

Governance and Ethics Committee

Wednesday, 06 November 2019 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of last meeting held on 11 September 2019 | 3 - 6 |
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| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
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Notes

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

Customer Services Centre 0300 500 80 80

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

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

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



Meeting **GOVERNANCE AND ETHICS COMMITTEE**

Date **Wednesday 11 September 2019 (commencing at 10.30 am)**

membership

Persons absent are marked with `A`

COUNCILLORS

Bruce Laughton (Chairman)
Andy Sissons (Vice-Chairman)

Nicki Brooks
Steve Carr
Kate Foale
John Handley
Errol Henry JP

Rachel Madden
Phil Rostance
Keith Walker
Jonathan Wheeler

OTHER COUNCILLORS IN ATTENDANCE

John Longdon

OFFICERS IN ATTENDANCE

Cherry Dunk
Paul Johnson

Adult Social Care and Health Department

Colin Pettigrew
Katie Marsden

Children, Families and Cultural Services
Department

Glen Bicknell
Adam Crevald
Heather Dickinson
Rob Disney
Keith Ford
Marjorie Toward

Chief Executive's Department

OTHER ATTENDEES

Lorraine Noak
Hamze Samatar

Grant Thornton (External Auditors)

1. MINUTES

The Minutes of the last meeting held on 24 July 2019, having been previously circulated, were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received

3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

None

4. UPDATE ON LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO) DECISIONS MAY 2019 – JUNE 2019

Heather Dickinson, Group Manager, Legal, Democratic and Complaints, introduced the report which detailed the LGSCO decisions received in this latest monitoring period.

Paul Johnson, Service Director – Strategic Commissioning, Adult Access and Safeguarding and Cherry Dunk, Group Manager – Quality and Market Management, responded to Members' queries on the complaints relating to adult social care.

Colin Pettigrew, Corporate Director – Children, Families and Cultural Services and Katie Marsden – Service Manager, Occupational Therapy and Personalisation, presented further background information and responded to Members' queries and concerns on the complaint relating to home adaptations and the disabled facility grant. Members agreed that the outcomes of the review being undertaken by the Corporate Director into this complaint should be fed back to Children and Young People's Committee in detail, with an overview update also submitted to Governance and Ethics Committee.

RESOLVED: 2019/054

That the outcomes of the review into the issues relating to the complaint about home adaptations and the disabled facility grant be submitted in detail to Children and Young People's Committee and an overview update be submitted to Governance and Ethics Committee.

5. FINANCIAL TRANSPARENCY OF LOCAL AUTHORITY MAINTAINED SCHOOLS AND ACADEMY TRUSTS – GOVERNMENT CONSULTATION

Nigel Stevenson, Service Director for Finance, Infrastructure and Improvement, introduced the report which sought approval for the proposed response to the Department for Education consultation on the financial transparency of local authority maintained schools and academy trusts.

RESOLVED: 2019/055

- 1) That the proposed response to the government consultation on the financial transparency of local authority maintained schools be approved.
- 2) That no further actions were required.

6. UPDATE ON THE NATIONAL AUDIT OFFICE CYBER SECURITY AND INFORMATION RISK GUIDANCE FOR AUDIT COMMITTEES

Adam Crevald, Group Manager Design (ICT) introduced the report which provided an assessment of the Council's current position and ongoing activity in relation to the advice for audit committees on cloud services provided by the National Audit Office.

RESOLVED: 2019/056

That a further update be submitted to the Committee in March 2020.

7. INTERNAL AUDIT RESTRUCTURE PROPOSALS

Rob Disney, Group Manager, Assurance, introduced the report which proposed amendments to the Internal Audit staffing structure to better meet current and future demand.

RESOLVED: 2019/057

That the revised staffing structure for Internal Audit, as set out in Appendix A to the report, be approved.

8. QUARTERLY GOVERNANCE UPDATE

Rob Disney, Group Manager, Assurance, introduced the report which provided an update on the Governance Action Plan for 2019/20. During discussions, Members requested that issues arising from the regular updates on Local Government and Social Care Ombudsman also be included within the Plan.

RESOLVED: 2019/058

That relevant issues arising from the regular updates on Local Government and Social Care Ombudsman be included within the Governance Action Plan 2019/20.

9. INTERNAL AUDIT CHARTER REFRESH

Rob Disney, Group Manager, Assurance, introduced the report which sought approval for an updated version of the Internal Audit Charter.

RESOLVED: 2019/059

That the revised Internal Audit Charter be approved.

10. EXTERNAL AUDIT – ANNUAL AUDIT LETTER 2019/19 AND UPDATED AUDIT FINDINGS REPORT

Lorraine Noak, Audit Manager for Grant Thornton, introduced the report and responded to Members' queries. In response to Members' queries raised during discussions, the following actions were agreed:-

- with regard to the ongoing objection to the Council's accounts an update on the outcomes of that objection would be submitted to a future meeting of Governance and Ethics Committee;
- the Pension Fund Annual Report was currently being completed and it was proposed to submit this to the Pension Fund Committee in November 2019;
- with regard to the issue of the Pension Fund investment in Fossil Fuels, this issue was covered within the Investment Beliefs detailed within the

Investment Strategy Statement, published on the Fund's website pages. Officers agreed to send a link to this document to Councillors for information, along with a copy of a response to recent correspondence from the Extinction Rebellion Nottingham group.

RESOLVED: 2019/060

That the proposed actions detailed above be agreed.

11. THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS – APPOINTMENT OF INDEPENDENT PERSON

RESOLVED: 2019/061

That the appointment of Rob White to the role of Independent Person, for an initial period up to 21 May 2020, be endorsed and recommended to Full Council for approval.

12. WORK PROGRAMME

RESOLVED: 2019/062

That the work programme be agreed, with no further changes required.

The meeting closed at 11.28 am.

CHAIRMAN

6 November 2019**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
AUGUST-SEPTEMBER 2019****Purpose of the Report**

1. The purpose of this report is to inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee up to 19 September 2019.

Information

2. The Committee has asked to see LGSCO decisions regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received since the last report to this Committee on 11 September 2019.
3. The LGSCO provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGSCO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of 9 decisions relating to the actions of this Council have been made by the Ombudsman in this period (attached at annex A). Following initial enquires into 5 complaints, investigations were closed. The reasons given were that in 2 cases, it was unlikely that fault would be found, one complainant didn't have consent or standing to pursue the complaint on service user's behalf and 2 complaints were outside the Ombudsman's jurisdiction.
6. Full investigations were carried out into 2 complaints where no fault was found with the Council.

7. One concerned an increase to a service user's financial contribution for adult care services. The investigator found the Council has correctly assessed the charges in accordance with the law and national guidance and considered whether to allow a waiver based on the service user's income and expenditure. (Annex A, page 12).
8. No fault was found in a further complaint about a Blue Car Badge application. (Annex A, p.23)
9. An element of fault was found in 2 cases. The first concerned an adult social care complaint which was jointly investigated by the Social Care and Health Service Ombudsmen. The complaint related to the NHS Trust and Council's handling of two discharges for a man who had undergone an operation. No fault was found in relation to the Council's action however some fault was found against the NHS trust. There was however joint fault found in the way the complaint was managed, as there was no evidence that either organisation had given proper consideration to a joint investigation at the start of the complaints process. The Council accepted fault and the recommendation which has been implemented. (Annex A, pgs 1-9).
10. The second complaint found fault causing distress to a service user, as the Council had shared some inaccurate, personal information with the NHS. It should be noted that during the Council's complaint process, this concern had been upheld following investigation and the department had already taken action to remedy the injustice prior to the Ombudsman's investigation. (Annex A, p16)

Statutory and Policy Implications

11. 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.

Data Protection and Information Governance

12. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

Financial Implications

13. There are no financial implications.

Implications for Service Users

14. All of the complaints were made to the Ombudsman by service users, who have the right to approach the LGSCO once they have been through the Council's own complaint process.

RECOMMENDATION/S

That members consider:-

1. Whether there are any actions they require in relation to the issues contained within the report.

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

Laura Mulvany-Law, Temporary Team Manager – Complaints and Information Team

Constitutional Comments SLB (Standing)

Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required, it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES 27/09/19)

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

Complaint reference:

LGSCO reference: 18 008 051

PHSO reference: C2061205

Complaint against:

Nottinghamshire County Council

Doncaster & Bassetlaw Teaching Hospitals NHS Foundation Trust



The Ombudsmen's decision

Summary: The Ombudsmen find no fault in the way an NHS Trust and Council handled two discharges from hospital for a man who had undergone an operation. However, the Ombudsmen find the operation was delayed unnecessarily, but poor record keeping by the Trust means we cannot resolve why this happened. The Ombudsmen also find fault in the way the Council and NHS Trust handled the complaint. The Council and Trust have agreed to actions to address the injustice these failings caused.

The complaint

1. Mr G complains about the care Nottinghamshire County Council (the Council) and Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust (the Trust) provided to his late father, Mr R, in early 2018. He complains that:
 - a) James Hince Court (an Intermediate Care Placement, funded by the Council) failed to stop Mr R's blood thinning medication despite instructions to do so, which delayed planned surgery
 - b) The Trust sent patient transport to the wrong address, which delayed Mr R's rescheduled surgery
 - c) The Trust inappropriately discharged Mr R from hospital on 15 March 2018
 - d) The Trust inappropriately found Mr R to be medically fit for discharge on 20 March 2018
 - e) Mr R did not have capacity to consent to paying for a Short Term Care placement at St Michael's View from 20 March 2018, as he had delirium and confusion due to a urinary tract infection.
2. Mr G said these failings caused Mr R significant avoidable distress at a time when he was already very ill with bladder cancer. Mr G said this, in turn, caused him unnecessary distress. In addition, Mr G said Mr R was wrongly charged for Short Term Care at St Michael's View.
3. Mr G said the Council and the Trust have not taken adequate remedial action to acknowledge their failings or to address the impact. In bringing his complaint to the Ombudsmen he would like the Council and the Trust to acknowledge the failings that occurred in his father's care. He would like them to take appropriate action to prevent recurrences. Further, Mr G would like the charges for Mr R's placement at St Michael's View to be waived.

The Ombudsmen's role and powers

4. The Ombudsmen have the power to jointly consider complaints about health and social care. Since April 2015, these complaints have been considered by a single team acting on behalf of both Ombudsmen (*Local Government Act 1974, section 33ZA, as amended, and Health Service Commissioners Act 1993, section 18ZA*).
5. The Ombudsmen investigate complaints about 'maladministration' and 'service failure'. We use the word 'fault' to refer to these. If there has been fault, the Ombudsmen consider whether it has caused injustice or hardship (*Health Service Commissioners Act 1993, section 3(1) and Local Government Act 1974, sections 26(1) and 26A(1), as amended*).
6. If the Ombudsmen are satisfied with the actions or proposed actions of the bodies that are the subject of the complaint, they can complete their investigation and issue a decision statement (*Health Service Commissioners Act 1993, section 18ZA and Local Government Act 1974, section 30(1B) and 34H(i), as amended*).

How I considered this complaint

7. I read the correspondence Mr G sent to the Ombudsmen and spoke to him on the telephone. I wrote to the Council and Trust to explain what I intended to investigate and to ask for comments and copies of relevant records. I considered all the comments and records they provided. I considered relevant legislation and guidance and took advice from a doctor with relevant knowledge and experience.
8. I shared a confidential copy of my draft decision with Mr G, the Council and the Trust to explain my provisional findings. I invited their comments and considered those I received in response.

What I found

Background

9. In January 2018 Mr R lived alone without any formal support. At the end of the month doctors found he had a lesion in his bladder, which it suspected was bladder cancer. Surgeons booked Mr R in for surgery on 21 February.
10. A couple of days after this outpatient appointment Mr R had a fall at home and spent a long time on the floor afterwards. Mr G found him and called an ambulance which took him to hospital. Doctors felt Mr R's fall probably related to an infection. The hospital admitted Mr R and treated him for urosepsis (a condition where a urinary tract infection spreads from the urinary tract to the bloodstream), via antibiotics.
11. Early in the admission a doctor talked to Mr R about plans for when he left hospital. Mr R shared concerns about his ability to get about and the doctor planned to refer him to a discharge team. A social worker took part in planning what would happen when Mr R's admission ended.
12. In early February Mr R left hospital and went into an Intermediate Care facility, for which there was no charge.
13. Mr R's surgery did not happen on the scheduled date, or the re-scheduled date around a week later. Mr R remained in the Intermediate Care facility. In early March the facility started planning for Mr R to return home with support four times a day after his surgery.

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14. Mr R went into hospital for surgery in the middle of March. The operation went ahead. Mr R left hospital and went home the next day, with plans for support visits four times a day.
 15. A few days later a carer found Mr R on the floor. An ambulance took him back to hospital. Mr R stayed in hospital overnight and then, the next day, went into a Short Term Care Placement, for which he was charged the full cost.
 16. In the middle of April 2018 Mr R returned to hospital. He was found to have urosepsis. Medics found he was medically fit for discharge at the end of the month. A social worker made plans for him to return to the Intermediate Care placement.

Analysis

Complaint Handling

17. Mr G made his complaint to the Council toward the end of April 2018. In early May 2018 the Council emailed the Trust and sent it details of the complaint. It said it felt it would be simpler to send two separate responses rather than trying to send a coordinated one. The Trust accepted this and the organisations proceeded on this basis.
18. The Council sent its response in the second half of June and noted some issues would need to be answered by health services. The Trust sent its response six days later.
19. *The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009* (the Complaint Regulations) came into force in April 2009. They set out the responsibilities of social services and health organisations in dealing with complaints about their service.
20. The Complaint Regulations include, at section 9, a duty to work together on complaints about more than one organisation. They state that, in these circumstances, the responsible organisations must cooperate in handling the complaint. This includes duties to: establish who will lead the process; share relevant information; and, provide the complainant with a coordinated response.
21. There is no evidence either organisation asked Mr G about his preferences. There is no evidence either organisation made enquiries of the other about what the other's investigation would entail or how long it would be likely to take. On the evidence I have seen the Council designated each issue either for it or for health, but neither organisation considered whether they might involve both. Therefore, I do not consider there is evidence that the prospect of a joint investigation was properly explored before it was dismissed. This is fault. The Council was not automatically the lead agency because it received the complaint. Therefore, responsibility for this complaint lies equally with both organisations.
22. The separate, uncoordinated approach may have been simpler for the organisations but it was not for Mr G. It meant he received two responses and had to liaise with two organisations. It also had consequences for the investigation of the complaint about why Mr R's initial operation did not go ahead (I will say more about this below).
23. On balance, I consider that if the Council and Trust had given this issue proper consideration it would have led to a joint investigation. If there had been a joint investigation it is likely important information (about the cancellation of the surgery) would have come to light sooner and would have led to findings and learning points sooner. Therefore, were it not for the fault, Mr G would have

experienced less frustration and would have been put to less time and trouble. As such, the fault here led to an avoidable injustice. I have made recommendations to address this.

Complaint that James Hince Court failed to stop Mr R's blood thinning medication despite instructions to do so, which delayed his surgery

24. In late January 2018 the Urology clinic found Mr R had a tumour in his bladder. Surgeons planned to operate on 21 February 2018.
25. Mr G said this operation did not take place because no one stopped Mr R's prescription of clopidogrel (a blood-thinning medication). Mr G complained about the failure to stop the prescription.
26. The Council's complaint response of June 2018 said he would need to raise this with the relevant health organisation.
27. The Trust's response, several days later, said the hospital issued a discharge letter which gave instructions for the medication to be stopped seven days before 21 February. It said this letter was sent to James Hince Court and the GP.
28. Mr G said neither the Council nor the Trust have not taken adequate remedial action to address this issue. He said he has no reassurance that this would not happen again to other patients. I agree the organisations did not get to the bottom of this. As noted in the previous section, I consider this was a result of the uncoordinated approach to answering the complaint.
29. Records from the Trust show that, during Mr R's hospital admission in early February 2018, doctors and other professionals were aware of the planned operation on 21 February 2018. There are references to this on 31 January 2018, and 2, 5, 8 and 9 February 2018. On 7 February 2018 a member of staff made a note in the 'Communication with relatives' section of a form. It stated they had a telephone conversation (it does not say who they spoke to) about the planned surgery on 21 February 2018. The note said Mr R would need to stop taking clopidogrel seven days before the operation, so would need to stop on 15 February 2018.
30. There is evidence, from a medication administration chart, that James Hince Court understood it needed to stop Mr R's prescription of clopidogrel, and did so. This chart recorded the medications Mr R had prescriptions for, and when staff gave them to him. The chart:
 - Includes a prescription for clopidogrel tablets and noted '*To be stopped 7 days prior to surgical procedure. See discharge letter*'
 - Show staff gave Mr R one clopidogrel tablet each day for five days in a row, from 9 to 13 February 2018. The record states that there were initially 28 tablets and, after the dose on 13 February 2018, 23 tablets remained
 - Records that staff did not administer a dose of clopidogrel for the next 15 days, from (and including) 14 to 28 February 2018
 - Records that staff started to give a dose of clopidogrel to Mr R again on 1 March 2018. After this dose 22 tablets remained.
31. Therefore, I have not found evidence on the part of the Council. There is evidence that James Hince Court stopped giving Mr R clopidogrel in line with the Trust's instructions.
32. Staff at the Trust completed a range of records in relation to Mr R's surgery, which took place on 14 March 2018. An admission form included a list of Mr R's

regular medication and included clopidogrel. It also noted this medication was *'stopped 14-2-18'*.

33. The Trust advised me that the planned surgery was cancelled on 15 February 2018. It said the only information recorded about the cancellation is that it related to clopidogrel, but it is not more specific than that. The Trust said relevant staff cannot recall anything about this now, which is unsurprising given the passage of time.
34. The Trust concluded that, working on the information to hand, the most likely explanation for the cancellation is that its Booking Team received information that Mr R had not stopped taking clopidogrel in time.
35. I have not seen any evidence of the conversation (or other communication) that took place that led the Trust to believe Mr R had not stopped taking the medication in time. It is apparent there was a breakdown in communication – as the prescription had been stopped in time – but I cannot be any more specific. Therefore, even working on balance, I cannot say who was at fault here.
36. Nevertheless, this issue does raise several concerns about the way the Trust recoded information. Firstly, as I understand it, Mr R needed to have seven full days without a dose of clopidogrel before the start of the date of surgery; i.e. to have a last dose on 13 February. However, the notes made on 7 February 2018 included *'stop 15/02/18'*. It seems this did not have any further consequences in this case, as the last dose was on 13 February, but it had the potential to cause confusion and to lead to a mistake.
37. Secondly, there is a lack of information about why the surgery was cancelled. There is nothing recorded about who spoke to who, when, and what was discussed. This means the audit trail for the cancellation of this important surgery is significantly more limited than it should be. This is fault. This lack of information is a key reason why this investigation cannot make a finding about the breakdown in communication in this case. This, in turn, has left uncertainty and frustration which is an injustice in its own right. I have made recommendations to address this.

Complaint the Hospital sent patient transport to the wrong address, which further delayed Mr R's surgery

38. The hospital rescheduled Mr R's surgery for 28 February 2018. An ambulance did not arrive at James Hince Court to collect Mr R and the surgery did not go ahead. The surgery was rescheduled and took place on 14 March 2018.
39. Mr G complained about this. He said the transport went to Mr R's home address, rather than James Hince Court. Mr G said neither the Trust have not taken adequate remedial action to address this issue. He said he has no reassurance that this would not happen again to other patients.
40. The Trust acknowledged this mistake. It said its staff did not adequately communicate the need for transport to go to James Hince Court, rather than Mr R's home address. It apologised for this error.
41. The Trust reiterated this acknowledgment in correspondence with the Ombudsmen. It provided further explanation that when Mr R was discharged his temporary place of residence (James Hince Court) had not been put on the electronic patient administration system. It said, instead, it was written by hand on the discharge letter. The Trust said the ward clerk should have input the address onto the electronic system at this point.

