.
9. In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of councillor.
10. In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
  - I do not improperly seek to confer an advantage, or disadvantage, on any person
  - I avoid conflicts of interest
  - I exercise reasonable care and diligence; and
  - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **APPLICATION OF THE CODE OF CONDUCT**

11. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
12. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

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

13. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings, including site visits
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

14. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

15. 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.

16. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

## **STANDARDS OF COUNCILLOR CONDUCT**

17. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

18. Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **GENERAL CONDUCT**

### **1. Respect**

**As a councillor:**

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those**

**volunteering for the local authority with respect and respect  
the role they play.**

19. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You will not, however, subject individuals, groups of people or organisations to personal attack.
20. In your contact with the public, you will treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.
21. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

**2. Bullying, harassment and discrimination**

**As a councillor:**

- 2.1 I do not bully any person.**
  - 2.2 I do not harass any person.**
  - 2.3 I promote equalities and do not discriminate unlawfully against any person.**
22. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
  23. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
  24. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a

person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

25. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

26. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made by a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my**

**friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

27. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential matter. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

28. As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered intentionally dishonest and/or deceitful can bring your local authority into disrepute.
29. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct. The law affords a high degree of protection for the right to freedom of expression for Councillors but under the Human Rights Act 1998, proportionate limits or restrictions on these freedoms may be justified if prescribed by law (such as by way of this Code under the Localism Act 2011) and/or if necessary in a democratic society (article 10(2) of the 1998 Act highlights various factors relevant to this including the protection of reputation or rights of others).

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

30. Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these

opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

31. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

32. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

33. These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

#### **8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

34. It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

### **PROTECTING YOUR REPUTATION AND THE REPUTATION OF THE LOCAL AUTHORITY**

#### **9. Interests**

##### **As a councillor:**

##### **9.1 I register and disclose my interests.**

35. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.
36. Within 28 days of taking office, or a change in your circumstances, you need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. **Failure to do so is a criminal offence.** The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
37. You should note that **failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence** under the Localism Act 2011.
38. Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

#### **10. Gifts and hospitality**

##### **As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show**



**favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of £50 or more within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

39. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor, including offers made to family or friends, which could be viewed as securing an indirect benefit. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it and the gift could be donated to raise money for the Chairman's Charity, but you must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. When receiving hospitality, you should be particularly sensitive as to its timing in relation to decisions which the local authority may be taking affecting those providing the hospitality. If you are unsure, do contact your Monitoring Officer for guidance.

## **POLICIES, PROTOCOLS AND PROCEDURES**

40. You will 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. Councillors and Co-Opted Members Protocol in relation to Gifts and Hospitality~~
    - iii. Councillors and Co-opted members Protocol for Use of Resources
    - iv. Social Media Protocol for Councillors
    - 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
- iv. Procedure for Dealing with Conduct Allegations

## **APPENDICES**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B Registering interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

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

### Disclosure of other Registerable Interests

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

### Disclosure of Non-Registerable Interests

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

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

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

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

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

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

**Table 1: Disclosable Pecuniary Interests**

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

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

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

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

\* 'securities' means share, 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 within a building society.

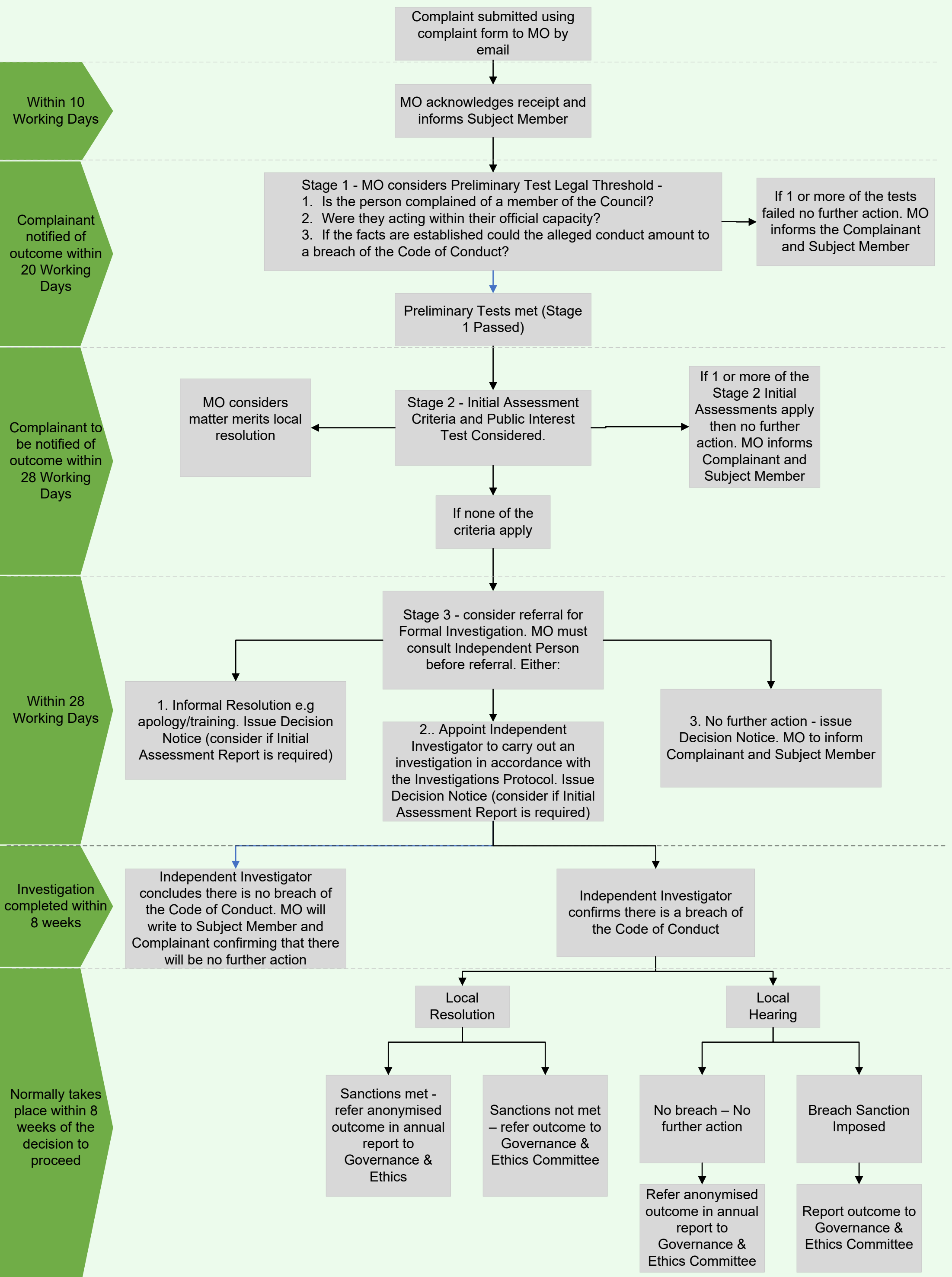
**Table 2: Other Registerable Interests**

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

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







**REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE****REVISED OFFICER CODE OF CONDUCT AND PROCEDURE FOR OFFICER  
REPORTING OF INTERESTS, GIFTS AND HOSPITALITY****Purpose of the Report**

1. To update Council on the work to update the Officer Code of Conduct and Section D35 of the Personnel Handbook in relation to officer interests, gifts and hospitality, and the introduction of a new Council wide form for staff to report any interests they have or gifts and/or hospitality they are offered.
2. A report was taken to Governance and Ethics Committee on 30 November 2022 to note the amended Officer Code of Conduct and online form procedure for staff to declare any interests, gifts and/or hospitality, and to recommend to Full Council the amended Officer Code of Conduct and the amendment of Section Eleven of the Constitution. The revised Officer Code of Conduct is being brought to Council for adoption alongside the new Member Code of Conduct for Councillors and Co-opted Members.
3. The recommendation is for Council to adopt the amended Officer Code of Conduct (Section D35 of the Personnel Handbook) as set out in **Appendix 1** and the subsequent amendment of Part One, Section Eleven of the Constitution to reflect those changes.

**Information**

4. In 2019 Internal Audit evaluated the Council's ethical framework. The objective of the Council's ethical framework is to ensure that appropriate policies, procedures and processes are in place to provide robust governance, transparency and ethical values within the organisation.
5. Internal Audit's findings were that controls were effective in the Ethical Framework and Ethical Principles.
6. However, some risks were identified, and recommendations were made to address these. Work on the recommendations has been ongoing since the Internal Audit findings but finalising and developing a recording system and the revision of the Officer Code of Conduct has been slower and drawn out due to work pressures due to covid, and the work undertaken at pace to bring in the new executive arrangements from May 2022.