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42. The Trust said in order to prevent this happening again it had rolled out an electronic bed management module linked to its electronic notes system. It said this would prompt the ward clerk to check the discharge address.
43. As a result of this mistake Mr R missed his scheduled surgery and needed to wait a further two weeks for it. On the balance of probabilities, the combined delay, caused by the miscommunication about clopidogrel and transport, is unlikely to have been clinically significant. However, this delay caused avoidable stress, above any Mr R may have ordinarily experienced in anticipation of an operation. This unnecessary stress is an injustice.
44. The Trust has been open in acknowledging its error. It has apologised, identified why it happened and taken steps to prevent recurrences. I am satisfied it has provided a proportionate response to this complaint and have not recommended any further action.

Complaint that the Hospital inappropriately discharged Mr R on 15 March 2018

45. Mr R came into hospital on 13 March 2018 and had surgery the next day. He left hospital and went back to James Hince Court on 15 March 2018. He then returned home with support from a home-care service on 16 March 2018.
46. Mr G complained his father was still very confused and should not have been discharged.
47. In its initial response the Trust said its medical and nursing staff did not find any clinical reason for Mr R to remain in hospital. In a subsequent response the Trust noted Mr R had a raised temperature at one point after his operation. It said staff checked Mr R's temperature only one more time after this raised result and before he left hospital. The Trust said nurses should have checked his temperature more than once. It said that if this had shown an abnormal temperature it would have been escalated and discussed. Aside from this, the Trust did not identify any shortcomings in its handling of Mr R's care during this time.
48. The Trust's records show it checked and recorded Mr R's physiological observations before surgery. The surgery went as planned and the surgeon noted a plan for Mr R to be discharged the next day.
49. In the afternoon after the surgery staff noted that all of Mr R's observations were within normal ranges, and his condition was stable. Staff recorded physiological observations at 15.05, 16.15, 17.00, 18.15, and 19.30. On each occasion they recorded that all of Mr R's observations were within normal ranges. At 23.50 staff took his observations again and found he had a raised temperature. The next time they took his observations they were all within normal ranges. A discharge summary from 15 March 2018 noted that Mr R had made a good post-operative recovery and was fit for discharge.
50. Experiencing a high temperature following an operation is fairly common. It would not, on its own, give clinicians significant cause for concern. There is evidence to show the clinicians acted appropriately in the context of the information available to them at the time. From a clinical perspective, there was nothing to indicate to the hospital that Mr R needed to remain in hospital. Therefore, I have not found fault here.

Events between 15 and 19 March 2018

51. Records from the Council show that a carer visited Mr R on 17 March 2018 and noted he refused to get up and said he was tired. They also noted he seemed quite confused. The worker noted Mr R seemed a lot better by the time they left.
52. On 19 March 2018 a carer found Mr R on the floor. He said he had been there for a while. The carer called an ambulance which took Mr R to hospital. The hospital found Mr R had symptoms of a urine infection and was confused.

Complaint that the Trust inappropriately found Mr R to be medically fit for discharge on 20 March

53. Mr G said his father was still very confused and should not have been discharged. He said Mr R's needs were such that he should have been kept in hospital rather than being discharged to St Michael's View.
54. Mr G said his father had to be rushed back to hospital after four days with sepsis and was in a critical condition. I have not seen evidence to support this. The records available to me show that Mr R left hospital on 20 March 2018 and moved into St Michael's View. There are entries every day in the daily records from that date until 15 April 2018 when Mr R returned to hospital (26 days after he left hospital).
55. In its response to the complaint the Trust said it found Mr R to be medically stable enough to leave hospital. It did not identify any flaws in this decision. The Trust said there were no clinical concerns about signs of an acute infection (that would require a hospital admission for intravenous antibiotics) or signs of sepsis.
56. The Trust's records show Mr R went into hospital, via the Emergency Department, on 19 March 2018. Staff noted he had had a fall the previous evening and could describe what had happened. A doctor physically examined Mr R and took physiological observations. They also took blood tests and completed an X-ray of Mr R's shoulder and a CT scan of his head. The doctors found it was likely Mr R was suffering from a urinary tract infection, but did not find anything else that gave them concerns about his physical health. The hospital gave Mr R an intravenous infusion of fluids and also gave him things to eat and drink. It then discharged him on 20 March 2018 with a seven-day course of oral antibiotics for a urine infection.
57. The assessments the Trust completed were appropriate and suitably thorough. The results of their assessments and observations did not show anything to show that Mr R needed an inpatient admission in an acute hospital. Therefore, I have not found fault in the way the Trust made its decision that Mr R was medically stable enough to be discharged.

Complaint that Mr R did not have capacity to consent to paying for a Short Term Care placement at St Michael's View, as he had delirium and confusion due to a urinary tract infection at the time

58. Mr G does not accept that Mr R had the mental capacity to consent to paying for short term care. Further, Mr G believes Mr R's needs were such that he should have received free NHS care rather than being transferred to a Short Term Care placement with associated costs.
59. During the complaints process the Council concluded it acted appropriately and, as such, there was no cause to waive St Michael's View's fees. It said Mr R made an informed decision to go to St Michael's View, in the knowledge that he would be asked to make a financial contribution toward the cost of his care.

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60. The Council's records show a social worker saw Mr R on the ward on 20 March. They talked to him about the circumstances of his fall which Mr R recalled. In addition, the social worker noted they '*Discussed future support plans. Feels that he is now medically stable to return home and wished for a period of short term care – aware of his financial status has over the threshold for financial support*'.
61. The social worker also recorded that they spoke to Mr R's son and wrote in the notes '*he agreed that a period of short term care would benefit his father – confirmed threshold of savings and would look towards requesting placement in [a particular] area*'.
62. The Mental Capacity Act 2005 (the Act) is the framework for acting and deciding for people who lack the mental capacity to make particular decisions for themselves. The Act (and the Code of Practice 2007) describes the steps a person should take when dealing with someone who may lack capacity to make decisions for themselves. It describes when to assess a person's capacity to make a decision, how to do this, and how to make a decision on behalf of somebody who cannot do so themselves.
63. There is an expectation that professionals should start by presuming the person has the mental capacity to make their own choices (*Section 1(2) of the Act and Paragraphs 2.3 to 2.5 of the Code of Practice*).
64. In line with the Act, it was appropriate for the Council to talk to Mr R about his wishes, regardless of whether he was showing signs of confusion. Further, the Council's records suggest the social worker had a coherent conversation with Mr R. Based on this there is no clear suggestion a capacity assessment was required.
65. The records support the Council's conclusion that Mr R made a choice to leave hospital and go into short term care placement. Further, there is evidence to show the financial implications of this were discussed. Therefore, I find no fault.

Agreed actions

66. Within one month of the date of the final decision both the Council and the Trust should write to Mr G and acknowledge they did not handle his complaint in line with the Complaint Regulations. They should acknowledge they each held a responsibility to explore the possibility of a joint investigation but dismissed this without full and proper consideration. The Council and Trust should also acknowledge this caused Mr G avoidable frustration and time and trouble, and they should apologise for their part in creating this injustice.
67. Within one month of the date of the final decision the Trust should write to Mr G and acknowledge it did not properly record the information about why Mr R's surgery was cancelled. It should also acknowledge that this fault has meant that there is a lack of clarity about why the surgery was cancelled and about where relevant information came from. The Trust should also apologise for the avoidable uncertainty and frustration this fault caused Mr G.
68. Within two months of the date of the final decision both the Council and Trust should take steps to ensure its internal complaint procedures are in keeping with the Complaint Regulations, in particular regard to the duty to cooperate with other relevant organisations. In the same timescale they should also take proportionate steps to ensure its staff are aware of the relevant procedures and using them appropriately.

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69. Within two months of the date of the final decision the Trust should review its procedures for cases of elective surgery with pre-surgery conditions. It should ensure that the procedures are adequate and that relevant staff are aware of them, and are using them. In particular, attention should be paid to ensuring:
- the conditions, and any relevant dates, are properly and fully understood and recorded when they are set;
 - there is a clear understanding of who, how and when the Trust will check adherence to the conditions;
 - a proportionate amount of information is recorded to allow others to understand how and why any decisions to cancel or rearrange surgery have been made.

Decision

70. I have completed my investigation on the basis that there failings which led to an injustice. The Council and Trust have agreed to take action to address the injustice suffered.

Investigator's decision on behalf of the Ombudsmen

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Miss A's complaint that the Council is refusing to implement the provisions of her son's Education Health and Care Plan. This is because it is unlikely we would find fault on the Council's part.

The complaint

1. The complainant, who I will refer to as Miss A, complains that the Council is refusing to implement the provisions of her son's Education Health and Care Plan.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)

How I considered this complaint

3. I have considered what Miss A has said in support of her complaint and the supporting information she has provided. I have also considered her response to my draft decision.

What I found

4. Miss A's son has special educational needs and has an Education Health and Care Plan (EHCP). The Council issued an amended EHCP in June 2019. Miss A's son is due to start at a Junior school in September 2019. Miss A complains that the school, the academy trust and the Council are refusing to implement the provisions of the EHCP.
5. The school is an academy and its actions, and those of the academy trust, do not fall within the Ombudsman's jurisdiction. Responsibility for ensuring that the provision set out in the EHCP is arranged lies with the Council.
6. Mrs A's son was supported at his Infants' school by a personal care assistant. Miss A says her son's EHCP set out that he must be supported by staff with experience and knowledge of the type of disorder of the type her son has. She therefore

asked that the personal care assistant be permitted to remain with her son when he moves to the Junior school. The junior school and the academy trust have refused this request on the grounds that the school's existing staff can be trained to make the necessary provision.

7. Miss A complained to the Council about the school's decision, which she regards as a refusal to implement the provisions of the EHCP. In response, the Council set out that staff at the new school are being trained to allow them to provide the support set out in the EHCP. It also points out that Miss A had the right to appeal to appeal to SEND about the provision set out in the EHCP
8. The Ombudsman will not investigate Miss A's complaint because it is unlikely we would find fault on the Council's part. The Council is required to ensure the provision in the EHCP is arranged. It takes the view that the Junior school is capable of delivering the provision by training its staff to do so. That is a decision for the Council to make and the Ombudsman will not intervene to criticise its professional judgement or to substitute an alternative view.
9. If, once Miss A's son starts his new school, she feels that the provision is not being delivered, she may complain to the Council. If she feels the provision set out in the EHCP needs to be amended to provide a higher level of support, she can request reassessment. There are no grounds for the Ombudsman to intervene.

Final decision

10. The Ombudsman will not investigate this complaint. This is because it is unlikely we would find fault on the Council's part.

Investigator's final decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: The Complainant says the Council has increased his client contribution for adult care services, which he cannot afford to pay. The change leaves Mr C with no disposable income, but this is not caused by fault of the Council. The Council has correctly assessed his client contribution in accordance with the law and national guidance and considered whether to allow a waiver based on his income and expenditure.

The complaint

1. The complainant, who I will call Ms B, says the Council has changed its policy for the way it calculates individual contributions towards the cost of care and support. This change means her son, Mr C, must now contribute £100 a month towards his care, which he says he cannot afford. Mr C previously did not have to contribute financially. Mr C will be unable to attend the day centre which will have an impact on both his and his mother's mental health and wellbeing. Ms B will have no respite from her caring role. The family will not be able to cope without the support of the day centre placement, and will mean Mr C may have to move into some form of supported living/residential care as the family will be unable to cope with him continuing to live at home with no form of support.
2. Mr C has continued to attend the day centre, but his family have been paying for him and cannot continue to do so. Paying the care contribution leaves him with no disposable income to do any social activities so has a negative impact on his wellbeing, and that of his family. Mr C would like his contribution to return to nil.

The Ombudsman's role and powers

3. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

5. I considered: [Page 22 of 156](#)

- Information provided by Ms B, including during a telephone conversation.
- Information provided by the Council in response to my enquiries.
- Information available on the Council's website about its change in policy for charging for adult care services.
- The Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Department of Health's Care and Support Statutory Guidance.
- The response from the Council to a draft of this statement; Ms B did not respond.

What I found

6. Mr C lives with Ms B, who provides all care support. The Council gives Mr C a care package; he attends a day centre five days per week and has 28 nights per year short breaks. This allows Ms B some respite from her caring role. The Council also gives Ms B £150 per year to contribute towards a recreation or leisure activity.
7. When the Council provides a care package it must assess what, if anything, the person using the service can afford to pay towards their care.
8. The Council previously had more generous financial assessment terms than recommended by national guidance. Under that regime Mr C did not have to pay anything towards his care.
9. The Council decided to change its financial assessment terms to bring it in line with national guidance. The Council consulted on the change, and the Council's Policy Committee decided to make the changes. The Council followed the correct process to make the policy change, and its change is in line with law and guidance. The Ombudsman cannot criticise the change of policy.
10. The Council then applied the changes to Mr C's financial assessment, which means he now must contribute over £100 per month.
11. The Council has completed a financial assessment in which it correctly disregards relevant benefits. The Council must leave Mr C with a minimum income guarantee of £151.45 per week, but it has allowed £170.23. I do not know how the Council has reached this figure, but as it is in Mr C's favour there is no reason for me to question it further. The Council has also allowed Disability Related Expenditure of £20 per week.
12. Disability Related Expenditure is money that you spend specifically because you are disabled, so the Council gives an allowance for that. The Council allows a set figure of £20 per week, but you can ask for an assessment if you feel you spend more than this. Ms B asked for an individual assessment of Mr C's Disability Related Expenditure, which showed it is £15.29 per week. Therefore the £20 allowed by the Council is enough.
13. The Council has discretion to allow short term waivers from collecting contributions for reasons of financial difficulty or extreme hardship. The Council has considered whether it should waive Mr C's assessed contribution. The Council considered an Income and Expenditure form completed by Ms B which showed Mr C has enough income to pay his contribution. The Council accepts this leaves Mr C with pennies as his weekly disposable income but considers he could reduce his outgoings in some areas to give himself more disposable income.

Was there fault causing injustice?

14. The Council is not at fault in the way it has assessed Mr C's financial contribution towards the cost of his care. It has acted in accordance with the law and national guidance.
15. The Council has correctly considered whether to allow a waiver in Mr C's contributions by looking at his income and expenditure. As there is no fault in the way the Council has assessed this, I cannot criticise its decision even though Ms B disagrees with it.
16. I understand losing £100 of his monthly disposable income has a big impact on Mr C, and will alter his lifestyle. The contribution towards his care costs leaves Mr C with no disposable income for activities he enjoys; this is the same as anyone else living on a tight budget. Ms B feels Mr C has a limited life and should be allowed some enjoyment. It also affects his carers if there is no money to take Mr C out and occupy him on weekends. This injustice is not caused by any fault of the Council. Mr C might be able to improve his situation by seeking some money management advice to consider any areas he could reduce his expenditure and provide more disposable income for leisure activities.

Final decision

17. I have completed my investigation on the basis there is no fault by the Council.

Investigator's decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Ms A's complaint about the lack of care given to Mrs B during a period when she and her other carer were on holiday. This is because Ms A does not have consent or standing to complain on behalf of Mrs B.

The complaint

1. Ms A is concerned the person she cares for, Mrs B, was left without care for six days when she and another carer went on holiday. Ms A says the Council were aware well in advance of the holidays and failed to ensure the period of leave was covered. Ms A says the Council should consider this as a safeguarding matter as she believes Mrs B was neglected.

The Ombudsman's role and powers

2. We can only accept complaints from members of the public or their authorised representatives. This means we cannot accept complaints from carers complaining about something relating to their position as a carer. (*Local Government Act 1974, section 26A, as amended*)

How I considered this complaint

3. I considered the information Ms A provided. I sent Ms A a copy of my draft decision for comment.

What I found

4. It is understandable that Ms A is concerned about Mrs B's lack of care during a period of leave when she had advised the Council of this, however, she has not been caused any injustice herself from the actions of the Council warranting investigation by the Ombudsman. Given Ms A is employed as a carer and is acting in her capacity as an employee, she would not be considered as a suitable representative to complain on behalf of Mrs B.

Final decision

5. The Ombudsman will not investigate this complaint. This is because Ms A does not have consent or standing to complain on behalf of Mrs B.

Investigator's decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: Ms D complains that the Council gave inaccurate and libellous information about her to the NHS mental health service. The Ombudsman has found fault causing distress. The Council has already taken action to remedy that injustice.

The complaint

1. Ms D complains that the Council gave inaccurate and libellous information about her to the NHS mental health service. She says as a result she cannot access mental health services.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
4. We provide a free service but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
 - it is unlikely we would find fault, or
 - it is unlikely further investigation will lead to a different outcome, or
 - we cannot achieve the outcome someone wants.(*Local Government Act 1974, section 24A(6), as amended*)
5. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

6. I spoke to Ms D about her complaint and considered the information she provided to the Ombudsman.

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7. I sent Ms D and the Council my draft decision and considered the comments I received.

What I found

Child and Family Assessment

8. Local authorities have a duty to safeguard and promote the welfare of children who are in need. A child in need may be assessed under section 17 of the Children Act 1989. This “Child and Family Assessment” should be completed within 45 working days from the date of the referral. Following the assessment, if the council decides to provide services, a child in need plan should be developed.

Child protection

9. If a local authority receives a report of concern about a child it must decide whether there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm. If so, the council must decide whether to initiate safeguarding enquiries under section 47 of the Act.
10. A Multi Agency Risk Assessment Conference (MARAC) is a meeting where information is shared between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and others about high risk domestic abuse cases. The victim does not attend the meeting but is represented by an IDVA. Referrals can be made to a MARAC from any agency.

What happened

11. In 2018 Ms D used NHS mental health services. When she was discharged, she received a discharge summary which contained statements that appeared to have originated from the Council. These were that Ms D:
 - a) Had claimed top level PIP for her son fraudulently after he had left home
 - b) Had been “felt to be the main perpetrator” in a MARAC meeting
 - c) “Also uses the name Ms Y [a character from a film]”
 - d) Had “tried to manipulate services historically”
12. Ms D complained to the Council in January 2019 that the statements were inaccurate and amounted to slander and defamation of character.
13. The Council started a child and family assessment of Ms D’s children. This ended in February 2019 after Ms D withdrew her consent. She said she had consented to a section 17 needs assessment, not a safeguarding assessment.
14. The Council responded to Ms D’s complaint in March 2019. It said it had not shared any information about Ms D with the NHS as it only became involved after Ms D referred herself to the mental health team. It acknowledged that the recent child and family assessment was not full or comprehensive; this was because it had not been completed. The Council said:
 - a) It had not been aware Ms D had discussed the PIP with the DWP and that it had been frozen. The Council apologised for any offence caused.
 - b) The MARAC meeting had discussed Ms D as a potential perpetrator in relation to her not allowing her son to access support services and financial support.
 - c) Whilst this was factually accurate, the Council apologised if the comment had caused Ms D offence.