7. Colleagues across departments have been involved in the actions and work needed to address the recommendations made.

8. The following table sets out the audit recommendations and actions taken:

<b>Risk</b>	<b>Recommendation</b>	<b>Action/implementation</b>
The Gifts and Hospitality Registers for staff are not maintained in accordance with the Policy and not all staff are consulting their Service Director concerning the acceptance of gifts or hospitality	There should be effective provision for all staff to record gifts and hospitality  Staff should be reminded of the requirements of the policy	An Officer Interests, Gifts and Hospitality Form has been developed internally on the Council's Firmstep platform  To be part of the annual EPDR discussion (or through an annual reminder process)
Declarations of staff interests are not consistently made or recorded throughout the organisation. In some cases, safeguards against such interests are not put into place	A standard template should be devised to ensure the nature of the interest and action taken to address this can be recorded and monitored. This template should be accessible to all staff electronically.  All directors, managers and staff should be reminded of the requirements to notify interests.  Where notifications have been made, appropriate safeguards should be put into place where necessary and recorded and monitored to prevent inappropriate involvement in these matters.	An Officer Interests, Gifts and Hospitality Form has been developed internally on the Council's Firmstep platform  Staff will be informed of the process through a news article on the Intranet (annual reminder) To be part of the annual EPDR discussion (or through an annual reminder process)  Discussions will take place with the line manager and appropriate safeguards will be put in place and recorded on the form
The Officers' Code of Conduct has not been updated since 2012	The Employees' Code of Conduct should be refreshed to take account of changes in legislation, policies and procedure	Employees' Code of Conduct has been refreshed

## **Gifts and Hospitality Register for Staff**

9. The Officer Interests, Gifts and Hospitality Form is an online form that all staff across all departments will use to register any interests they have, and any gifts and/or hospitality they are offered. Once the form is completed by the staff member the response is sent to their Line Manager so that a discussion can be had regarding the responses and whether any/what suitable actions or safeguards need to be put in place as a result. A record of the disclosures and Line Manager discussion is retained on the staff member's HR record. It is intended that temporary staff and consultants will also need to complete the form where they have interests or are offered gifts/hospitality that is relevant to the role they are carrying out with or for the Council.
10. For any officers that do not have access to the online form, the need to consider whether they have any interests or have been offered any gifts or hospitality that they need to declare will be discussed with their Line Manager. This can initially be done as part of 1-1 supervisions and then annually as part of a reminder process.
11. Communications will be sent out to staff on the Intranet regarding the launch of the form and the requirement for all staff to complete it and declare any interests they have or gifts and/or hospitality they may be offered. A reminder of the requirement to consider and declare any interests, gifts and/or hospitality will be rolled out in 12 months following the initial communications. This will either sit as part of the annual EPDR or 1-1's.

## **Updated Officers Code of Conduct**

12. The changes to the process for staff to declare any interests, gifts or hospitality has meant a review of the Officer Code of Conduct, included in Section Eleven of the Constitution and Section D35 of the Personnel Handbook. Changes have also been made to reflect changes in legislation, and updated wording and references as required. A copy of the revised Officer Code of Conduct is attached at **Appendix 1**.
13. The key changes/amendments made to D35 of the Personnel Handbook and the Officer Code of Conduct are briefly:
  - a. Updated reference to The Nottinghamshire Plan;
  - b. Clarity that discussions and guidance for staff will be through their Line Manager;
  - c. Examples of what a personal interest may be;
  - d. The increase on the gift amount from £25 to £50 (match the value of gifts to Members);
  - e. Advice on legacies;
  - f. Updated wording on equality legislation and health and safety;
  - g. Updated reference to the UK GDPR and data protection legislation; and
  - h. That any interests, gifts or hospitality are to be reported on the online form.

## **Other Options Considered**

14. None, as the review and changes were required to address the recommendations from the Internal Audit report.

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

15. To address the recommendations made by Internal Audit and to recommend to Full Council the revised Officer Code of Conduct and new reporting procedure so that the Constitution can be amended and updated accordingly.

## **Statutory and Policy Implications**

16. 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**

17. There are no financial implications for the Council arising from this report.

## **Data Protection and Information Governance**

18. Information declared in the Interests, Gifts and Hospitality form will be recorded on staff members HR records in accordance with the existing procedures for the holding and retention of staff records.

## **Human Resources Implications**

19. The revised Officer Code of Conduct and the form have been developed with the Group Manager HR.
20. Consultation with the Trade Unions has taken place. No comments have been received following consultation.