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- d) This comment had originated from Charity 1, not the Council.
15. Ms D was dissatisfied with the response and asked for her complaint to be escalated. She said the Council:
- was wrong that she had self-referred to mental health services.
 - had failed to provide support or to carry out a section 17 assessment of her children.
 - had wrongly stated in the assessment that her children had been subject to multiple child protection plans.
16. The Council's final response to Ms D's complaint accepted there had been inaccuracies about the mental health service referral and the number of child protection plans. It also acknowledged that the PIP claim had been reinstated. The Council apologised. It had amended the assessment and added a note to Ms D's records.
17. The Council said it had closed the social care cases for Ms D's children as Ms D had withdrawn her consent to the child and family assessment; there was insufficient information to make recommendations for any support; Ms D had said she did not want any involvement from social care; and there were no safeguarding concerns.
18. Ms D complained to the Ombudsman. She sent a letter from Charity 1 which denied it had made the comment about her use of services.

My findings

19. The Council has accepted that some of its statements were inaccurate or caused offence to Ms D. This was fault and has caused distress to Ms D.
20. The Council has apologised and amended its records. These are actions I would expect it to take and are in line with the Ombudsman's guidance on remedying injustice caused by fault. I am satisfied that the actions the Council has taken were a proportionate and appropriate response to Ms D's complaint.
21. There is a dispute about where the comment about Ms D's historical use of services came from. It is unlikely that further investigation by the Ombudsman on this point would be able to establish the origin. In addition, even if I was able to determine that a Council officer made the comment, and whilst accepting that Ms D disagrees with it, I could not find that an officer's opinion was maladministration. If I did find fault on this point, it is likely I would ask the Council to apologise and amend its records, which it has already done.
22. Ms D says the Council's comments mean she is now unable to access NHS mental health services. I have seen no evidence of this and it is unlikely further investigation could determine she was denied mental health services as a result of the Council's actions.
23. Ms D wants the Ombudsman to require the Council to carry out a section 17 needs assessment of her children, but this would not be a remedy for the injustice caused by the fault identified in this complaint. In addition, the Ombudsman cannot tell a Council how to carry out a child and family assessment. Nor could I tell it not to carry out safeguarding enquiries if it thought a child was at risk of harm. So even if I investigated and found fault, I could not achieve the outcome Ms D is seeking.
24. Ms D says she wants the Ombudsman to stop the Council sharing false information about her. She says the Information Commissioner advised her to ask

the Council to place restrictions on the processing of her data by social care, but the Council has refused as it must record all contact with families. The Ombudsman has no power to tell the Council what information to record or pass on to other services. I could only ask it to amend factually inaccurate records; it has already done this. Ms D may wish to refer to the Information Commissioner if she has a complaint about data protection.

25. Ms D says the Council has defamed her. However, this is a legal matter and it would be for the courts and not the Ombudsman to determine whether this was the case.
26. We may decide not to continue with an investigation if we believe it is unlikely we would find fault, or if we cannot achieve the outcome someone wants. I have therefore discontinued my investigation into the comment about Ms D's historical use of services.

Final decision

27. There was fault by the Council which caused injustice to Ms D. I am satisfied the Council has taken action to remedy that injustice. I have completed my investigation.

Investigator's decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr X's complaint about the Council's classification of three roads. If Mr X disagrees with the Council's view it would be reasonable for him to take the matter to court.

The complaint

1. The complainant, Mr X, complains the Council has wrongly classified three roads. As a result, he says the Council refuses to accept liability to maintain the roads, which it believes are the responsibility of the residents whose homes front onto them.

The Ombudsman's role and powers

2. The Local Government Act 1974 sets out our powers but also imposes restrictions on what we can investigate.
3. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c), as amended*)

How I considered this complaint

4. I reviewed Mr X's complaint, shared my draft decision with him and invited his comments.

What I found

5. Mr X complains the Council has wrongly classified three roads as private or unadopted. He suggests the roads are out of repair and require maintenance and that the Council is responsible for the cost of this. But the Council will not maintain the roads as it does not agree.
6. The Ombudsman will not investigate this complaint. The key issue in this case is whether the roads are out of repair and whether the Council is liable to maintain them. Section 56 of the Highways Act 1980 provides an alternative mechanism for Mr X to challenge the Council's position and I have seen nothing to suggest it would not be reasonable for him to use this process. The courts are better placed to determine whether the roads are maintainable at the public expense and, if they are, they may order the Council to carry out any repairs they feel are necessary.

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7. It is not our role to interpret the law and we cannot force the Council to carry out repairs to roads where their status is in dispute.

Final decision

8. The Ombudsman will not investigate this complaint. This is because it would be reasonable for Mr X to take the matter to court.

Investigator's decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: The Ombudsman cannot investigate Mr X's complaint about a penalty charge notice issued by the Council. This is because Mr X has appealed to the Traffic Penalty Tribunal.

The complaint

1. The complainant, Mr X, complains about a penalty charge notice (PCN) issued by the Council.

The Ombudsman's role and powers

2. The law says we cannot normally investigate a complaint when someone can appeal to a tribunal. We may decide to investigate if we consider it would be unreasonable to expect the person to appeal but cannot investigate if the person has already appealed. (*Local Government Act 1974, section 26(6)(a), as amended*)
3. The Traffic Penalty Tribunal considers parking and moving traffic offence appeals for all areas of England outside London.

How I considered this complaint

4. I reviewed Mr X's complaint and discussed the case with him.

What I found

5. The Council issued Mr X a PCN for driving in a bus lane. Mr X disputes the contravention and appealed, firstly to the Council and then to the Traffic Penalty Tribunal.
6. Because Mr X has appealed to the Traffic Penalty Tribunal the Ombudsman cannot investigate his complaint. The Tribunal is the body responsible for dealing with appeals against PCNs and we cannot overturn its decision that the PCN is valid and must be paid.

Final decision

7. The Ombudsman cannot investigate this complaint. This is because Mr X has used his right of appeal to the Traffic Penalty Tribunal.

Investigator's final decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: Miss D complains the Council refused her application for a blue badge. My provisional view is that there was no fault by the Council. It has offered to assess Miss D's mobility and reconsider its decision.

The complaint

1. Miss D complains the Council refused her application for a blue badge.

The Ombudsman's role and powers

2. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
3. The law says we cannot normally investigate a complaint unless we are satisfied the council knows about the complaint and has had an opportunity to investigate and reply. However, we may decide to investigate if we consider it would be unreasonable to notify the council of the complaint and give it an opportunity to investigate and reply (*Local Government Act 1974, section 26(5)*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

5. I spoke to Miss D about her complaint and considered:
 - The Blue Badge Scheme Guidance (England), Department of Transport, 2014.
 - Miss D's Blue Badge application form and supporting evidence, the Council's refusal letter, and its determination of her appeal.
6. I gave Miss D and the Council an opportunity to comment on my draft decision.

What I found

DLA and PIP

7. The Department for Work and Pensions (DWP) introduced a new social security benefit called Personal Independence Payment (PIP) to replace Disability Living

Allowance (DLA) for people aged 16-64. From October 2013 the DWP started to invite existing DLA recipients to claim PIP.

Blue Badge scheme

8. The Disabled Persons' Parking Badge Scheme provides a national arrangement of on-street parking concessions for severely disabled people who are unable, or find it difficult, to use public transport. The Scheme is for people with severe mobility problems.
9. Previously, anyone in receipt of the higher rate of the mobility component of DLA was entitled to a Blue Badge "automatically", i.e. without further assessment.
10. As DLA no longer exists for people aged 16-64, the Government decided to give automatic eligibility for a Blue Badge to those who receive eight points or more under the 'Moving Around' activity of the mobility component of PIP, because they cannot stand and walk (aided or unaided) more than 50 metres. An applicant in receipt of this award will have a decision letter from the DWP. Under the Mobility Component section, the letter will describe the degree to which the applicant can 'Move around'.
11. Blue Badge applicants should provide the council with proof from the DWP they scored eight points or more. If they do not, the badge will not be issued. If the applicant has lost their PIP decision letter, they should contact the DWP for a replacement
12. Those who are not automatically entitled to a Blue Badge may still qualify under discretionary criteria, if they can show their mobility is significantly impaired. This eligibility must be determined by an independent mobility assessment.
13. An independent mobility assessment will not be offered if the council decides that the applicant is clearly eligible or ineligible, based on the information it has.

Changes to the Blue Badge scheme

14. From September 2019, there will be new eligibility criteria for a Blue Badge. A person may be entitled if they have been certified by an expert assessor as having an enduring and substantial disability which causes them, during the course of a journey, to:
 - Be unable to walk; or
 - Experience very considerable difficulty whilst walking, which may include very considerable psychological distress.
15. The Council has therefore updated its application and assessment process to incorporate non-physical disabilities. It has asked residents that have a non-physical disability to apply from September 2019 onwards.

What happened

16. Miss D used to receive higher level DLA but is now receiving PIP. She has a mobility car and had previously had a blue badge.
17. Miss D applied to renew her blue badge in January 2019. She enclosed her council tax reduction statement, which showed she received a PIP mobility enhanced award. Miss D's application says she:
 - received 12 points under the PIP moving around award because she could not walk further than 20 metres.
 - had agoraphobia, which caused breathing problems whilst walking.

- could not walk unaided without another person.
 - used an elbow crutch.
 - was prescribed medication for pain in her legs and back.
 - struggled to walk long distances and got dizzy.
18. She said it was painful to walk for more than a few minutes and sometimes she could not walk at all.
 19. The Council contacted the DWP. It says the DWP advised that Miss D received four points under the moving around award. Miss D was therefore not automatically eligible for a blue badge.
 20. The Council did not invite Miss D for an independent mobility assessment because it had determined she was clearly ineligible, based on the information it had. It refused Miss D's application in April 2019.
 21. Miss D appealed and sent further evidence that she received a PIP enhanced mobility award. The Council refused the appeal. It said it would require further information about her walking difficulty due to a medical condition. Miss D complained to the Ombudsman.
 22. The Ombudsman cannot normally investigate a complaint unless we are satisfied the Council has had an opportunity to reply to it. As Miss D had not complained to the Council, we asked it to consider her complaint. The Council said it could not resolve the matter through its complaints procedure because it could see no fault in the way it had determined Miss D's application or appeal. As the Council had had an opportunity to respond to the complaint, we decided to investigate.

My findings

23. In response to my enquiries, the Council said it had recently invited Miss D for an independent mobility assessment, but she had not attended. Miss D says she could not make it to the assessment as she could not get there. She told me the Council did not realise how ill she was.
24. It is not the Ombudsman's role to decide if someone is eligible for a blue badge. My role is to look at how the Council made its decision.
25. If a council has followed the correct procedure, taking into account all relevant information, and given clear reasons for its decision, the Ombudsman cannot generally criticise it. The Ombudsman cannot uphold a complaint simply because a person disagrees with the professional judgement of a council or its officers.
26. In this case, I cannot criticise the Council's decision to refuse Miss D's Blue Badge application. The evidence the Council had was that Miss D did not automatically qualify for a Blue Badge as she did not have proof from the DWP that she received more than eight points under the moving around award.
27. The Council was entitled to decide she was clearly ineligible and therefore not invite her for a mobility assessment. I have seen no evidence of fault in the way it made this decision.
28. The Council has nonetheless invited Miss D for a mobility assessment. I understand Miss D was unable to attend. As she is not automatically eligible for a Blue Badge, she must have an independent mobility assessment to be considered eligible. Miss D may wish to apply again after September 2019, when psychological distress can be considered.

Final decision

29. There was no fault by the Council. I have completed my investigation.

Investigator's decision on behalf of the Ombudsman

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mrs A's complaint that her son's, Mr B's, assessed care charges will cause him hardship. This is because there is no evidence of fault with the Council's assessment warranting an investigation by the Ombudsman.

The complaint

1. Mrs A says the Council's assessment of her son's, Mr B's, finances and increase in contribution towards his care costs will not leave him with enough money to have a good standard of care.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
 - it is unlikely we would find fault, or
 - the fault has not caused injustice to the person who complained, or
 - the injustice is not significant enough to justify our involvement, or
 - it is unlikely we could add to any previous investigation by the Council, or
 - it is unlikely further investigation will lead to a different outcome, or
 - we cannot achieve the outcome someone wants.

(Local Government Act 1974, section 24A(6), as amended)

3. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. *(Local Government Act 1974, section 26(6)(c), as amended)*

How I considered this complaint

4. I considered the information and documentation Mrs A provided. I sent Mrs A a copy of my draft decision for comment.

What I found

5. Mrs A complained to the Council in November 2018 when it wrote to Mr B advising his contribution towards his care costs had increased from £30.46 to £96.31 a week. Mrs A advised the Council Mr B could not afford this amount. The Council reassessed Mr B's finances and said he should pay £105.60 a week from 12 November.
6. The Council wrote to Mr B in December 2018. It acknowledged it had not given sufficient time before implementing the increased charges and said it will not to increase his charges until April 2019. The Council said Mr B's weekly contribution should remain at £39.75 and agreed to reimburse payments made.
7. The Council advised Mr B in February 2019 of an increase in his contribution towards his care from April. The Council assessed Mr B as having enough income to pay £91.72 a week. The increase was placed on hold until after review decision was made in June. The outcome of the review was that Mr B had enough income to contribute £91.72 from 3 June.
8. Mrs A remains unhappy with this decision and has asked the Ombudsman to consider her complaint this increase in contribution will cause Mr B hardship.
1. Councils must assess a person's financial resources to decide what contribution he or she should make to a personal budget for care. The scheme must comply with the principles in law and guidance, including that charges should not reduce a person's income below a certain amount. This is called the Minimum Income Guarantee (MIG). The Council can take a person's capital and savings into account subject to certain conditions. If a person incurs expenses directly related to any disability he or she has, the Council should take that into account when assessing available resources.
2. The Council has to follow Department of Health and Social Care guidance on charging for care and support. This is set out on the document below:
<https://www.gov.uk/government/publications/social-care-charging-for-local-authorities-2018-to-2019>
3. The guidance says the MIG for an adult over 25 years of age who is single is £91.40. Mr B's income and expenditure show the Council has followed the guidance and ensured Mr B's available income does not fall below this threshold. There is no fault with the Council's assessment of Mr B's finances or his charges for contributing towards his care.
4. Mrs A is concerned the Council is contesting her application to the Court of Protection for deputyship of Mr B's finances and health and wellbeing. Mrs A says she has incurred legal charges of £9000. If Mrs A's application to the court is successful she can ask it to consider the costs she has incurred, and it would be reasonable to do so.

Final decision

5. The Ombudsman will not investigate this complaint. This is because there is no evidence of fault with the Council's assessment warranting an investigation by the Ombudsman.

Investigator's decision on behalf of the Ombudsman

6 November 2019**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, EMPLOYEES
AND GOVERNANCE****INFORMATION GOVERNANCE ACTION PLAN 2019/20: PROGRESS
UPDATE****Purpose of the Report**

1. To inform Governance and Ethics Committee of progress in delivering the Council's Information Governance Action Plan for 2019/20.

Information

2. In May 2019 Governance and Ethics Committee approved the Information Governance Action Plan for 2019/20.
3. The IG Action Plan is intended to give on-going visibility and momentum to the work in improving the Council's approach to information governance. It followed the successful conclusion of the first phase of the Information Governance Improvement Programme which had focused upon compliance with new data protection law which came into force in May 2018.
4. Some of the actions contained in the IG Action Plan arose from identified gaps in the Council's self-assessment against the Data Security and Protection (DSP) Toolkit. These also feature in a separate DSP Toolkit Action Plan agreed with NHS Digital earlier in the year. The Toolkit provides assurance that health and social care organisations are practicing good data security and that personal information is handled correctly.
5. The table at Appendix A gives an overview of progress in delivering the IG Action Plan for 2019/20 as at the end of Quarter Two (the end of September 2019). The actions that also form part of the Toolkit Action Plan agreed with NHS Digital are marked with an asterisk (*).
6. Positive progress has been made, with many tasks completed or partially completed and due to be completed imminently.
7. The development of a new Information Strategy has been deferred to ensure an alignment with the Council's emerging intelligence led and digital enabled transformation agenda as envisaged by the Improving Customer Experience through Digital Development Programme.

As agreed at Improvement and Change Sub-Committee on 23 September 2019. This Programme will focus on:

- a) **Theme 1 - Service Design and Automation** - identifying where processes could be improved, digitised, automated or re-designed; the main objective being to improve/enhance the 'customer experience'.
 - b) **Theme 2 - Digital Workforce** – providing staff with the right tools, skills and knowledge to work effectively and efficiently to improve customer service
 - c) **Theme 3 - Digital Partnerships and Collaboration** – working with partners to explore and pursue opportunities for better working together supported by digital tools.
 - d) **Theme 4 – Digital Intelligence** – using data and information to better inform decision making, predicting forthcoming needs and to shaping service delivery models.
 - e) **Theme 5 – Digital enabling technology** - ensuring existing technology is used to its full potential; embracing new opportunities by introducing new technology which will help to deliver commitments set out in the Council Plan.
8. The work of this Programme will be innovative and iterative. Should an Information Strategy be considered necessary in the future, it will be developed to take stock of the Programme; increasing business intelligence; wider developments on data use and align to the next Council Plan.
9. Finally, it is worth noting that the Information Governance Team continues to undertake core business alongside the implementation of the more developmental objectives set out in the Information Governance Action Plan such as:
- Providing advice and support to the departments on data protection and information governance through a business partnering approach;
 - Supporting the completion of Data Protection Impact Assessments (DPIAs) which are mandatory for projects and initiatives which present a high risk to individuals' rights or freedoms.
 - Coordinating the Council's management of personal data breaches.

Other Options Considered

10. None. The Committee previously agreed that it would receive progress update reports.

Reason/s for Recommendation/s

11. The Information Governance Action Plan contains those actions that improve the Council's compliance and performance on information governance and enable it to meet external standards for data security and protection as set out in the DSP Toolkit. The Committee previously agreed that it would receive progress update reports on the Action Plan.

Statutory and Policy Implications

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

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

RECOMMENDATION/S

- 1) It is recommended that Governance and Ethics Committee:
 - a. agree to receive a follow up/update report in February on the Information Governance Action Plan and that this be included in the work programme.

Marjorie Toward
Service Director for Customers, Employees and Governance

For any enquiries about this report please contact: Caroline Agnew (ext. 73760)

Constitutional Comments (HD – 02/10/2019)

1. Governance and Ethics Committee has the authority to consider the recommendations within the report.

Financial Comments (SES - 04/10/19)

2. 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.

- An Update on the Cross Council Digital Programme – Improving Customer Experience through Digital Developments - report to Improvement and Change Sub-Committee, 23 September 2019
-

Electoral Division(s) and Member(s) Affected

- All.

Progress in delivering IG Action Plan (2019/20) to Q2 (September 2019)

Ref:	Action	Deadline	Status	Comments, Progress & Result Update
1.1	Governance - Revise NCC Information Strategy to align with the delivery of the Council Plan (2017 – 2021). Subject to confirmation of fit with Business Intelligence Strategy & Enhancing Customer Experience by Digital Development Programme.	June 19	Deferred	Deferred to take account of / align with the Improving Customer Experience through Digital Development Programme and emerging business intelligence requirements and to tie in with next Council Plan, if appropriate.
1.2	Governance - Review key policies in line with organisational learning, enforcement action, case law and good practice.	June 19	Complete	Review complete, sign-off by Monitoring Officer under delegated authority from Policy Committee.
1.3	Audit and Quality assurance			
1.3.1	Design and populate a single register of information systems used by NCC*	July 19	Partially complete	Delivery via Apps Catalogue scope and detail expansion.
1.3.2	Design and implement 2019/20 data security and protection spot check inspection programme*	July 19	Complete	Methodology agreed by IGB Sept 19. First spot check completed.
1.4	Training & Awareness			
1.4.1	Data Security and Protection training needs analysis & training plan*	June 2019	Complete	Approved by IGB June 19.
1.4.2	Design and deliver induction training on information governance	July 19	Partially complete	Material drafted, e-learning designed awaiting release.
1.4.3	Design and release initial One Minute Guide (short guides making policies and procedures more accessible for staff).	July 19	Partially complete	Several OMGs drafted, sequencing of release needs to be planned and tie in with intranet refresh.
1.5	Governance, Audit and Quality assurance			
1.5.1	Complete and validate register of Surveillance Cameras / CCTV systems	April 2019	Complete	Register designed and populated.
1.5.2	Undertake an exercise with Information Asset Owners / Managers to validate the Council's Information Asset Register	June 19	Partially complete	Validation questionnaire released in July.

2.1	Governance, Audit and Quality assurance			
2.1.1	Data Protection by Design and Default Procedure (to include pseudonymisation requirements) to be developed and approved*	Sept 2019	Partially complete	Draft complete. To be considered for approval by IGB Sub-Group Oct 19.
2.1.2	Design methodology pseudonymisation / anonymization / de-identification controls audit and undertake audit*	Sept 2019	Partially complete	Audit method to be included in procedure. Audit to be undertaken Nov 19.
2.1.3	Data Quality Procedure to be developed and approved. Data quality audit(s) undertaken*	Sept 19	Partially complete	Data quality audits of Mosaic undertaken, outcome to be reported to SLTs in Oct 19. Procedure drafted, to be considered by IGB Dec 19.
2.2	Training - design and deliver Surveillance Cameras / CCTV training for systems owners.	Sept 19	Complete	Materials drafted. Training held Sept / Oct 2019.
2.3	Performance – design Information Governance performance dashboard	Sept 19	Complete	Released to IGB Aug 19.
2.4	Compliance – to design more proactive means for imparting privacy information to individuals	July 2019	Complete	Short form privacy notice issued and being adopted.

* Required as part of the DSP Toolkit Action Plan agreed by NHS England.

6 November 2019**Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****CHANGES AND PROGRESS FOLLOWING AN AUDIT REPORT ON
VACANT PROPERTY MANAGEMENT****Purpose of the Report**

1. To review and report on progress against actions identified following an internal audit of the Council's vacant property management arrangements in 2017.

Information**Actions Identified**

2. The final audit report was structured in 7 sections:
 - A. Site handover
 - B. Vacant property strategy and site security strategy
 - C. Insurance and health and safety considerations
 - D. Procurement activity to progress disposal
 - E. Financial liabilities and insurance
 - F. Vacant property management
 - G. Temporary use of empty properties
3. Analysis of events led auditors to conclude that the Council's Property Service, acting as Corporate Landlord, should lead the implementation of 15 recommendations. An initial report on progress was brought to Governance and Ethics Committee in July 2018. In view of the number of actions in still in progress at that time a further report was requested. This report is now brought to confirm completion of all actions. These are set out in appendix A, alongside an accompanying narrative and progress against each recommendation.

Delivery of the Property Transformation Programme

4. Since the conclusion of the audit work, further service review and analysis has taken place to review the performance and effectiveness of the Council's property functions. Proposals were agreed by Policy Committee on 20 June 2018 to initiate a Property Transformation Programme with the allocation of significant investment to ensure momentum was gathered in improving the service.
5. The first phase of the Programme has been completed, including a review of the Council's management of vacant and surplus property, and the implementation of

improved policies and processes of decommissioning and ongoing management. This has involved working with Health and Safety, Insurance Services and Arc. The impact of this is reflected in the progress updates in Appendix A confirming that the required actions are complete.

6. Additionally the Programme has led to a new Corporate Property Strategy being published, a staffing review undertaken with introduction of a fit for purpose staffing structure and the transfer of the compliance function to Arc, to support a more effective integration of compliance and general maintenance activity. The central property data base has been cleansed and refreshed data management policies and processes introduced.
7. A further report was presented to Policy Committee on 16th October 2019 confirming progress with phase 1 of the programme and approving continued work in phase 2 to be undertaken up to March 2020 to take forward Service Asset Management Plans, performance indicators and further development/implementation of the corporate landlord model.

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 from the report.

RECOMMENDATION/S

- 1) That Committee agree the actions, set out in the Appendix to this report, relating to the Council's management of vacant properties.

Derek Highton
Service Director, Place and Communities

For any enquiries about this report please contact: Neil Gamble, Group Manager
Property Asset Strategy, Growth & Development, Tel: 0115 977 3405

Constitutional Comments [LW 23/10/2019]

10. Governance & Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments [RWK 24/10/2019]

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

Background Papers and Published Documents

Internal Audit Report ref: 2017/94

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

All

Appendix A

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation – 1 – Priority 1 – Reliable documentation of handover checks</p> <p>NCC Property Services ensure that handover checks for vacant sites are reliably documented, as a result of joint site meetings with colleagues from Risk and Insurance and Health & Safety, and securely stored.</p>	<p>Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application.</p> <p>A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate).</p> <p>Documents to be available on clearly identified shared drive.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>Working with Health and Safety, Risk and Insurance Team and ARC new procedures for decommissioning a building from service use, agreement of and undertaking a schedule of works necessary to make safe and secure based on a risk assessment approach and then continued inspection and security regime thereafter have been agreed and implemented.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 2 – Priority 1 – Extent of handover checks NCC Property Services should enhance the ‘Procedures for Securing Vacant Premises and Land’ by reviewing the procedure against best practice guidance and co-ordinating the checks with advice from other professionals within the Council.</p>	<p>Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application. A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive.</p> <p>Date for implementation By 28 February 2018</p> <p>Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>Working with Health and Safety, Risk and Insurance Team and ARC new procedures for decommissioning a building from service use, agreement of and undertaking a schedule of works necessary to make safe and secure based on a risk assessment approach and then continued inspection and security regime thereafter have been agreed and implemented.</p>
<p>Recommendation 3 – Priority 1 – Documented vacant property and site security strategy NCC Property Services should maintain a vacant property strategy for each vacant asset, incorporating a site security strategy which is subject to review at pre-determined timeframes (1 month, 3 months, 6 months).</p>	<p>Existing handover documentation to be revised and improved to incorporate a check list to ensure consistency of application. A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate). Documents to be available on clearly identified shared drive.</p> <p>Date for implementation By 28 February 2018</p> <p>Officer responsible for implementation Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>Working with Health and Safety, Risk and Insurance Team and ARC new procedures for decommissioning a building from service use, agreement of and undertaking a schedule of works necessary to make safe and secure based on a risk assessment approach and then continued inspection and security regime thereafter have been agreed and implemented. The process for the on going management of vacant properties has built in review of arrangements after any incident and on a regular basis, such timing determined by risk.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 4 – Priority 2 - Review and reporting of vacant properties</p> <p>Effective corporate reporting and monitoring of vacant properties is put in place and reported to key decision-makers and stakeholders.</p>	<p>Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>Regular meetings with key parties with responsibility for vacant buildings taking place. Full schedule of vacant properties, identifying security activities undertaken shared with stake holders each month.</p>
<p>Recommendation 5 – Priority 2 - Insurance and Health & Safety advice</p> <p>Property Services should work more closely with officers from Risk & Insurance and Health & Safety to ensure that concerns raised through the independent reviews are used to prompt re-assessments of site security.</p>	<p>Corporate Property Management Group, comprising senior operational mangers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>Regular meetings with key parties with responsibility for vacant buildings taking place. Full schedule of vacant properties, identifying security activities undertaken shared with stake holders each month.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 6 – Priority 1 Decommissioning</p> <p>Property Services should clearly establish and record to what degree decommissioning of utilities has been undertaken at each vacant property. This should include clarity if utilities have been removed, isolated from the network or isolated at the meter. If demolition is expected this could include consideration or obtaining disconnection certificates ahead of works starting.</p>	<p>A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate).</p> <p>Documents to be available on clearly identified shared drive.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>The new procedures for decommissioning specifically deal with services, how they are dealt with, and this is recorded on the schedule of vacant properties.</p>
<p>Recommendation 7 – Priority 1 - Exit fire risk assessment</p> <p>NCC Property Services should undertake an exit fire risk assessment as part of the handover process to identify ongoing risks and to inform external bodies. The degree to which the exit fire risk assessment is completed will depend upon the risk ranking for the vacant property in line with the established risk ranking process.</p>	<p>A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate).</p> <p>Documents to be available on clearly identified shared drive.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Completed.</p> <p>The new procedures take a risk based approach to identifying works to be undertaken to ensure vacant properties are safe and secure including assessment of fire risk.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 8 – Priority 2 - Pace of procurement</p> <p>Property Services should review the length of time taken to progress the procurement for both sites using Arc and the framework approach, to identify opportunities to speed up the process for future projects. This should include a re-assessment of the circumstances in which feasibility studies are requested.</p>	<p>Timely decision making within NCC will be driven by the information provided to the Corporate Property Management Group, however improvements to the briefing process between NCC and Arc will allow early identification of priorities and timescales, and options for project delivery. Cognisance of these priorities will ensure that a suitable delivery mechanism is chosen to reflect the required balance of cost and timescale.</p> <p><i>Date for implementation</i> Already Implemented</p> <p><i>Officer responsible for implementation</i> Group Manager Place Commissioning</p>	<p>Complete.</p> <p>Major Projects Board has been established which is adding further management oversight of the procurement and project management of demolition works.</p> <p>Through the robust contract management arrangements that are in place to client Arc, appropriate steps have been taken to ensure that the procurement of demolition activities takes place in an effective and timely manner.</p> <p>Where the County Council takes a decision not to demolish, either for strategic reasons or a lack of funds, a range of measures are now at our disposal to activity manage vacant sites. For example security and/or, CCTV monitoring.</p>
<p>Recommendation 9 – Priority 1 - Value for Money in the procurement arrangements</p> <p>The review of end-to-end property processes should incorporate assessments of value for money delivered through the framework arrangements.</p>	<p>NCC client team and Arc meet on a monthly basis at a number of levels to ensure projects are evaluated at all stages. This includes a suitable value for money assessment, alongside benchmarking of project design and delivery costs, and evaluation of frameworks where available.</p> <p><i>Date for implementation</i> Already Implemented</p> <p><i>Officer responsible for implementation</i> Group Manager Place Commissioning</p>	<p>Complete.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 10 – Priority 1 - Insurance liability during construction works</p> <p>Property Services should ensure that, when insurance cover is not being provided by the contractor, they are consulted by Arc prior to commercial negotiations commencing. This would afford the opportunity to take advice from the Risk and Insurance Team to determine the most appropriate insurance cover for the Council.</p>	<p>Initial, and subsequently quarterly meetings are to be held between Risk and Insurance, Arc, corporate procurement and the property commissioning team to establish effective and agreed insurance arrangements and for all projects, and ensure insurance provisions are reviewed and incorporated into contract documents as appropriate.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Complete.</p>
<p>Recommendation 11 – Priority 1 - Reviewing insurance liability on other works</p> <p>Property Services review the insurance arrangements in place for other construction works to determine whether insurance liability remains with the Council on any other current works let through Arc since 1st June 2016. Should this be the case, Property Services should re-assess risks with Arc and the Risk & Insurance Team to consider whether additional, security arrangements are warranted to limit the Council's exposure to potential insurance liabilities.</p>	<p>Initial meetings are to be held between Risk and Insurance, Arc, corporate procurement and the property commissioning team to establish effective and agreed insurance arrangements and for all projects, and ensure insurance provisions are reviewed and incorporated into contract documents as appropriate.</p> <p>Corporate property management group, comprising senior operational managers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Complete.</p> <p>Procedures and processes agreed in consultation with Risk and Insurance team to ensure this issue is captured.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 12 – Priority 2 - Informing the insurer</p> <p>NCC Property Services and Insurance should ensure that all break-ins and site incidents for vacant properties are reported to the insurers to ensure the terms and conditions of the insurance policy remain valid.</p>	<p>Corporate Property Management Group, comprising senior operational managers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Complete.</p> <p>Procedures in place.</p>
<p>Recommendation 13 – Priority 2 - Review of joint venture approach to managing significant issues</p> <p>Once the immediate issues with the Grove Leisure Centre works have been resolved, Property Services should initiate a review with Arc of how the incident was managed through the joint venture arrangement, and any agreed improvements are put in place.</p>	<p>Arc and NCC Property to review the actions undertaken to manage the two incidents and produce a “Lessons Learnt” paper. This will be used to review procedures to be utilised by all parties in the event of future similar incidents.</p> <p><i>Date for implementation</i> By 31 March 2018</p> <p><i>Officer responsible for implementation</i> Group Manager Place Commissioning & Managing Director - Arc</p>	<p>Complete.</p>
<p>Recommendation 14 – Priority 2 - Vacant property inspections</p> <p>Property Services should ensure that adequate resources are employed to deliver the approved frequency of vacant property visits, and the inspection record should include consideration of internal inspection, where safe to do so, and the containment of ACM contamination. Where appropriate this should include input from the Health and Safety Team.</p>	<p>An additional dedicated staff resource has now been appointed within property to undertake more frequent and more detailed routine inspections. Corporate Property Management Group, comprising senior operational managers from service departments, Health and Safety and Risk and Insurance to be established and meet on a quarterly basis to share information, issues, and best practice.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Group Manager Place Commissioning & Team Manager – Property – Strategy, Compliance and Performance</p>	<p>Complete.</p> <p>Regular inspections are taking place and a report is published on P2 and the relevant property file. Details of any Works Orders raised following the inspections are noted on the report before it is published.</p>

Recommendation	Management Response	Progress Update
<p>Priority 1 Recommendations - (essential for effective internal control, must implement recommendations to improve existing control arrangements)</p> <p>Priority 2 Recommendations - (highly desirable for effective internal control, should implements recommendations to improve existing control arrangements)</p>		
<p>Recommendation 15 – Priority 2 - Temporary use of empty buildings</p> <p>Property Services should develop a policy for the temporary use of vacant properties, and especially consider whether enhanced security arrangements are warranted to protect both the stored assets and the premises themselves.</p>	<p>A new procedure for managing and monitoring vacant properties, complete with responsibilities of service departments and stakeholders will be produced and shared with affected parties. This will include an assessment of risk (trespass, vandalism, fire, etc.) and detail utility provision and management (including ensuring disconnections and certification where appropriate).</p> <p>Documents to be available on clearly identified shared drive.</p> <p><i>Date for implementation</i> By 28 February 2018</p> <p><i>Officer responsible for implementation</i> Team Manager – Property – Strategy, Compliance and Performance & Property and Estates Technician</p>	<p>Complete.</p>

6 November 2019

Agenda Item: 7

REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE & IMPROVEMENT

STRATEGIC INTERNAL AUDIT PLAN

Purpose of the Report

1. To propose the implementation of a Strategic Internal Audit Plan to provide a framework within which the service's Termly Plans are devised and delivered.

Information

2. The Head of Internal Audit's year-end self-assessment against the Public Sector Internal Audit Standards identified an action to develop a Strategic Internal Audit Plan, and this was approved by the Committee in July 2019.
3. The driver for a Strategic Internal Audit Plan arises from the move from annual to termly audit planning. The self-assessment identified a potential risk of short-termism setting in, with the result that the service does not adequately deliver all its key requirements over the medium-term. It was agreed that a Strategic Plan would provide an over-arching framework within which the termly plans would be delivered.
4. **Appendix 1** sets out a proposed Strategic Internal Audit Plan for 2019-2021, to take the service through to the end of the current Council Plan period.
5. The proposed Plan has been endorsed by the Corporate Leadership Team.

Other Options Considered

6. None; the Committee determined in July 2019 that the option of a Strategic Internal Audit Plan is the most appropriate action to address the gap against the standards.

Reason for Recommendation

7. To provide Members with the opportunity to consider and shape the content of the Strategic Internal Audit Plan, to ensure it will guide the service in delivering the broad areas of assurance the Committee wishes to receive from Internal Audit.

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.

RECOMMENDATION

- 1) That Committee approves the proposed Strategic Internal Audit Plan 2019-2021.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement

For any enquiries about this report please contact:

Rob Disney

Group Manager – Assurance

Constitutional Comments (LW 09/10/2019)

Governance & Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments (SES 04/10/19)

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



Nottinghamshire County Council

Delivery model

Understanding
the Council's
assurance
needs

Deploying
Internal Audit
resources

Maintaining
quality and
VFM

Reviewiing &
reporting
progress

Strategic Internal Audit Plan 2019-2021



Purpose of the Strategic Internal Audit Plan

The purpose of this document is to plan for how the Internal Audit service will deliver its mission, as set out in the Internal Audit Charter:

‘To enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.’

The Strategic Internal Audit Plan sets out how the service’s operating model will deliver what the Council requires of the service:

- To provide assurance to Members and Senior Officers that the Council has effective arrangements in place to deliver its Council Plan objectives
- To meet the statutory responsibility of the Section 151 Officer to arrange for the continuous, independent internal audit of the Council
- To meet the requirement under the Public Sector Internal Audit Standards for the Group Manager - Assurance to deliver an annual opinion of the Council’s arrangements for governance, risk management and control.

The Strategic Internal Audit Plan covers the period November 2019 to May 2021, to link in with the timescale of the current Council Plan. Going forward, the Strategic Internal Audit Plan will align with the time horizons of future Council Plans.



Delivery model

The Strategic Internal Audit Plan will be delivered by the in-house Internal Audit team. The service is committed to maintaining the strengths and benefits of operating as an in-house unit:

- Detailed knowledge of the activities of the Council
- Speed of response and flexibility
- Value for money
- Track record of delivering an effective in-house service meeting internal audit standards
- High quality advice and consultancy
- Commitment to the Council and support for the delivery of its priorities.

The service will continue to be outward-looking and keen to engage with its peers in other authorities, to look for opportunities for improvement. Central to this is its collaboration with Assurance Lincolnshire. The service will work to consolidate this partnership over the period of this strategic plan and to exploit every opportunity it offers to improve standards and value for money.



Understanding the Council's assurance needs

This Strategic Internal Audit Plan sets the medium-term framework within which the operational internal audit plans are designed and delivered. Internal Audit operates three Termly Plans in each financial year, covering the following periods:

- Term 1: April to July
- Term 2: August to November
- Term 3: December to March

This approach provides for the timely refresh of Internal Audit's priorities, ensuring the service is responsive to the changing risk profile of the Council. However, the service recognises the potential risk that a continuous focus on the short-term may lead to drift from its longer-term objectives and failure to deliver a balanced span of assurance. Accordingly, the **strategic priorities** for internal audit coverage over the period of this plan are the following:

a) To review the governance, risk management and control arrangements to deliver the council's objectives

The Council Plan is delivered by the Council's services, therefore this objective will be delivered through the risk-assessed priorities for the review of services in each Termly Plan. This is a significant element of the Strategic Internal Audit Plan, providing for the flexibility and responsiveness the Council requires to ensure audit coverage keeps pace with the changing risk profile of the organisation. This will be achieved through effective consultation with senior officers and members:

- With senior officers – scheduled termly slots at Corporate Directors' Strategic Leadership Team meetings and at Corporate Leadership Team meetings to discuss priorities for audit coverage in the coming term. These scheduled arrangements will also be complemented by ongoing and less formal liaison with Group Managers to update the service's intelligence about emerging risks.
- With members – each Termly Plan is scheduled for discussion and agreement at the Governance & Ethics Committee, affording members of the Committee with the opportunity to influence the service's coverage. In addition to this, the Group Manager – Assurance meets regularly and jointly with the Chairman of the Governance & Ethics Committee and the Committee's Opposition Group Lead to discuss governance issues. These meetings provide an opportunity for all Members to channel any suggestions for audit coverage through these lead Members.