## **RECOMMENDATION/S**

- 1) That Council adopts the amended Officer Code of Conduct (D35 Personnel Handbook) and approves the subsequent amendment of Section Eleven of the Constitution

**Councillor Philip Owen**  
**Chairman of Governance and Ethics Committee**

**For any enquiries about this report please contact:** Catherine Haywood, Senior Solicitor, Tel: 0115 977 2915, email: catherine.haywood@nottscg.gov.uk

**Constitutional Comments (HD 12/04/2023)**

21. Council has the authority to make amendments to the Constitution of which the Officer Code of Conduct forms a part.

#### **Financial Comments (SES 14/04/2023)**

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

**HR Comments (HG 20/04/2023)** The recommendations support staff and managers in being able to comply with our code of conduct in respect of gifts and hospitality. The guidance is clear, and support will be given to managers to cascade the changes and expectations so that staff are clear on the requirements.

24. The original decision was to have an annual reminder as part of the EPDR. The EPDR is currently under review and if the decision is not to put it in here at the point of the 12 month reminder (2024) then another suitable method will be devised to ensure we remind staff and managers can support the capturing of relevant information.

#### **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.

- Report to Governance and Ethics Committee 30 November 2022 (published)

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

- All





# D35: Code of Conduct - Summary

## 1. Introduction

**1.1** The County Council's Code of Conduct applies to all County Council employees and stipulates that all employees carry out their duties to the highest standards of conduct and behaviour i.e. with integrity, fairness, probity and honesty.

**1.2** The Code reflects the practices, demands and expectations which County Council employees are required to meet in order to maintain public confidence in the performance of their official duties.

**1.3** It is important for all County Council employees to ensure that they are fully aware of their position as regards standards of conduct in relation to various aspects of their work. There will be an expectation that all employees will conduct themselves in a manner commensurate with the highest standard.

**1.4** The County Council operates a Whistleblowing Policy (Confidential Reporting), which gives individuals the right to raise an issue regarding wrong-doing at work and have it investigated without fear of reprisal.

**1.5** Guidance for representatives on outside bodies (including elected members, officers and co-opted members) who serve on bodies outside of the County Council will need to comply with the guidance in the Constitution (Responsibilities for County Council Representatives on Outside Bodies).

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## 2. Expectations of Nottinghamshire County Council employees

**2.1** County Council employees will be expected to give the highest possible standard of service to the public.

**2.2** Not to use information gained in the course of their work for personal gain or benefit.

**2.3** Not to allow personal or political opinions to interfere in the lawful execution of their duties, or in the provision of impartial advice.

**2.4** To ensure the proper, effective and efficient use of public money within their control.

**2.5** To ensure courteous, efficient and impartial service delivery to all sections of the community.

**2.6** To assist in the creation of a safe work environment where unacceptable/discriminatory behaviour is not tolerated.

**2.7** Not to take outside employment which conflicts with the County Council interests. See below regarding consents and declaration of interests.

**2.8** To declare any interest that could bring about conflict with the County Council's interests. See below regarding the process to be followed.

**2.9** To ensure that equality policies in relation to employment and service delivery are adhered to.

**2.10** To maintain confidentiality as appropriate in the performance of their duties, including compliance with UK GDPR requirements and all data protection legislation.

**2.11** To decline all inappropriate or excessive offers of hospitality, gifts, etc. and comply with the requirements to register small gifts and hospitality. See below regarding the process to be followed.

**2.12** To not show special favour to any person(s) or organisation(s) in the performance of their duties (recruitment, contractual relationships, service delivery).

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## 3. Code of conduct policy

**3.1** See the detailed Code of Conduct at Appendix 1.

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## 4. The Nottinghamshire Plan – Healthy, Prosperous, Green

**4.1** Further expectations regarding employee behaviour can be found in the Nottinghamshire Plan which can be found on the intranet by searching “The Nottinghamshire Plan”. The Plan sets out the ambitions we are working to – a stronger, more prosperous Nottinghamshire for everyone.

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## Appendix 1

Officer code of conduct

### Introduction

- 1.** The public is entitled to expect the highest standards of conduct from all Officers of the County Council.
- 2.** The Code sets out the standards of service that are expected from officers of the Council. In particular, officers should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Council.
- 3.** The term ‘Officer’ includes all employees, consultants, contractors and agency workers.
- 4.** The Code should be read and operated in conjunction with the Council’s Constitution and the Personnel Handbook. It is important Officers understand their position as regards standards of

conduct, and if in any doubt should seek guidance from their line manager.