Through these arrangements, timely and relevant assurance will be delivered to Members and Senior Officers.

b) To provide assurance that the Council's core systems and processes are operating effectively

The statutory duty of the Section 151 Officer, coupled with the PSIAS requirements for the Group Manager – Assurance, bring with them their own requirements for coverage by the Internal Audit service. These are focused on timely assurance that the Council's core systems and processes continue to be well controlled, governed and risk-managed. In order to ensure a balanced view of assurance is delivered over the life of the Strategic Internal Audit Plan, the following sets out a number of core systems and procedures that will be scheduled for coverage on a periodic basis, rather than on a pure risk basis, with all scheduled to be covered at least once during each strategic plan period.

- Corporate governance
- Business continuity
- Counter-fraud & counter-corruption
- Health & safety
- Information governance
- Risk management
- Service planning & performance management
- ICT external assurance
- ICT access controls
- ICT networks
- Learning, development & workforce planning
- Budgetary control
- Commissioning
- Employee controls - recruitment, remuneration, attendance management, etc
- Payment card industry (PCI) compliance
- Procurement to Pay
- Accounting clearing house
- Payroll
- Pensions
- Corporate financial management
- Accounts receivable
- Asset management

It is important to ensure assurance about the above processes is delivered in the most efficient and effective manner. Two particular approaches will be developed over the course of this strategic plan to pursue this:

- Assurance mapping – pro-actively using evidence available from 2nd and other 3rd line assurance providers to ensure Internal Audit's coverage is both targeted and complementary.
- Continuous auditing – working with 2nd line assurance providers to develop automated approaches to delivering exception reporting for action by 1st line managers.

The service liaises on a quarterly basis with the Council's external auditors, to ensure effective co-ordination of the total audit effort the Council receives.

c) To provide advisory and consultancy-style input to the Council's key developmental and transformation projects

This is required to maximise the timeliness with which Internal Audit is able to influence change within the Council. The Council needs Internal Audit to be a trusted advisor, helping to ensure transformation projects have appropriate governance, risk management and control designed in while change is happening rather than after the event

d) To assist the Council in implementing its Counter-Fraud & Counter-Corruption Strategy

The prevention and detection of fraud are the responsibility of management. However, Internal Audit has a key role to play in helping the Council to promote a strong counter-fraud culture. Strong arrangements for deterrence, coupled with robust preventative controls, should lead to fewer actual attacks that need to be detected and acted upon. Internal Audit is well positioned to take the lead in promoting the Council's Counter-Fraud and Counter-Corruption Strategy.



Deploying Internal Audit resources

Internal Audit has a number of tools at its disposal to deliver its objectives. Most notable are the following types of audit input and approach which will be priorities for deployment in delivering this Strategic Internal Audit Plan:

- **Risk based audit**

This is the primary means by which Internal Audit will deliver its objectives, being the approach deployed to review each prioritised area of service and activity in the Termly Plans. The approach features risk-based evaluation and testing of the control framework to ensure that each area of activity reviewed is well governed to deliver its objectives. This approach results in the delivery of an assurance opinion about the adequacy of governance, risk management and control procedures in a service area. This provides Members and Senior Officers with a clear, independent level of assurance about each area subject to audit. The profile of assurance opinions issued each year is a key contributor to the Group Manager – Assurance’s annual opinion.

- **Advisory & consultancy style input**

Advisory input will be provided in a scalable manner, ranging from formally scoped, consultancy-style pieces of work to the provision of ad hoc emailed or verbal advice in response to day-to-day requests from operational staff. Whilst Internal Audit is often approached by senior managers to become involved in significant, developmental projects, the service will also be pro-active in ensuring its involvement in key transformation programmes. Priorities for Internal Audit’s advisory input will be a feature of each Termly Plan, for consultation and agreement.

- **Counter-fraud**

In taking the lead on promoting a strong counter-fraud culture in the Council, Internal Audit will provide for time in each of its Termly Plans for the following:

- e) Preparing and publishing periodic updates across the Council about counter-fraud risks, developments, best practice and recent successes
- f) Taking the lead in compiling the Council’s Annual Fraud Report
- g) Acting as the key point of contact for the Council’s participation in the National Fraud Initiative and in other national and regional counter-fraud networks.

It is important for the service to deploy its resources to maximise its impact for the Council. To this end, the service will continuously review best practice tools and techniques to identify ways in which improvements may be made. For this strategic period, the following are the service’s priorities for development:

- **Data analytics: ‘Big Data = Big Assurance’**

The Service has an internal plan for the implementation of data analytics across all of its work. This will be developed through formal training for audit staff, where appropriate, along with a collaborative ‘show and tell’ approach to better use the analytical tools the service already has available. This will also embrace sharing experience with our collaboration partners, Assurance Lincolnshire, and through participation in regional and national internal audit networks. All audit staff will be encouraged to develop their competence and confidence in data analytic techniques. In this way, the Council will receive greater levels of assurance and greater insight into the effectiveness of its services.

- **Assurance mapping**

The service will continue to support the Council in its implementation of an annual assurance mapping process. The service will continue to take the lead in its design, implementation and reporting.

The benefits of this process for Internal Audit are recognised and will be applied in two key ways:

- In assessing priorities for Internal Audit coverage in each Termly Plan – intelligence available through the assurance map will be used to identify where there are gaps in assurance towards which Internal Audit should direct its efforts.
- During each audit assignment, evidence available from 2nd line and other 3rd line assurance providers will be identified and assessed for reliance purposes.

- **Continuous auditing**

Internal Audit will continue to work with 2nd line assurance providers, most notably with the Business Services Centre, to develop an approach to continuous auditing in the Council's core systems, which have a track record of delivering substantial levels of assurance. This will seek to establish a continuous and trusted flow of assurance to senior managers (and to Internal Audit), such that management attention is directed through automated procedures to deal with transactions falling outside of agreed tolerances. In this way, continued, high levels of assurance will be captured by means of automated processes, rather than by the deployment of Internal Audit staff. This approach is likely to be applicable to the Council's core systems and will release Internal Audit staff to be deployed on more complex priorities.



Maintaining quality and VFM

Successful delivery of this Strategic Internal Audit Plan relies fundamentally on the skills and abilities of the Council's Internal Audit Team. Priority areas for improvement are identified routinely through staff members' individual Performance & Development Reviews and more collectively through the service's annual Quality Assurance & Improvement Plan. Training requirements are identified through both of these routes, and these will be prioritised for delivery. In assessing which requirements to meet, consideration will be given to:

- The impact that new skills will have when deployed to deliver Termly Plans
- How widely new skills may be transferred to, and applied by, all staff in the team
- The relative costs and benefits of the training options available
- Opportunities to collaborate with Assurance Lincolnshire in the delivery of training.

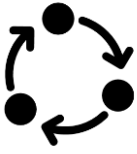
During the current Strategic Plan, the service will implement a revised staffing structure. This is designed to address a number of drivers for change:

- To streamline management capacity in the service
- To provide for improved flexibility and resilience in service delivery
- To implement an apprenticeship programme to provide for an internal flow of the skilled auditors the Council needs in the service.

The service will deliver its service in compliance with and in support of the Council's objective to provide cost-effective services. Priorities for this strategic plan period will be:

- Implementing the revised staffing structure to reduce the degree to which the service has to engage higher cost resources through external temporary worker agencies
- Exercising a cost-benefit approach to commissioning training

- Maximising use of the Council's smarter working tools and technologies to limit staff travel expenses.



Reviewing and reporting progress

Internal Audit reports on the outcomes of its work three times a year through its Termly updates. These are reported to the Corporate Leadership Team and to the Governance & Ethics Committee.

The third Termly Report each year also incorporates the Group Manager – Assurance's Annual Audit Report to the Council. That annual report presents an appropriate opportunity to assess progress with implementing this Strategic Internal Audit Plan and in assessing whether the plan needs to be revised in any way.

6 November 2019

Agenda Item: 8

REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE & IMPROVEMENT

INTERNAL AUDIT 2019-20 TERM 1 REPORT & 2019-20 TERM 3 PLAN

Purpose of the Report

1. To inform Members of the Head of Internal Audit's report on the work carried out by Internal Audit in Term 1 of 2019/20, to allow Members to consider whether they wish to receive any further follow-up reports.
2. To consult with Members on the Internal Audit Plan for Term 3 of 2019/20.

Information

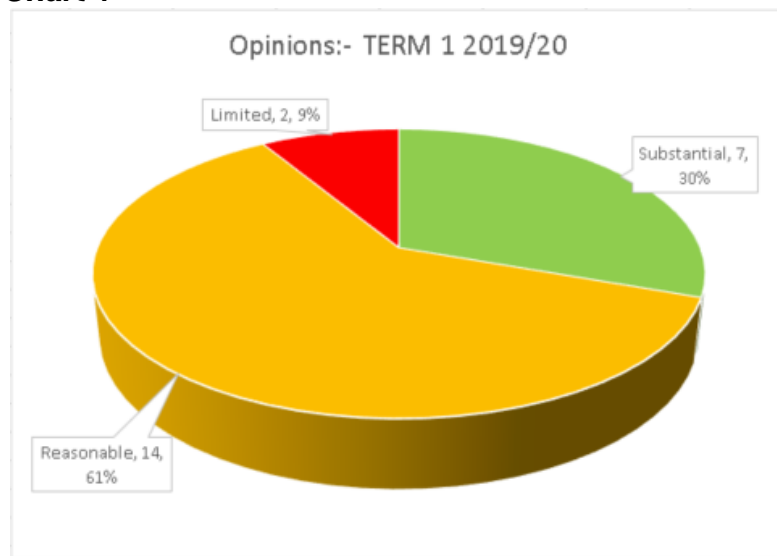
Internal Audit's work in Term 1 2019/20 – April 2019 to July 2019

3. In Term 1, a range of work was completed across the Council, covering the following key types of Internal Audit input:
 - Assurance audits, for which an audit opinion is issued
 - Advice and consultancy – often relating to key developments and initiatives
 - Counter-fraud – including the investigation of suspected fraud and whistleblower reports
 - Certification audits – generally small jobs to sign off returns and accounts

Audit assurance

4. The opinion-based assurance work is a key contributor to the Head of Internal Audit's year-end opinion on the adequacy of the Council's system of internal control. **Chart 1** shows the distribution of opinions issued in 2019/20 so far.

Chart 1



5. In terms of the work completed on the County Council's services and systems, **Chart 2** analyses the opinions by service area and level of assurance.

Chart 2

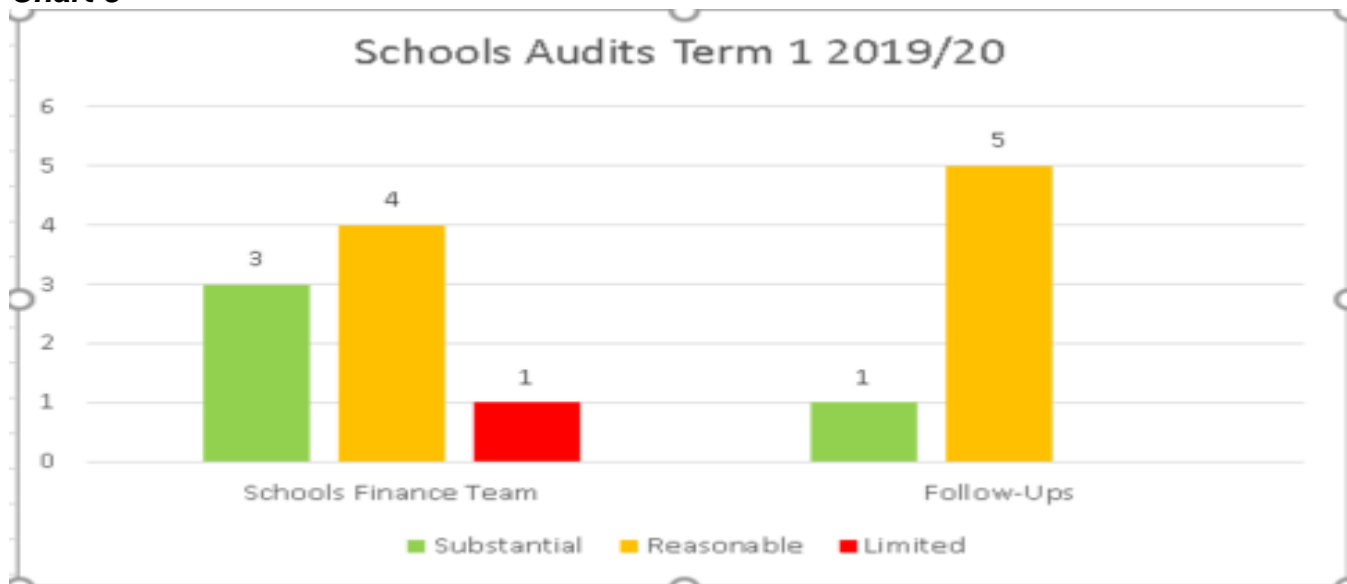
	LIMITED ASSURANCE	REASONABLE ASSURANCE	SUBSTANTIAL ASSURANCE
COUNCIL-WIDE	Contract Management	Sickness Management Business Continuity Action Tracking – follow-up of Audit recommendations	Assurance Mapping 2018/19 annual report Annual Governance Statement 2018/19
ASCH		Care Home Providers	
C&F			School Swimming
PLACE		Property Compliance	
CHIEF EXEC'S			

6. Internal Audit took the lead in compiling the Council's 2018/19 year-end assurance reports, and these delivered strong assurance of the effectiveness of the Council's overall arrangements for governance, risk management and control. Positive levels of assurance are also provided by most of the other audits reported in the term.
7. The 'Limited Assurance' opinion for contract management was both timely and complementary to developments initiated by the Group Manager – Procurement to strengthen the Council's framework and best practice approach in this important area for service delivery

and financial control. Internal Audit's recommendations were very well received and responded to, and they have helped shape the direction the Council is now taking.

8. The most recent report to the Governance & Ethics Committee in June 2019 on the follow-up of agreed audit recommendations presented a positive picture overall (categorised as 'Reasonable Assurance' above in **Chart 2**), but a decline in implementation rates was noted when compared with previous updates. This was particularly evident for Priority 1 actions, and a number of officers attended to update the Committee on progress in specific areas. The next update to Committee is scheduled for January 2020.
9. **Chart 1** incorporates opinions relating to school visits. Since April 2019, these are now undertaken by the Children's & Families' Finance Team, with Internal Audit completing follow-up work required from the visits in 2018/19. **Chart 3**, below, summarises the spread of assurance and follow-up opinions for reviews completed in Term 1.

Chart 3



Advisory input

10. Internal Audit continues to provide advisory input to developments in the Council. In Term 1, the following summarises the key areas of activity:
 - Cloud project – ongoing input to the project in relation to contracting and contract monitoring arrangements, and around the design of controls for continued service delivery and security
 - Mosaic system review – ongoing input to the review to ensure an appropriate focus on control and audit trails
 - Mosaic unallocated cases – report issued to assist in addressing concern over the level of unallocated cases in the system
 - HMRC pre-inspection review – a wide-ranging pre-inspection review to assist teams in Finance and the Business Services Centre understand likely areas of relative strength and weakness
 - 'Profile Tailor Dynamics' payroll monitoring software– work alongside the Business Services Centre as it develops the implementation and application of this continuous auditing software

- Councillors' Divisional Funds – advice to Democratic Services on the design and implementation of its routine audit regime to provide 2nd line assurance over the use of the funds.

11. Internal Audit's advisory input ensures that timely advice is delivered by the Section while new and changed systems are being designed and implemented, and it helps to maintain the influence the Section has to retain a proper focus on control issues. Informal feedback from senior officers continues to indicate that this type of input is valued.

Counter-Fraud

12. Internal Audit was active in the following aspects of its pro-active counter-fraud programme in Term 1:

- Annual Fraud Report 2018/19 – the report was presented to the Governance & Ethics Committee in June 2019
- National Fraud Initiative 2018/20 – Internal Audit co-ordinates the cross-Council effort to investigate matches flagged up by the Cabinet Office initiative
- National fraud alerts – screening and distributing to relevant sections alerts publicised by national fraud agencies.

13. In addition, Internal Audit was engaged to varying degrees in the following enquiries to investigate irregularity cases. The cases referred to remain in progress, therefore fuller details will be reported to Committee once the outcomes are finalised:

Area of service and nature of irregularity	Extent of Internal Audit's input
Adults, Social Care & Health	
Direct Payment Support Service Provider (Workwise) – shortfalls on service users' direct payment bank accounts and balances owed to NCC	Advice and support to service managers dealing directly with the provider
Direct Payments – 3 cases involving suspected misuse of funds	These are the subject of regular liaison meetings between Internal Audit and Adult Care Financial Services managers
Appointeeships – 2 cases of suspected theft of service user funds by carers. Both cases have been investigated by Nottinghamshire Police; one has been successfully prosecuted and the prosecution is proceeding in the other case.	Advisory input, working with service managers.
Deprivation of assets – suspected theft from a service user's personal bank account identified when conducting a financial assessment for long-term care. Under investigation by Northumbria police.	Advisory input, working with service managers.
Residential care – failure to notify NCC of a resident's death, resulting in overpayment	Advisory input to service managers who are investigating directly with the home concerned
Children's & Families	
Payment for work hours - unsupported claims by a member of staff for additional hours. Disciplinary hearing held – amount to be repaid.	Analytical input to support management's investigation and subsequent attendance at the hearing as a witness. Follow-up review and report to advise on improved controls.

Area of service and nature of irregularity	Extent of Internal Audit's input
Purchase cards – fraudulent use following external hack. Suspicious transactions identified and amounts recovered.	Advice on actions to be taken and confirmation of no suspicion of internal vulnerability
Chief Executive's Dept.	
Specialist equipment procurement – concern centred on the procurement route followed rather than evidence of fraud	Investigation and issue of report making recommendations to improve controls

14. In all cases, Internal Audit assesses whether the weaknesses in internal controls are a contributory factor to the issues arising and makes recommendations to management. The Fraud Risk Assessment is updated in light of both the pro-active and reactive fraud work.

Internal Audit Performance

15. **Appendix 1** sets out the following charts to depict progress against the Term 1 Plan, expressed in terms of the following:

- Inputs – the number of audit days delivered against the Term 2 plan. Each segment in the chart represents ¼ of the Termly Plan.
- Outputs – the number of jobs completed against the plan. Each segment in the chart represents ¼ of the Termly Plan.
- Productivity indicator – the target score is 1, indicating that all planned jobs have been completed on time and using the planned allocation of days.

16. The Section was fully staffed throughout Term 1 and was able to deliver very well against the planned number of days. This also enabled the Section to complete work carried over from the previous term and to make good progress with new audits.

17. The appendix also provides an update on the Section's performance in Term 1 against its key indicators. A good level of performance is presented.

Proposed Internal Audit Plan for Term 3 2019-20

18. Internal Audit has carried out updated consultations with senior managers (through the Corporate Leadership Team and the Departmental Senior Leadership Teams). Regular slots at these meetings are booked in on a rolling basis to coincide with the schedule agreed for the termly plans.

19. Audit plans are determined on a risk basis, as required by the Public Sector Internal Audit Standards (PSIAS). As part of the planning process, account is taken of external sources of assurance, including the work of external inspectorates. Where audits are planned, pre-audit work will also include discussion with managers over sources of assurance that can be relied upon, to prevent duplication. Account will also be taken in future Terms of any significant implications arising from the pilot work on assurance mapping, which continues to progress.