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## Underlying principles

- 5.** All Officers of the Council must at all times observe this Code. Failure to comply with the Code and the standards of service expected could result in disciplinary action.
  - 6.** All Officers must act within the law whilst undertaking their official duties. Where an Officer is a member of a professional body, the Officer must also comply with any standards of conduct which are set by that body.
  - 7.** Officers are expected to:
    - a.** Provide the highest possible standard of service to the public. Where Officers are aware of any contraventions of this Code, illegality, misconduct or breach of procedure they should notify their line manager; and
    - b.** Provide appropriate advice to Councillors and other officers with impartiality.
  - 8.** Officers must consult the Monitoring Officer and the Chief Finance Officer if they have doubts about the legality of a decision, proposed course of action, or suspect maladministration or financial impropriety.
  - 9.** The Code does not seek to address every possible circumstance, and simply because a particular action may not be addressed within the Code, this does not condone that action by omission. Officers must consult their line manager if they have any queries about any of the provisions of this Code or how to comply with them.
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## Personal interests

- 10.** Officers must declare on the Officer Interests, Gifts and Hospitality Form to their line manager any personal, or close personal contact, financial interests or non-financial interests (including in a business, contracts, property or land ownership) which could or could be perceived to conflict with their role with the Council ('Personal Interests'). A close personal contact could include a partner, spouse, relative or close friend.
- 11.** Any Personal Interests must be discussed with your line manager and may result in certain actions/controls being put in place i.e that Officer cannot have any dealings with that contract or property.
- 12.** Any outside employment, either paid or unpaid, requires the written agreement of your line manager. Any such employment must be declared on the Officer Interests, Gifts and Hospitality Form declaration.
- 13.** If an Officer is not sure about whether they have a Personal Interest, they should seek guidance from their line manager.
- 14.** Examples of such interests include:
  - Being a school governor
  - Being involved in a voluntary organisation

- Being an elected councillor (NB employees at this Council can't be a county councillor)
- Receiving fees for outside events
- Being involved in any lobbying, protect or pressure group
- Being involved in any business that does or may contract with the Council
- Being involved in a business or organisation which may apply for or receive grants or funding from the Council
- Having interests in land or property which might affect the Council

**15.** A record of any Personal Interests will be maintained on your HR record.

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## Bribery and corruption

**16.** Officers must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity as a result of any such gift, etc.

**17.** It should be stressed that this covers all aspects of an Officer's responsibilities. For example, showing favouritism to a client in the provision of a service in return for a favour or gift would be corrupt. As would awarding a contract to a contractor as a direct result of receiving a gift.

**18.** In particular:

- a.** Officers should not accept a gift or hospitality from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that a commercial or contractual advantage will be provided in return;
  - b.** Officers should not accept a payment from a contractor or other person outside the Council if they know or suspect that it is offered or provided with the expectation that they will obtain a commercial or contractual advantage in return;
  - c.** Officers should not give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a commercial or contractual advantage will be received, or to reward a commercial or contractual advantage already given.
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## What to do if you are offered a gift

**19.** It is reasonable to accept a modest gift of a promotional character given to a wide range of people, and not uniquely to the officer, such as calendars, diaries, pens and other articles of use in the office or job. Modest gifts at the conclusion of any courtesy visit to an outside organisation, of the sort normally given by that organisation, may also be accepted.

**20.** From time to time, Officers 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, e.g. could it be considered as a payment, bribe or other favour, you should seek advice from your line manager as to whether it is appropriate to accept it. No gift worth over £50 should be accepted under any circumstances. You should not accept money. Any gift offered, whether accepted or refused, should be recorded on the "Officer interests, gifts and hospitality declaration".

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## What to do if you are offered hospitality

**21.** Officers of the Council should only accept offers of hospitality if they are invited in their role as a Council representative. Offers to attend purely social or sporting functions should be accepted only when these are significant for Nottinghamshire, or where the Council should be seen to be represented. Acceptance of such invitations should be approved in advance with your line manager and must be recorded on the “Officer interests, gifts and hospitality declaration”.

**22.** When hospitality has to be declined, the third party offering the hospitality should be courteously informed of the procedures and standards operating within the Council. When receiving hospitality, Officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

**23.** 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; 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 should be discussed with your line manager and recorded on the “Officer interest, gifts and hospitality declaration”.

## Legacies

**24.** You should not accept any legacy related to or arising out of work as an employee; you should politely refuse the gift; in which case it would be treated as part of the residue of the deceased’s estate. People should be discouraged from leaving gifts in their wills to employees. Should a small gift/token be left or be given by the family please follow the procedures regarding gifts set out at paragraph 20. People should not name employees (arising out of their role as a Council employee) as executors in wills. Please speak to your line manager/HR for advice if needed.