20. Plans are compiled in accordance with PSIAS and they represent the Section's assessment of the key areas that need to be audited in order to satisfy the Authority's statutory responsibility to undertake an adequate and effective internal audit of its accounting records and its system of internal control. The Section's aim is to complete sufficient work to express an overall, annual opinion on the adequacy and effectiveness of the Authority's internal control

systems. The annual opinion for 2019/20 will be expressed in the scheduled update report in July 2020 and will take account of assurance delivered from all of Internal Audit's work over the three Terms in 2019/20, along with assurances available from other sources.

21. The Termly Plan is based on an Audit Risk Assessment to identify the priorities for audit coverage. Each area of activity in the Council is assessed in terms of the following factors:

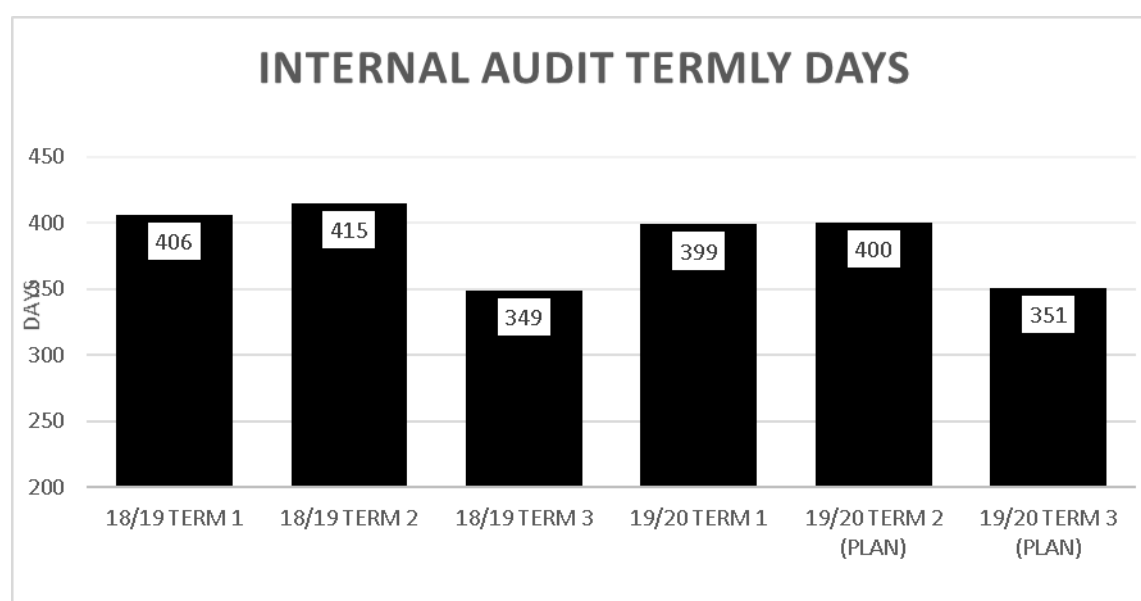
- Value and volume of transactions involved with the activity
- The known level of internal control in place (from previous audits)
- The value of cash and bank transactions
- The relative complexity of the activity
- Whether the activity is stable or subject to change
- How sensitive the activity is for the Council among its key stakeholders
- The number of sites where the activity is carried out.

Using an established system of scoring and weighting the above factors, the Needs Assessment arrives at a high/medium/low risk-rating for each area of activity.

22. **Appendix 2** sets out details of the draft coverage by Internal Audit for Term 3, and it is summarised in the following table.

Department	Days	Number of Audits			
		High Priority	Med Priority	Other	Total
Council-wide	177	5	1	6	12
Children & Families	51	-	4	-	4
Adult Social Care & Health	48	-	2	-	2
Place	35	2	2	-	4
Chief Executive's	40	1	1	-	2
Total	351	8	10	7	24
External Clients (Notts Fire & Rescue Service)	34				
Grand Total	385				

23. The chart below shows the trend in the number of actual days delivered in recent terms.



24. Term 3 will be a period of transition for the Internal Audit Team, as it implements and beds in the revised structure approved by Committee in September 2019. It will also be a period in which it anticipates recruiting its first apprentices. Time is being built in to the plan for the design and delivery of a training and development programme for the new entrants, and it is expected that this will necessarily be resource-heavy in the early months. The service will again benefit from its collaboration with Assurance Lincolnshire, with two audits being scheduled for delivery by our partners.

Other Options Considered

25. The Audit Section is working to the Public Sector Internal Audit Standards during 2019/20. This report meets the requirement of the Standards to produce a risk-based plan and to report the outcomes of Internal Audit's work. No other option was considered.

Reason/s for Recommendation/s

26. To set out the Report of the Group Manager – Assurance for Term 1 of 2019/20, and to propose the planned coverage of Internal Audit's work in Term 2 of 2019/20, providing Members with the opportunity to make suggestions for its content.

Statutory and Policy Implications

27. 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.

Individual audits completed and in the proposed Termly Plan may potentially have a positive impact on many of the above considerations.

Financial Implications

The Local Government Act 1972 requires, in Section 151 that the Authority appoint an officer who is responsible for the proper administration of the Council's financial affairs. The Service Director for Finance, Infrastructure & Improvement is the designated Section 151 officer within Nottinghamshire County Council. Section 6 of the Accounts and Audit Regulations 2011 requires Local Authorities to undertake an adequate and effective internal audit of its accounting records and of its system of internal control. The County Council has delegated the responsibility to maintain an internal audit function for the Authority to the Service Director for Finance, Infrastructure & Improvement and Section 151 Officer.

RECOMMENDATION/S

- 1) Arising from the content of this report, Members determine whether they wish to see any actions put in place or follow-up reports brought to a future meeting.
- 2) That Members consider whether the planned coverage of Internal Audit's work in Term 3 of 2019/20 will deliver assurance to the Committee in priority areas.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement and Section 151 Officer

For any enquiries about this report please contact:

Rob Disney

Group Manager - Assurance

Constitutional Comments (LW 09/10/2019)

28. Governance & Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments (SES 04/10/19)

29. 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

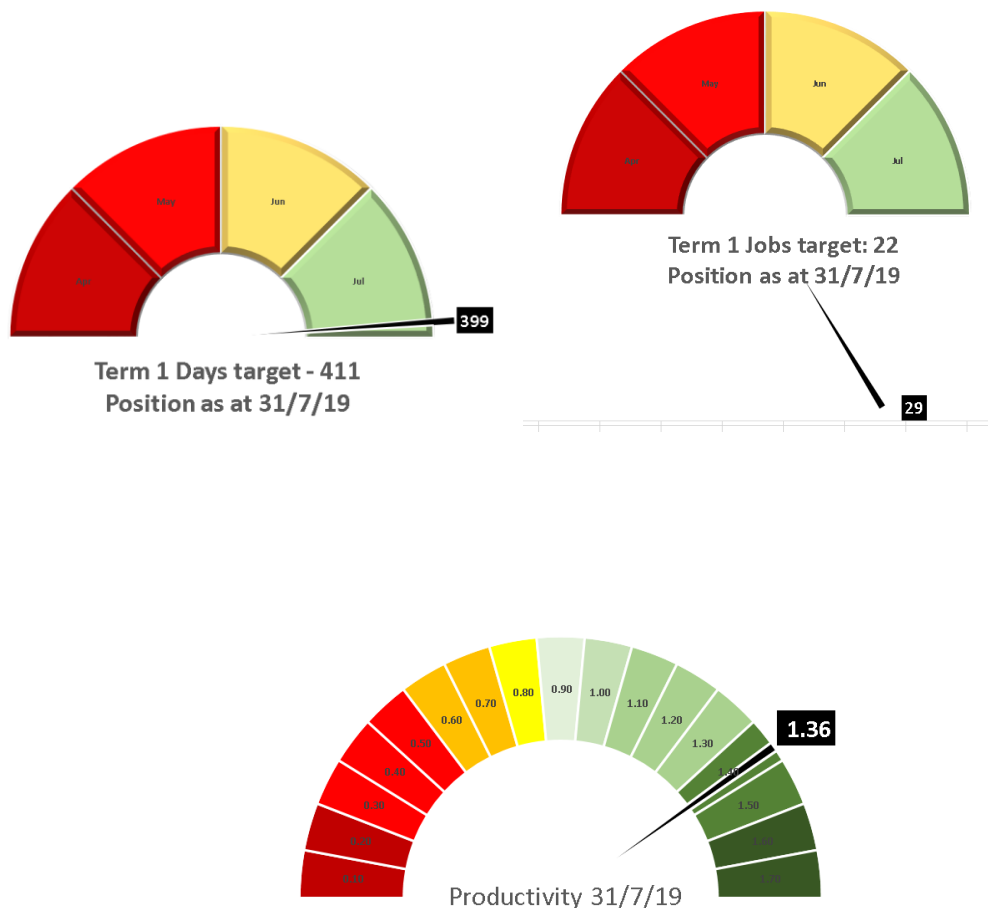
Electoral Division(s) and Member(s) Affected

- All

APPENDIX 1

INTERNAL AUDIT PERFORMANCE IN TERM 1 2019/20

Delivery of the Term 1 Plan



Key Performance Indicators

Performance Measure/Criteria	Target	Outcome in Term 1
1. Risk-aware Council		
Completion of Termly Plan - Days	90%	✓ 97%
- Jobs	90%	✓ 132%
Regular progress reports to:		
- Departmental Leadership Teams	1 per term	✓ Completed
- Corporate Leadership Team	1 per term	✓ Completed
- Governance & Ethics Committee	1 per term	✓ Completed
Publication of periodic fraud/control awareness updates	2 per annum	✓ Annual Fraud Report 2018/19
2. Influential Audit Section		
Recommendations agreed	95%	✓ 100%
Engagement with the Transformation agenda	Active in 5 key projects during the year	✗ Active in 2 so far in 2019/20
3. Improved internal control & VFM		
Percentage of Priority 1 & Priority 2 recommendations implemented	75%	✗ 56% Priority 1 ✓ 79% Priority 2
(as at May 2019 update for 2017/18 actions)		
4. Quality measures		
Compliance with the Public Sector Internal Audit Standards (PSIAS)	Compliance achieved	✓ Head of Internal Audit's self-assessment against PSIAS for 2018/19

Performance Measure/Criteria	Target	Outcome in Term 1
Positive customer feedback through Quality Control Questionnaire (QCQ) scores	Feedback good or excellent (where a score of 1 is excellent and a score of 2 is good)	✓ 1.3

Internal Audit Plan: Term 3 – 2019/20								
Area of activity	Priority Level	Job count	Days planned and nature of audit coverage				Likely scope	
			Assurance	Advice/ Consultancy	Counter- Fraud	Certification		
Council-wide areas								
Access management (continued)	H	1	5				Review of processes for giving, changing and removing access to resources.	
Financial resilience (continued)	H	1	5				Self-assessment of NCC position and practice against the key issues identified in the Northamptonshire CC best value inspection report.	
Service planning and performance management (continued)	H	1	15				Review the council's arrangements for performance management	
Mosaic Systems Review (continued)	H	1	15				Advisory input to Mosaic Systems Review as required, to ensure the preservation of controls and audit trails	
Risk management	M	1	15				A report is being prepared for consideration by CLT which would change how strategic risk is managed by the Council. The likely scope of an audit would embrace this, in light of current standards and frameworks, including from the Institute of Internal Auditors.	
Third Party Risks	M	0 (expected T1)	10				The Council's approach to managing its arrangements for service provision by third parties, based around guidance developed by the Institute of Internal Auditors	
Learning, Development & Workforce Planning	M	0 (expected T1)	5				Review completion of EDPR processes used to drive employee and departmental development. Examine how workforce planning is coordinated across the council to determine budgets for workforce requirements.	
Already issued drafts awaiting responses and final issue			2					
Action tracking		1	25				Quarterly action tracking	
Major transformational projects		2		10			As agreed, advisory input on specific projects that have a particularly significant impact on the control environment, or those inviting a gateway review. This could include the Digital Development Programme.	
Pro-active counter-fraud – NFI 2018-20 - Review of Matches	H	1			5		Review and report on the completion of Recommended matches by the Key Contacts within departments for Cabinet Office	
Fraud alerts		1			1		Review and dissemination of fraud alerts from national counter-fraud agencies	
Financial irregularities - investigations and lessons learned		2			20		Responding to financial irregularities	
Assurance mapping & Statutory Officer updates		0 (expected T1)	30				Consultation on assurance mapping for 2019/20 and quarterly update of Annual Governance Statement	
Governance & Ethics Committee				10			Preparation of planning and progress reports, attendance at Committee meetings	
Risk, Safety & Emergency Management Board				1			Head of Internal Audit attendance at RSEMB meetings	
Client management				3			Planning and termly progress reports to Corporate Leadership Team	
Sub-Totals			127	24	26	0		

Area of activity	Priority Level	Job count	Days planned and nature of audit coverage				Likely scope
			Assurance	Advice/ Consultancy	Counter- Fraud	Certification	
Grand Total		12	177				
Children and Families							
External Placements (continued)	M	1	5				Operating model; commissioning; placement agreements and contract management; payments; health and education contributions; budgetary control
Early Years Education Funding (continued)	M	1	10				Alignment with national and local requirements; control over capital and revenue expenditure; market management, registration and inspection; data submission and payments
Post 18 Placements - Staying Put policy (continued)	M	1	10				Of concern to C&F leadership is the delivery of 'Staying Put' Policy, and the financial impact and opportunity costs arising from it. The likely scope will embrace the control environment in light of that
Adoption allowances	M	1	15				Financial controls over adoption allowances and inter-agency payments
SEND top-up funding	M	0 (expected T1)	5				Controls over the devolution to schools and academies of top-up funding for C&YP with SEND, most notably High Level Needs and Additional Family Needs funding
Already issued drafts awaiting responses and final issue			3				
Client management				3			Planning with, and termly progress reports to, Senior Leadership Team.
Sub-Totals			48	3	0	0	
Grand Total		4	51				
Adult Social Care and Health							
Deputyships and appointeeships (continued)	M	1	10				Application decisions and capacity; compliance with legal and regulatory requirements; accounting arrangements; management of client income (appointeeships); management of client finances and property (deputyships); fees and loans; deceased client affairs
Integrated Care Systems	H	0 (expected T1)	10				Overview that ACSs have been set up and developed in accordance with national guidance and local agreements, and NCC's interests are being protected and served.
Continuing healthcare	M	1	15				Arrangements for service users eligible to partial or 100% healthcare funding, encompassing funding assessments and agreements, recoupment and budgetary control.
Housing With Care (advice continued/assurance audit to start)	M	0 (expected T1)	5				Governance and delivery of strategy; business cases for new schemes; commissioning and procurement of providers of approved schemes; commissioning of service users into places; financial control and information
Already issued drafts awaiting responses and final issue			2				
Audit meetings with ACFS - financial irregularities					3		Regular liason to address concerns of misuse of direct payments, and other possible financial abuse involving service users

Area of activity	Priority Level	Job count	Days planned and nature of audit coverage				Likely scope
			Assurance	Advice/ Consultancy	Counter- Fraud	Certification	
Client management				3			Planning with, and termly progress reports to, Senior Leadership Team.
Sub-Totals			42	3	3	0	
Grand Total		2	48				
Place							
Strategic management of property estate (continued)	H	1	5				Review delivery of strategic property plans including the use of assets to generate income and the expected level of capital receipts. Controls in place to deliver effective asset utilisation and management including the projection of vacant properties.
Section 106 and 278 agreements (continued)	H	1	5				Provide assurance on the systems and processes in place to monitor and manage developer contributions. Review systems in place to work with Districts and how we ensure we maximise the contribution received.
Transport and Travel Services (continued)	M	1	5				Review the arrangement in place to provide Transport and Travel services from the procurement of services, processing of request and the financial savings achieved
Trading Standards Enforcement (continued)	M	1	5				Review case management processes to ensure that cases identified follow the appropriate route to the established enforcement requirement.
Trading Standards Sanctions & Compliance	M	0 (expected T1)	10				Review processes for the consistent application of sanctions to cases ensuring compliance with established sanction requirements.
Already issued drafts awaiting responses and final issue			2				
Client management				3			Planning with, and termly progress reports to, Senior Leadership Team.
Sub-Totals			32	3	0	0	
Grand Total		4	35				
Chief Executive's							
Cloud computing (continued) / Data Centre	H	1		10			Review controls in place for contracting cloud services, contract monitoring arrangements and for continued service delivery and security. This will include the residual data centre provision at County Hall; in particular the physical and environmental control requirements.
Active Directory	M	1	15				Review internal controls in place to ensure that the robustness of the directory is maintained.
Change and release	M	0 (expected T1)	5	5			To review the controls that will apply to systems and services at the conclusion of the Cloud Computing programme. There are likely to be differences in the arrangements in place for the various delivery models (Software as a Service, Infrastructure as a Service, Co-location and In-house provision)

Area of activity		Priority Level	Job count		Days planned and nature of audit coverage					Likely scope
					Assurance	Advice/ Consultancy	Counter- Fraud	Certification		
Already issued drafts awaiting responses and final issue					2					
Client management						3				Planning with, and progress reports to, Senior Leadership Team.
Sub-Totals					22	18	0	0		
Grand Total			2		40					
Sub-Totals					271	51	29	0		
Grand Total			24		351					

6 November 2019

Agenda Item: 9

REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE & IMPROVEMENT

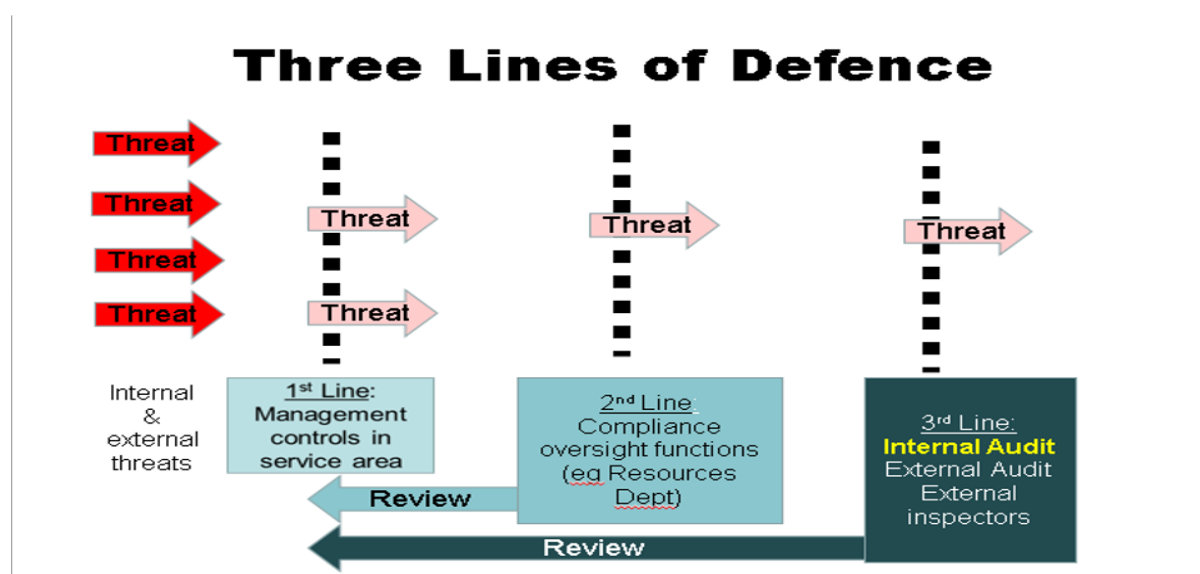
ASSURANCE MAPPING UPDATE 2019/20

Purpose of the Report

1. To update Members on the continued rollout and progress of Assurance Mapping now that the pilot stage approach has been completed.

Information

2. Members approved a pilot approach to assurance mapping at the meeting on 1 February 2018, to be conducted in a four-stage process as depicted in **Appendix 1**. The first areas of Assurance Mapping (Finance, Risk and Performance management) have been completed and the results were reported to members on the 1 May 2019.
3. We are now expanding the Assurance Mapping to two new areas, People Management and Asset Management. We will work through the four stages of the process, to identify the key sources of assurance available to the Council for each of the KLOEs across each of the three lines of defence:



4. The mapping exercise is being conducted through consultation with senior management and leadership teams. Draft KLOE's for the two new areas were shared with Adults, Children's Place and the Chief Executives management teams and their feedback was incorporated into refined versions.
5. The addition of People and Place Assurance Maps increases the coverage and as a result the assurance that CLT and the Governance and Ethics Committee can take from this exercise. The four-stage annual process will continue with updates for the existing areas and first time reporting for People and Assets. These reports and updates will set out the range of assurance sources identified for each of the KLOEs across the three lines of defence. In particular, they present the opportunity to identify one or other of the following possibilities:
 - Gaps in assurance, for which consideration might be given to establishing additional controls
 - Duplications, which might prompt a redirection or reduction in the extent of assurance effort.
 - Confidence that assurance and controls are in place for key Council systems and processes.

The current assurance map with two new areas Asset and People Management highlighted in black bold.



- a) The two new KLOE's are attached in **Appendix 2**, for information.
6. The stages of the process are to gather evidence from the sources of assurance identified in Appendix 2 (the KLOE's) and to present the findings in the form of an annual assurance report. These stages will be carried out in the final quarter of the year, with a view to presenting the annual report alongside the draft Annual Governance Statement at the Committee's meeting in May 2020.
7. The scope of the engagement has also incorporated trigger areas identified from attendance at the Public Sector Audit Appointments – Local Audit Quality Forum, further details of which are separately reported on today's agenda. Members will be updated with the outcomes from each phase as they become completed.

Other Options Considered

8. The pilot approach to assurance mapping was agreed by the Governance & Ethics Committee in February 2018. Regular updates on progress with the pilot are providing the opportunity to consider whether amendments to the approach are needed.

Reason/s for Recommendation/s

9. To provide timely feedback on whether the agreed approach is likely to deliver the assurances that Members wish to receive as part of the annual report.

Statutory and Policy Implications

10. 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.

The assurance map aims to deliver a comprehensive assessment of the effectiveness of the Council's governance, risk and control framework. This will provide assurance relating to many of the considerations listed above.

RECOMMENDATION/S

- 1) Members agree that the Committee receives a further updates and annual reports on Assurance Mapping following completion of the two new areas, People and Assets and to consider at that time recommendations for its future development.

Nigel Stevenson
Service Director for Finance, Infrastructure & Improvement

For any enquiries about this report please contact:

Rob Disney
Group Manager - Assurance

Constitutional Comments LW 09/10/2019

11. Governance & Ethics Committee is the appropriate body to consider the content of the report.

Financial Comments [RWK 07/10/2019]

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

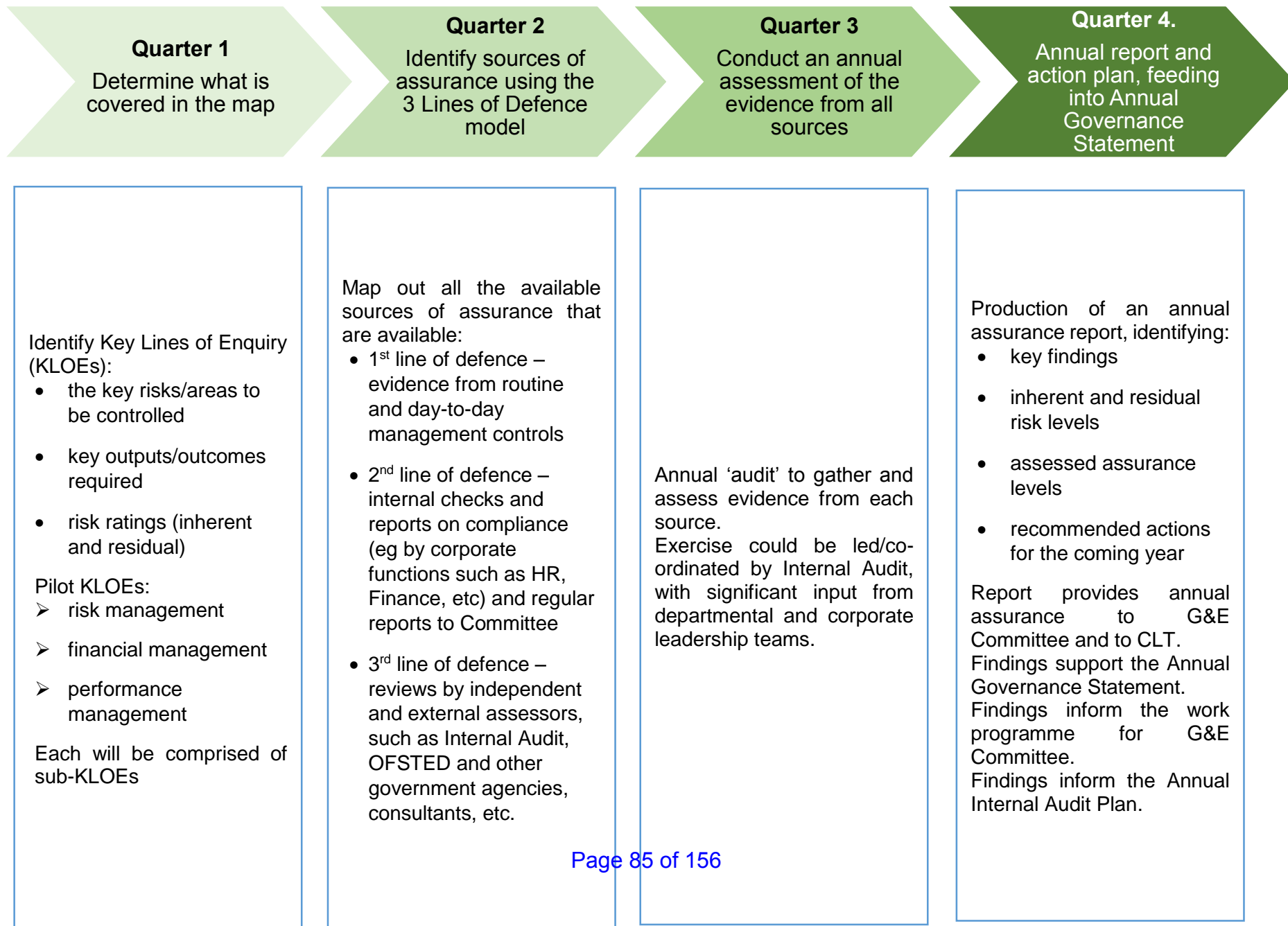
Background Papers and Published Documents

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



11KLOE Fixed Property Assets Service Estate	1 ST Line of Defence	2 ND Line of Defence	3 RD Line of Defence
<p>The Council holds the fixed assets it needs, in the right quantities and at the optimum cost.</p> <p>The Council knows it owns, assets are safe suitable and sufficient.</p> <p>There are long term plans to look after the estate.</p>	<ul style="list-style-type: none"> • The Council has full records of assets held. • Service managers comply with Asset Management Strategies and policies inc - asset acquisitions, holdings, surplus and disposals. • Strategic forward plans for Asset management are maintained • Asset Management Plans are in place. • Service Asset Management Plans provide realistic cost-benefit assessments. • Comprehensive records management and accurate complete data on systems for Title deeds, registers and inventories. • Occupancy rates and targets are monitored and reported. • Maintenance works are completed promptly to maximise asset availability • Maintenance meets minimum quality standards • Maintenance costs are within approved budgets. 	<ul style="list-style-type: none"> • Regular reporting to committee and senior management on the asset portfolio. • Key performance data regularly reported to senior managers and committee. • The effective use of legal services to support property asset outcomes. • Clear governance from property project boards, committee and leadership teams. • Alignment of projects, transformation and development of property services. • Updates and reconciliation to finance plans and projections. • Turner Townsend consultancy output • Key performance data regularly reported to senior managers and committee. • Established governance and clarity on decision making process. 	<ul style="list-style-type: none"> • Audit last 3 years • Ombudsman review of land disposal (final report expected in 2019/20) • External Audit of Accounts • Land Registry records align to the Councils.

	<ul style="list-style-type: none"> • Ratio of programmed to responsive repairs meets best practice guidelines • Staff capacity and capability is adequate. • There is effective management of rented out properties. • Income is collected, reconciled and reported on. • 	<ul style="list-style-type: none"> • Turner Townsend consultancy output 	
<p>Measures are in place to ensure the upkeep and condition of assets.</p> <p>Assets are held securely.</p>	<ul style="list-style-type: none"> • There is Insurance coverage which remains up to date in line with changes to assets and asset use. • Stock condition surveys are regularly completed and provide meaningful information. • Action plans in place to address survey results • Valuations are regularly updated • Security standards are applied and monitored. • Breaches of security, vandalism and damage are recorded and resolved. • Property compliance rates are high 	<ul style="list-style-type: none"> • Exception reporting • Annual Insurance renewal. • In year insurance charges recorded. • Performance reporting on stock condition. 	<ul style="list-style-type: none"> • Audit last 3 years • 3-5-year valuation report from external provider.

KLOE	1 st Line	2 nd Line	3 rd Line
People Management			
Staff work in a safe environment	<p>Health & Safety policies and procedures are complied with at operational level</p> <p>Incidents are recorded, reported and reviewed.</p>	<p>Health & Safety Policies are kept up to date to comply with legislation and best practice and are publicised</p> <p>Regular audits undertaken by the Health & Safety Team</p> <p>Health & safety related litigation and fines are monitored and reported by the Risk & Insurance Team</p> <p>Committee and Leadership Teams performance reporting.</p> <p>Routine monitoring and reporting to the Risk, Safety & Emergency Management Groups and Risk, Safety & Emergency Management Board</p>	<p>Internal Audit reviews</p> <p>HSE reports – Stress / Accidents and follow up recommendations.</p> <p>Regular BSI reports on health & safety.</p>
Staffing capacity and skills are sufficient to deliver the Council's objectives	<p>Workforce plan is implemented at service level</p> <p>Application of VCDR process</p> <p>Carrying out 1:1 meeting, EPDRs and delivery of training & development</p> <p>Management monitor, report and benchmark on key workforce targets and outcomes -</p>	<p>Periodic monitoring reports to Personnel Committee on progress with the Workforce Strategy; such as: vacancies, skills shortages and recruitment difficulties</p> <p>HR policies, procedures and guidance are reviewed and communicated to staff</p>	<p>Internal Audit reviews</p> <p>LGA Corporate Peer Challenge</p> <p>Other external quality inspectors (IIP?)</p>

	<ul style="list-style-type: none"> • Vacancies • Completion of training • Completion of EDPRs • Staff turnover rates • Staff satisfaction and morale <p>There is an up to date risk register and service plan</p>		
Staff are motivated to perform well in their roles	<p>Day-to-day management of operational staff</p> <p>Taking action to address incidents of non-compliance with HR policies and procedures</p> <p>Application of equalities policies and procedures</p>	<p>Routine reporting to Personnel Committee on key indicators, such as: sickness levels, staff grievances and complaints</p> <p>Monitoring and review of incidents of non-compliance with policies and procedures</p> <p>Staff satisfaction surveys</p> <p>Gender pay gap is monitored</p> <p>Workforce diversity statistics</p>	<p>Stonewall equality index and Disability Confident assessment are monitored.</p>
Staff performance is delivered at an affordable level of cost	<p>Routine scrutiny of performance delivery and budgetary control</p> <p>Staff costs are benchmarked to comparable councils</p> <p>Smarter working Flexible working / programmes are in place</p>	<p>Monthly performance reporting to ECLT</p> <p>The MTFs takes account of staffing to meet changed demands for services.</p> <p>Spending on agency staff is managed and reported</p>	<p>Internal Audit reviews</p> <p>LGA Corporate Peer Challenge</p> <p>Ofsted inspections?</p>

6 November 2019**Agenda Item: 10****REPORT OF THE MONITORING OFFICER****REVIEW OF COUNCIL CONSTITUTION****Purpose of the Report**

1. To consider proposed revisions to the procedure rules for meetings of Full Council and County Council committees.

Information

2. At its meeting on 16 May, County Council commissioned the Monitoring Officer to undertake a review of the Council's Constitution, subject to Governance and Ethics Committee approving the scope of the review and having oversight of the project throughout.
3. The objective of the review is to modernise the document and ensure it is clear and user-friendly for all and facilitate the smooth and efficient running of meetings to ensure that business is completed wherever possible. Governance and Ethics Committee considered the scope of the review at its meeting on 12 June; it was agreed that particular emphasis be given to Full Council and Committee procedure rules, in the first instance. As a result, the initial stage of the work has focussed on these elements.
4. An officer working group has been established to undertake this work and present proposals for discussion at Governance and Ethics Committee. Initially this involved identifying a set of principles to underpin the review. These include:
 - Ensuring legal compliance and sound decision making
 - Following the principles of democracy
 - Good meeting planning and management to ensure Council business is transacted
 - Efficient and more business-like meetings
 - Value for money
 - Modernisation of the Council's Constitution to reflect best practice
 - Ensuring the Constitution is clear, unambiguous and easy to use and understand for all.
5. Work on the other aspects of the review is ongoing and will result in further reports to Committee for consideration as work packages are progressed and completed. Subsequent phases of work will involve review of the scheme of delegation to officers and aspects of the financial regulations. Members of the Committee have also requested that Committee terms of reference and the operation of Committees be considered as reflected in the Peer Review feedback. It is also intended to undertake a more in-depth review of the Pensions Board and Pensions Committee and their operation in relation to the Local Government Pension Scheme across the whole of Nottinghamshire.

Council Procedure Rules

6. The officer working group has now completed a review of the meeting procedure rules for Full Council and County Council committees. Feedback from County Councillors and Officers that has been gathered over time has been taken into consideration in undertaking this work. Discussion has also taken place with some group leaders and group business managers for the main political groups as well as non-aligned and independent Councillors.
7. A benchmarking exercise and comparison with other local authorities has been undertaken to identify best practice and learn from other local authorities. This is reflected in the proposals. The best practice recommendations from the most recent report of the Committee for Standards in Public Life have also been considered. Where necessary legal advice has been sought to provide clarification on specific aspects of the Constitution.
8. A 'tracked changes' version of each set of procedure rules has been prepared; attached to this report as **Appendices 1 and 2** for discussion and consideration by the Committee. For ease of reference, 'clean' amended versions of these, incorporating the proposed changes, are also attached as **Appendices 3 and 4**.
9. A summary of the main changes proposed is as follows: -
 - a. a more structured meeting agenda, setting time limits for each section of the agenda to enable the business to be concluded at that meeting wherever possible;
 - b. criteria for motions and questions, to enable a clear understanding of what a valid motion and question is.
 - c. supplementary questions to Committee Chairmen and to the Chairman of the Fire Authority to be reduced to one supplementary question from the original questioner only, to provide adequate time for questions to be answered during the time allotted;
 - d. the removal of an adjournment debate in response to questions, as this has been under-used and has no clear outcomes for the debate when used. This provision does not feature in the constitutions of many councils;
 - e. the time limit for speeches during a debate to be reduced from 10 minutes to 5 minutes (from 20 minutes to 10 minutes for the budget debate) to enable more speakers during a debate.
 - f. To enable better management of the time limits for each section the following changes are proposed:
 - Constituency speeches section reduced to 15 minutes, which allows up to five speeches per meeting. There have not been more than five speeches per meeting in the last two years;
 - Petitions section to have a time limit of 15 minutes, allowing a maximum of 15 petitions to be presented, however if more petitions are received, any not presented within the time limit to be accepted by the Chairman en bloc to enable the petitions to be passed to the relevant Committee for consideration without delay;
 - Business reports to have a time limit of 60 minutes in total to enable good management of the meeting;
 - Question time to have an overall time limit of 60 minutes, with up to 15 minutes for questions to the Fire Authority Chairman and up to 45 minutes for questions to Committee Chairmen; and

- Motions will have until no later than the final time limit for the meeting (5.30pm), with the final item under discussion being moved to the vote at 5.15pm if not before, to ensure the item is concluded before the end of the meeting.

10. Members' views are sought on the proposed changes and any suggestions for changes before the revised documents are submitted to Full Council for approval.

11. Officers are now working on the next elements of the Constitution Review, including the scheme of delegation to Officers and the terms of reference for Committees to ensure clarity and to manage business effectively throughout the system. Work is also underway in relation to Committee processes and procedures to ensure greater consistency of approach and in the quality and standard of reports. A further report will be brought to a future meeting of Committee for discussion. Members of the Committee may wish to keep this work under review and identify additional items for consideration as part of the work programme going forward.

12. A separate report will be brought to Committee in relation to the Council motion on the recording and broadcasting of meetings. Work is currently underway to review the approach and learning from other Councils and explore and cost a range of potential options.

Other Options Considered

13. Alternative proposals which could be considered include:

- a. No change could be considered but Full Council has commissioned the work and there appears to be broad agreement that some changes are required to clarify and tighten up the rules.
- b. It might be possible to review all aspects of the Constitution at once rather than the phased approach focussing on priority areas first which was previously agreed. This would result in delay in implementing some of the changes which Committee felt were most important.
- c. Limiting the duration of Council meetings to just 3 hours which is an approach adopted by a number of authorities. It is suggested that this may result in insufficient time for consideration and debate of all relevant items on a County Council agenda.
- d. Limiting the time available for any Motion to a maximum time (e.g. 30 minutes). This may unnecessarily limit the time available for debate on an item.
- e. Limiting the number of motions per political group, independent or unaligned Councillors.
- f. Limiting the time allowed for Committee Chairs to respond to an individual question to ensure that more questions are dealt with in the meeting. This would need to be balanced with ensuring enough time is allowed for a full and sufficiently detailed answer to be provided.
- g. Leaving the time limit and arrangements for the Annual Budget Meeting as they are currently.
- h. Ensuring that adequate support is provided to the Chairman in managing Full Council meetings.

Reason/s for Recommendation/s

14. To modernise the County Council's Constitution, ensuring it is clear and user-friendly for all; to facilitate the smooth, efficient and more business-like running of meetings.

Statutory and Policy Implications

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

RECOMMENDATION

- 1) That Committee considers the draft revised Full Council Procedure Rules and Committee Procedure rules as set out in Appendices 1 and 2 and identifies any potential amendments for further consideration prior to referral to Full Council for adoption.

Marjorie Toward

Service Director Customers Governance and Employees, and Monitoring Officer

For any enquiries about this report please contact:

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0115 9774835

Constitutional Comments (HD – 04/10/2019)

16. Governance and Ethics Committee has the authority to consider the recommendations within the report. Any changes to the Constitution are subject to approval by Full Council.