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## Receiving sponsorship or grant aid

**25.** Officers must provide details to their line manager of any benefit they (or their partner, spouse or relative) may be likely to receive as a result of any proposed Council sponsorship or grant aid. These should be recorded on the “Officer interests, gifts and hospitality declaration”.

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## Use of public funds

**26.** Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

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## Political neutrality

**27.** Officers serve the Council as a whole. It follows they must serve all Councillors and not just those of the majority or any group and must ensure that the individual rights of all Councillors are respected.

**28.** Officers may be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

**29.** Officers must follow Council policies and must not allow their own personal or political opinions to interfere with their work.

**30.** A number of posts are designated as “Politically Restricted”. If your post is designated as such you will be notified of this in writing.

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## Equality issues

**31.** The Council believes in equality and will not tolerate any harassment, intimidation, unfair discrimination or victimisation, by Officers.

**32.** The Council has a statutory duty to promote equality. All Officers have a duty to comply with equalities legislation.

**33.** Each Officer has a duty to ensure that the appropriate standards of conduct are upheld both by themselves and by colleagues at all times.

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## The Relationship between officers and councillors

**34.** Officers should refer to the Protocol for Councillor and Officer Relationships in Section Ten of this Constitution.

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## The Relationship between officers and the public

**35.** Officers should always remember their responsibilities to the community of Nottinghamshire and ensure courteous, efficient and impartial service delivery to all groups and individuals they have dealings with.

**36.** Officers should be cautious when blogging or using social networking sites outside of work and avoid publishing, or allowing to be published, any material, including comments or images, which could damage their professional reputation and/or bring the Council into disrepute. Further guidance can be obtained from the Council's Social Media Policy and your line manager.

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## The Relationship between officers and contractors

**37.** All relationships of a business, private or personal nature with external contractors, or potential contractors, should be made known to your line manager.

**38.** Officers must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

**39.** Officers who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

**40.** Further guidance on the procedures to follow during the tendering process is contained in the Financial Regulations in Section Nine of this Constitution.

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## Appointment and other employment matters

**41.** Officers involved in appointments should ensure that these are made on the basis of merit.

**42.** In order to avoid any possible accusation of bias, Officers wherever possible should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them. If they must be involved, then the relationship must be disclosed to all the parties and be approved by the recruiting manager before proceeding.

**43.** Similarly, Officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any officer who is a relative, partner etc.

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## Working for outside organisations

**44.** Officers working for outside organisations should refer to section c.6 of the Personnel Handbook and the Protocol for Involvement in Outside Bodies.

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## Use of council premises or facilities for work not connected with the council



**45.** Officers must not use the Council's premises or facilities for activities which are not connected with their employment with the Council, for instance the use of email, telephones, computers, photocopiers etc. A small amount of personal use may be acceptable – please discuss this with your line manager.

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## Public speaking

**46.** Where Officers are invited to address public meetings, undertake radio or television interviews etc, they will be acting as the representative of the Council, and as such should communicate the policies and procedures of the County Council in a factual and unbiased way. Officers must not express personal views in such situations. If invited to speak publicly Officers should take advice from the Communications Team in advance where possible.

**47.** If in a private capacity an officer is invited to comment publicly on Council policies, they should reflect upon the impact of this on the County Council's reputation and consider whether it is appropriate to comment.

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## Officers facing criminal charges

**48.** Any Officer facing criminal charges must inform their line manager without delay and keep them informed of the matter.

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## Health and safety

**49.** The Council has committed to ensure that employees understand their roles, responsibilities and accountabilities. Officers are required to actively support the Council's efforts by working with due regard for the safety of themselves and others who may be affected by their actions. Officers must comply with health and safety rules.

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## Disclosure of information

**50.** Officers must not disclose information given to them in confidence or information that is private or personal without consent, unless in specific circumstances (for example the safeguarding duty). In this situation, advice should be sought from the Information Governance Team and the Officer's line manager.

**51.** Officers disclosing personal information must comply with UK GDPR and all relevant Data Protection legislation. Officers must act in accordance with the Council's Information Governance Framework (which is available on the Intranet).



**52.** Officers should not use confidential information obtained in the course of their employment with the Council for personal use, nor should they pass it on to others who might use it for unauthorised purposes.

**53.** Guidance about the information which Councillors and the public are entitled to is contained in Section 2 of this Constitution.

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Last updated May 2023



**REPORT OF THE LEADER OF THE COUNCIL****EXECUTIVE REPORT: KEY ISSUES AND ACTIVITIES****Purpose of the Report**

1. The report seeks to update Members on various matters relating to the Leader's portfolio and the work of the Executive.

**Information**

2. **Visit to 'Your Space' Mansfield** – At the back end of March, I visited 'Your Space' gym in Mansfield to discuss ways in which health and leisure can work together for the benefit of our communities, in particular as we look to find ways we can join up our services across the county through our review of place-based community services.
3. **East Midlands Freeport** - On Thursday 30<sup>th</sup> March Government officially signed off plans to create the East Midlands Freeport. The freeport project involves giving three sites across the region special tax incentives to encourage economic growth and development.
4. Ratcliffe-on-Soar Power Station in Nottinghamshire is one of the selected areas, which will create hundreds of life changing jobs and education opportunities. This is another string to our bow in terms of making the East Midlands a really attractive place for businesses to come and invest, alongside other projects such as the Development Company and Investment Zone.
5. **Visit to Mansfield District Council** – On Friday 31<sup>st</sup> March I took the opportunity to meet with colleagues at Mansfield District Council to discuss potential areas of investment, strategic priorities, and the Levelling Up agenda, including recently announced Levelling Up Partnerships. It is important for local authorities to be on the same page so we can push forward on the key objectives for our areas.
6. **A614** - On 16<sup>th</sup> March I met with Mark Spencer, MP for Sherwood, along with colleagues from the District and County Councils, to go over the plans for improvements to the A614.
7. This is a really important arterial route for north Notts and a project the Council has been working on for many years to support the Nottinghamshire economy. The improvements will also relieve some of the pressures at junctions such as Ollerton Roundabout and Mickledale Lane.
8. Plans are on track, and we are now working on the final stages of securing funding from the Department of Transport. We hope to have spades in the ground very soon.

9. **Devolution** – Following approval to create the East Midlands Combined Authority at the last Full Council meeting, work to create the internal structures of the authority are progressing well. We hope to create the ‘Shadow’ Authority very shortly, including recruiting some interim staffing, to ensure that it has the right leadership and capacity. Over the next 12 months this organisation will increasingly need to act independently and offer a regional oversight, as we move away from this being a collaboration between four Council partners and towards having one East Midlands Combined Authority.
10. **Police Chief Constable** – On Wednesday 26<sup>th</sup> April I met with Chief Constable Kate Meynell to discuss the latest updates on crime in Nottinghamshire. It was great to hear that Nottinghamshire Police have surpassed their recruitment targets bringing in 418 new officers which has helped Government fulfil its pledge to recruit 20,000 additional officers by March 2023. We also spoke about areas in which the Council and the Police force can collaborate on prevention and community provision initiatives across the county.
11. **Arc Partnership** - On Friday 28<sup>th</sup> April I was delighted to attend the Arc Partnership Town Hall event at the Nottingham Belfry. It was a great opportunity to thank the staff for the work they do on behalf of the County Council and to highlight the importance of our property portfolio and our key priorities moving forward.
12. **NottsBus On Demand** – Residents in west Rushcliffe will be able to get on board our new on demand bus service from 15 May 2023.
13. The new Nottsbus On Demand service is the next phase of our demand responsive transport roll out following the successful trial in north and south Ollerton and Mansfield. It will be operating in villages including East Leake, Gotham, Thrumpton, Stanford on Soar, Sutton Bonington, and Kegworth between 7am and midnight, seven days a week.
14. This new service, which will replace the 865 service, will connect communities to Clifton NET Park and Ride, East Midlands Parkway railway station and East Midlands Airport.
15. **Primary School Places** – Nottinghamshire County Council contacted thousands of parents on Monday 17<sup>th</sup> April to advise them which school their child has been offered for either a reception or year 3 primary school place.
16. This year, 96.3% of Nottinghamshire children were offered their parents’ first preference school for a reception place this September. That is 7,767 out of a total 8,062 that applied on time for a school place, with 99.6% securing a place in one of their preferred schools.
17. **Tour Of Britain 2023** - The world-famous Tour of Britain cycle race is set to return to Nottinghamshire for a fourth time in September 2023.
18. Nottinghamshire has hosted the showpiece event three times since 2017, with the most recent visit taking place last September when a star-studded field raced from West Bridgford to Mansfield. This year’s race will see Nottinghamshire host the finish of a cross-region shared stage in the first week of September.
19. The return of the race last year boosted the local economy by £4.34m in net visitor expenditure with an impressive 225,000 fans lining the 116-mile route.

20. **The APPG for Counties** – In Parliament in April I was re-elected as the Chair of the All Party Parliamentary Group for Counties, which is a forum and lobbying group highlighting issues particularly related to County geographies and County Councils.
21. The APPG will be producing reports and materials related to Fair Funding, to Levelling Up and Devolution, Social Care and SEND over the course of the coming year, including meeting Ministers to raise these issues directly.
22. **Speaking to the Seaforth Highlanders** – On April 22<sup>nd</sup> I spoke at the annual dinner of the Seaforth Highlanders Association and Regiment in Mansfield, and particularly wanted to highlight their excellent contribution to our community in the form of the pipe and drum band, which accompanies the annual Remembrance Parade, and thank them for their continued commitment and service.

## Progress Report

23. **Nottinghamshire Plan – Annual Delivery Plan 2023/2024** – On Thursday 20<sup>th</sup> April Cabinet approved the Annual Delivery Plan 2023/24. The plan sets out the actions to be taken over the next 12 months to reflect the priorities set out in the 10 year Nottinghamshire Plan and the Council's strategic vision.
24. Key themes within the plan include working to transform the way we deliver services over the long term, so that we can offer more support within communities, and simultaneously increase the impact of services to keep everyone healthy, safe and independent.
25. We will also ensure that we operate under a balanced and stable budget, spending money wisely and where it is needed most, to see that our resources reach those who need them.
26. The Annual Delivery Plan is now visible to residents and can be accessed via The Nottinghamshire Plan website which has been updated with the new actions and deliverables for the forthcoming year.
27. **Local Communities Fund** – Voluntary organisations and community groups can now apply for a range of financial support thanks to the Local Communities Fund. £750,000 of grant funding has been made available to support groups to help improve the health and wellbeing of Nottinghamshire residents. Applications are live until Sunday 4<sup>th</sup> June 2023.
28. There are three types of grants available –
- **Cost of Living Grants** - Eligible groups can apply for up to £5,000 to support those who are helping residents most in need. This is part of a wider package of support by Nottinghamshire County Council to help those most affected by rising food and energy costs.
  - **Capital Grants** - Eligible groups can apply for up to £20,000 to make improvements to facilities that help improve health and wellbeing, as well as projects with an environmental focus.
  - **Revenue grants** - Eligible groups can apply for up to £5,000 to help projects with their day-to-day running costs such as paying wages and bills.

29. **Midlands Gigahub Projects** – Nottinghamshire County Council has been chosen to lead a Midlands-wide investment to bring faster internet speeds to communities who need it the most. A total of more than 350 public buildings such as libraries, rural schools and doctors' surgeries are set to become 'gigahubs' with 96 due to be in Nottinghamshire.
30. £6.8 million has been awarded to the County Council, on behalf of the ten Midlands local authorities which have signed up to the project. This part of the funding is from Building Digital UK (BDUK), the delivery arm of the Department for Science, Innovation and Technology (DSIT), to create up to 235 gigahubs.
31. An additional £1.2 million via the Department for Levelling Up, Housing and Communities (DLUHC) comes thanks to an early investment as part of devolution negotiations. This will help deliver an additional 118 gigahubs across the D2N2 areas of Nottinghamshire and Derbyshire.
32. **Healthy Families programme** – The Cabinet received the outcomes of the recent Call In around the procurement of services for the Healthy Families programme, and this will be considered over the course of the coming months, with outcomes to be reported to the next Cabinet meeting in June.
33. **All decisions agreed at Cabinet are published online, you can find more details on the Council's Website - [Democratic Management System > Decisions](https://www.nottinghamshire.gov.uk/Democratic-Management-System/Decisions) ([nottinghamshire.gov.uk](https://www.nottinghamshire.gov.uk))**

## **Decisions taken under Special Urgency procedures**

34. None.

## **Other Options Considered**

35. None

## **Reason for Recommendation**

36. This is a noting report to update the Full Council on matters relating to the Leader's portfolio and the work of the Executive since the last meeting, as required by the Constitution.

## **Statutory and Policy Implications**

37. 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.

## **Financial Implications**

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

## **RECOMMENDATION**

1) That the contents of the report be noted.

**COUNCILLOR BEN BRADLEY MP**  
**LEADER OF THE COUNCIL**

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

Phil Rostance, Executive Officer

## **Constitutional Comments (CEH)**

39. Full Council is required to receive this report, which is to note, as set out in the Constitution.

## **Financial Comments (SES)**

40. There are no 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.

- None

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

- None