Financial Comments (SES 16/10/19)

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

Background Papers and Published Documents

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

- Report to County Council 16 May 2019 ([published](#))
- Report to Governance and Ethics Committee 12 June 2019 ([published](#))
- Nottinghamshire County Council Constitution ([published](#))
- Report to Policy Committee 18 October 2019 (published) *insert Ink*

Electoral Division(s) and Member(s) Affected

- All

APPENDIX 1 – ‘TRACKED CHANGES’ VERSION **INCORPORATING PROPOSED CHANGES**

PART A – PROCEDURE RULES FOR MEETINGS OF THE FULL COUNCIL

INTRODUCTION

1. The County Council has four types of Full Council meetings:-
 - a. ordinary meetings – these meetings run throughout the year to carry out the business of the Council;
 - b. the annual meeting – usually held in May. In addition to the business of an ordinary meeting the annual meeting elects the Chairman and Vice-Chairman of the County Council who hold the posts until the annual meeting the following year;
 - c. the annual budget meeting – usually held in February to agree the Council's budget for the following financial year. This meeting generally only considers the budget reports; and
 - d. extraordinary meetings – meetings arranged outside of the schedule of ordinary meetings.
2. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly to enable sound decision-making in line with Wednesbury principles and to ensure that the business of the Council is undertaken effectively and efficiently.
- 4.3. Councillors are responsible for ensuring their behaviour reflects the Nolan Principles in relation to Standards in Public Life and that they comply with the Procedure Rules and the Code of Conduct for Councillors and Co-Opted Members at all times. Members are generally expected to be in attendance in their allocated seat for the duration of the meeting. During the meeting, the Chairman's ruling on behaviour is final.
- 2.4. So far as the law allows, any of these rules may be suspended at any meeting of the Full Council, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.
- 3.5. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.
- 4.6. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraph ~~89-103~~ below.

ARRANGEMENTS FOR MEETINGS

- ~~5. Full Council meetings are normally held every 8 weeks on a Thursday. Meetings normally start at 10.30am.~~
- ~~6. The agenda and papers for meetings of the Full Council must be available at least five clear working days before the meeting.~~

7. Meetings of the Full Council, including the budget meeting, will not continue beyond 5.30 pm ~~unless it appears to the Chairman that the meeting will finish shortly after that time. If the meeting is not likely to conclude before that time the matter under debate at 5.15pm will be moved to the vote to allow the meeting to conclude by 5.30pm.~~ Any remaining business will be held over ~~until~~ the next available meeting and will be the first item in the relevant section of the agenda. ~~The annual budget meeting will continue beyond 5.30 pm if necessary but not beyond 8.00pm. If the meeting has not concluded before that time a vote will be taken on the budget at 8.00pm and the budget will not be carried forward as an item to the next available meeting.~~
8. ~~The annual meeting of the Full Council is normally held each May.~~
9. ~~The County Council's annual budget will normally be considered at the February meeting.~~
- 10.8. ~~A special meeting will be arranged if the Chairman of the Council, the Council Leader, or any five County Councillors request such a meeting. A Special Meeting will be held on any day of the week. Details of arrangements for an extraordinary meeting are set out in paragraphs 105 - 107.~~

MINIMUM ATTENDANCE (QUORUM)

- 11.9. At least one quarter (17) of the whole number of elected County Councillors must be present for the meeting to proceed or continue.
- 12.10. If the Chairman or the Chief Executive concludes that an insufficient number of Councillors is present the meeting will not proceed. The Division Bell will be sounded, and if after more than five minutes there is still an insufficient number present at the meeting it will be adjourned to a time fixed by the Chairman.

ORDER OF BUSINESS

~~13.11.~~ Except for the annual budget meeting and an extraordinary meeting ~~at which the election of Chairman and Vice-Chairman will be considered first,~~ the order of business will usually be:

Business at the annual meeting only (60 minutes)

a. Election of Chairman

b. Election of Vice-Chairman

Statutory formalities/Announcements (15 minutes)

~~a.~~ c. the choice of a person to preside if the Chairman and Vice-Chairman are absent

~~b.~~ d. any business having priority by law

~~c.~~ e. confirmation of the minutes of the last meeting of the Full Council

~~d.~~ f. apologies for absence, including reasons

~~e.~~ g. declarations of interest

~~f.~~ business outstanding from the last meeting

~~g.~~ h. Chairman of the County Council's business

Constituency matters (30 minutes)

~~h.~~ i. constituency issues (15 minutes)

~~i.~~ j. petitions (15 minutes)

Business reports (60 minutes)

~~j.~~ k. reports for decision by the Full Council

Question time (60 minutes)

~~k.~~ l. questions to Nottinghamshire and City of Nottingham Fire Authority and responses

~~l.~~ m. questions to Committee Chairmen and responses

Motions for debate

~~m.~~ n. consideration of motions

~~n. any debate adjourned from earlier in the meeting (Adjournment Debate)~~

OTHER POINTS REGARDING THE ORDER OF BUSINESS

~~12.~~ At any time during the meeting the Chairman can adjourn the meeting.

~~14.~~~~13.~~ The Chairman will manage the agenda to enable the meeting to keep to time and has discretion to extend the time limit of a particular section of the agenda within the overall time limit of the meeting.

~~15.~~~~14.~~ The order of business can be varied at the discretion of the Chairman.

~~16.~~~~15.~~ The minutes of ordinary meetings will not normally be confirmed at special meetings. Lunch will normally be taken at 12.30pm.

ABSENCES AND APOLOGIES

~~16.~~ If a Councillor submits an apology for absence for the meeting, any questions or constituency issues they have submitted or motions they have proposed or seconded will have deemed to have fallen at the point the apology is given.

~~17.~~ Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

~~18.~~ If a Councillor is not in the Chamber at the point on the agenda that any question or constituency issue they would present would be considered the matter will be deemed to have fallen. Both the mover and seconder must be in the Chamber to propose a motion otherwise it will be deemed to have fallen.

~~19.~~ The minutes of the meeting may record any Councillor's absence from the Chamber of more than 10 minutes during a Full Council meeting.

DECLARATIONS OF INTEREST

~~17.~~~~20.~~ Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

~~18.~~~~21.~~ Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:

- a. The Chief Executive has granted them a dispensation; or

- b. the matter is only under consideration by the meeting as part of a report of the Minutes of Council, a committee or sub-committee and is not itself the subject of debate.

~~19. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.~~

~~20-22.~~ Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

CONSTITUENCY ISSUES

~~21-23.~~ At any Full Council meeting except the annual budget meeting, and an extraordinary special meeting and the annual budget meeting, Councillors will be 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. If the matter raised does not meet these criteria the Chairman will instruct the Councillor to stop speaking.

~~22-24.~~ Such a speech will not give rise to a debate on the issue or a question and answer session.

~~23-25.~~ If any Councillor wishes to make a three minute speech the Governance Team in Democratic Services must be notified by 10am ~~three~~ two working days before the Full Council meeting. The notification must confirm who will be making the speech and the subject matter which council service it relates to, to enable its validity to be determined in advance of the meeting.

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

~~25-26.~~ A maximum of ~~30~~ 15 minutes is allowed for this item. If the number of Councillors wishing to make the three minute speeches is such that this 30 minute allocation would be exceeded, Councillors authorised to speak will be decided by ballot based on political proportionality. The speeches will be taken in the order received. Any speeches not heard within the time limit will fall and can be submitted again at the next meeting which allows constituency issues.

PETITIONS

27. In accordance with the Council's Petitions Scheme, at any Full Council meeting except for the annual budget meeting and an extraordinary meeting, any Councillor may present a petition to the Chairman of the Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties.

28. If any Councillor wishes to submit a petition the Governance Team in Democratic Services must be notified by 10 am the day before the meeting, giving details about the petition.
29. In exceptional circumstances, if a petition is not properly notified in advance, the Chairman has discretion ~~not~~ to allow the petition to be submitted at the meeting.
30. The Councillor presenting the petition can introduce and speak about the petition for up to one minute.
31. If a Councillor is unable to be at the meeting, they may request and agree to another Councillor presenting a petition on their behalf.
32. If a petition relates to more than one division the petition can be presented jointly if the relevant Councillors agree. If agreement cannot be reached the petition will be presented by the Council's Vice-Chairman.
33. Different procedures apply to some petitions as set out in the Council's petition scheme.
- ~~32-34.~~ A maximum of 15 minutes is allowed for this item. Petitions will be taken in the order received. Any petitions not presented in the time limit will be accepted by the Chairman en bloc and referred to the appropriate committee for consideration.
- ~~33-35.~~ Any petition presented will be referred without debate to the appropriate committee for consideration. A report back to Council on the outcome of that consideration will be made at its next meeting.

~~If a petition relates to the annual budget it will be included within the consultation responses and will not be presented separately under the normal petitions scheme.~~

CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL

36. Reports are introduced by the relevant committee chairman.
37. The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate and the rules of debate apply. The motion is then debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.
38. Statutory officer reports will be moved by the Chairman of the County Council and seconded by the Vice-Chairman of the County Council.

QUESTIONS TO COMMITTEE CHAIRMEN

39. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask any committee chairman one or more questions on matters within the remit of their committee.

40. Questions must:-

- a. disclose a question;
- b. be limited to matters which fall within the remit of the relevant Committee;
- c. be a matter for which the local authority has a responsibility or which affects the County;
- d. not be defamatory, frivolous or offensive;
- e. not be substantially the same as a question or motion which is under consideration or has, in the past six months, been put at a meeting of the Council or a committee;
- f. not relate to a planning application or any other quasi-judicial matter; and
- g. not require disclosure of confidential or exempt information.

41. The Monitoring Officer will rule a question invalid and give reasons, if a submitted question does not comply with the provisions in paragraph 40.

~~34.42.~~ A maximum of ~~45~~⁶⁰ minutes is allowed for questions to Committee Chairmen after which any remaining questions will receive a written answer within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting. ~~be dealt with under the procedure set out in paragraph 40 and 41.~~ The Committee Chairman may elect for the answer to the question to be given by his or her Vice Chairman or another Committee Chairman if in the opinion of the Committee Chairman this is more appropriate.

~~35.43.~~ At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask the Chairman of Nottinghamshire and City of Nottingham Fire Authority one or more questions on matters within the remit of their authority. A maximum of ~~15~~³⁰ minutes is allowed for these questions after which any remaining questions will receive a written answer within 15 working days of the date of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting. ~~be dealt with under procedure set out in paragraphs 40 and 41.~~

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

~~36.45.~~ A submitted question cannot be altered after the deadline.

~~37.46.~~ The order in which questions are put at the meeting will be determined by the Chairman.

~~38.47.~~ After receiving an answer from the relevant chairman, or their nominee, the ~~eat~~ Councillor ~~asking the original question, or any other Councillor,~~ may ask one supplementary question~~s~~ on the same matter. ~~The original questioner has the right to ask the first supplementary question. The number of supplementary questions allowed will be at the discretion of the Chairman having regard to paragraph 33 and 34 above.~~

~~39.~~ Instead of asking a supplementary question the original questioner has the right to require a debate. Such a request must be made prior to any supplementary questions being asked. If the motion for a debate is seconded the matter will then be adjourned for debate later in the meeting under the 'Adjournment Debate' item on the agenda and no supplementary questions can be asked.

~~40.48.~~ The same supplementary question procedures apply to questions to the Chairman of the Fire Authority ~~except that there is no right to request an adjournment debate.~~

~~41.49.~~ Any questions for Council which are withdrawn at the meeting or which fall, because the member asking the question is not present in the ~~C~~chamber at Council question time will receive a written reply within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting~~cannot be submitted in the same form under paragraph 33 and 34 for a period of three months following the meeting. For clarity this does not apply to those questions which are not discussed at a meeting because of lack of time. These questions will continue to receive a written response within 15 working days of the date of the meeting.~~

QUESTIONS REQUIRING A WRITTEN RESPONSE

~~42.50.~~ Any Councillor may at any time, by writing to Democratic Services, put a question to a committee chairman and will be sent a reply within 15 working days. Every such question and the answer given will be included for information with papers for the next convenient Full Council meeting.

~~CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL~~

~~43.27.~~ Reports are introduced by the relevant committee chairman.

~~44.27.~~ The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate. The motion is then debated before a vote is taken.

CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS

~~45.51.~~ Councillors may raise an issue at Full Council meetings except the annual budget meeting by submitting a motion. The procedure for submitting a motion for debate is as follows:

- a. The motion must be proposed and seconded.
- b. Notice must be given no later than 10 am six clear working days before the Full Council meeting by one of the following methods:
 - i. Submitting an original signed by both the proposer and seconder to the Governance Team, Democratic Services
 - ii. Submitting a scanned copy of the signed original, or a motion with electronic signatures of the proposer and seconder, by email to council.questions@nottsc.gov.uk
- c. Motions will be included in the agenda for the meeting in the order of receipt.

52. An invalid motion cannot be altered after the deadline to make it valid.

53. Both the mover and seconder must be in the Chamber to move or second their motion, if they are not present the motion is deemed to have fallen.

54. The Chairman will manage the business to enable appropriate debate within the time limit of the meeting. If a motion is not debated due to a lack of time the motion will be carried forward to the next ordinary (or annual) meeting.

Scope of motions on notice

55. Valid motions must:-

- a. be asking the Council to make a decision which is lawful;
- b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or businesses of the County and the Council has the power to implement;
- c. not be defamatory, frivolous or offensive;
- d. not be substantially the same as a motion which has, in the past six months, been put at a meeting of the Full Council, or reverse a decision taken by the Council in the past six months;
- e. not relate to a planning application or any other quasi-judicial matter;
- f. not require disclosure of confidential or exempt information; and
- g. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.

56. The Monitoring Officer will reject a proposed motion as invalid, giving reasons if it does not comply with the provisions in paragraph 55.

~~MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE~~

~~46.27. Motions can be moved and seconded orally at meetings to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:~~

~~a. appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman~~

~~b.a. request to withdraw a motion~~

~~c.a. that the matter be put to a vote~~

~~d.a. that the meeting be adjourned~~

~~e.a. variation of the order of business~~

~~f.a. suspension of the procedure rules~~

~~g.a. exclusion of the public~~

~~h.a. that a named Councillor should not be heard further~~

~~47.27. Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved~~

~~a. amendments to motions~~

~~b.a. the appointment of Councillors to Committees~~

THE RULES OF DEBATE

57. Any motion (including recommendations within reports) must be moved and seconded before the debate can be opened. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. It is not necessary to read the motion in full when moving the motion, provided the motion has been provided in writing to Full Council.

57.58. If a Councillor wishes to speak they should indicate their intention by raising their hand.

58.59. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.

59.60. Councillors can speak for a maximum of 10-5 minutes each time they are entitled to speak during a debate subject to paragraph 57 and the exception at the Annual Budget meeting.

60.61. Councillors will stand when speaking and must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.

62. Councillors must speak strictly to the subject under discussion.

63. Councillors may speak once on any motion and once on each amendment.

64. If the motion has been amended since a Councillor last spoke, that Councillor may move a further amendment to the motion.

~~61-65.~~ Whenever the Chairman stands during a debate any Councillor standing must sit down and the Full Council must be silent.

~~62-66.~~ Any Councillor may at any time during a meeting request that the meeting be adjourned for a short period~~up to one hour~~. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment

~~63. Councillors may speak once on any motion. However if a motion is amended, Councillors may speak once on each amendment.~~

~~64. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.~~

~~65-67.~~ The Councillor who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate or any agreed amendment.

~~66-68.~~ At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply. If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment, following the mover of the amendment's closing remarks.

~~67. A motion may be altered with the consent of the mover and seconder.~~

POINTS OF ORDER AND PERSONAL EXPLANATIONS

~~68-57.~~ With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on the issue raised.

~~69-57.~~ The Chairman of the County Council's ruling will be final and they may limit such exchanges to maintain the flow of debate.

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

69. An alteration is where the motion is changed by or with the agreement of the mover and the seconder of the motion. This can include where a proposal by another

member to make a change to a motion is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.

70. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.

71. An alteration must be submitted in writing to the Chairman. An alteration can only be made if it would be accepted as a valid amendment. Alterations can be accepted:-

- a. when the mover changes the motion whilst moving it
- b. during the debate to update the motion to maintain accuracy
- c. if the mover accepts a proposed amendment
- d. to make the motion more acceptable to Councillors.

72. Amendments to a motion can be moved or seconded by any Councillor **and must be submitted to the Chairman in writing,** following the process set out in paragraph ~~46~~ **78 below** in the following situations:

- a. to refer a subject of debate to a committee for further consideration
- b. to leave out words, to add words or both. However such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) ,must comply with the provisions set out in paragraph 55 and must be relevant to the original motion.

73. The Monitoring Officer may reject a proposed amendment as invalid if it does not comply with the provisions set out in paragraph 55. The Chairman may adjourn the meeting to seek appropriate advice to confirm validity of the amendment.

~~73.74. If an amendments is accepted by the mover of the original motion The motion will remain in the name of the original mover if they propose or accept the amendment. No debate or vote will be required and it will become an alternation to the motion and the amended motion will become the altered (substantive) motion.~~

~~74.75. Only one A amendments may be moved and discussed at one time. No further amendment may be moved until the amendment under discussion has been voted on must be dealt with and voted on one at a time,~~ subject to the exceptions set out in the Annual Budget Meeting Rules at paragraph ~~104~~ **89**.

~~75. If a motion to move an amendment is rejected following a vote then alternative amendments can be moved.~~

76. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-

- a. the amendment will be debated

b. a vote will then be taken on whether the amendment should become the amended (substantive) motion

~~c. if the amendment is carried, then the new substantive motion will be in the name of the Councillor who moved the successful amendment~~

~~d.c.~~ debate will continue and further amendments may be moved

~~e.d.~~ after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

77. Motions can be moved and seconded orally at meetings including a reason for proposing the motion, to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:

a. appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman

b. request to withdraw a motion

c. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 79)

d. that the meeting be adjourned

e. variation of the order of business

f. suspension of a specific the procedure rules (giving the procedure rule number to be suspended and the reason)

g. exclusion of the public

h. that a named Councillor should not be heard further

78. Amendments to Mmotions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved.

amendments to motions

a. the appointment of Councillors to Committees

BRINGING DEBATE TO EARLY CLOSURE

~~77.~~79. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.

~~78-80.~~ If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.

~~79-81.~~ If the vote is carried the motion or amendment will be put to the vote following closing remarks by the proposer of the motion or amendment.

POINTS OF ORDER AND PERSONAL EXPLANATIONS

~~82.~~ With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on the issue raised.

~~83.~~ The Chairman of the County Council's ruling will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

~~84.~~ Votes in Full Council are to be determined by a show of hands.

~~80-85.~~ When a vote is being called Councillors must remain seated and quiet, clearly hold their hand up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.

~~81-86.~~ Where there is an equal number of votes for and against a motion the Chairman can exercise a second ~~or (casting)~~ vote.

~~82-87.~~ A recorded vote will be taken if 10 or more Councillors request it by a show of hands and where required under the Annual Budget meeting rules in paragraph ~~10489~~ below. The process will be as follows:

~~a.~~ The Division Bell will be sounded.

~~b.a.~~ _____ The Chief Executive will then call the names of all Councillors and record the vote of each Councillor.

~~c.b.~~ _____ The Chairman will announce the result.

~~d.c.~~ _____ The minutes will record how each Councillor voted.

~~88.~~ Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the Chamber and, when called by the Chief Executive, use the microphone provided to give their vote.

~~83-89.~~ Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

ADJOURNMENT DEBATES

~~84. The Councillor who requested the adjournment debate may speak on the matter referred to in their original question for up to five minutes.~~

~~85. After that, any other Councillor may speak on the matter for up to three minutes.~~

~~86. The relevant committee chairman may speak for up to five minutes in reply.~~

~~87. No vote will be taken on an adjournment debate.~~

REVERSING DECISIONS

~~88-90.~~ Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to Full Council for further consideration on a request from the Council's Chairman and Vice Chairman.

DISORDERLY CONDUCT

~~89-91.~~ Councillors are expected to act in a reasonable and professional manner at Full Council, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the Full Council.

~~90-92.~~ If, at any meeting, any Councillor in the opinion of the Chairman of the County Council ~~is in breach of paragraph 78-91~~ the Chairman may warn the Councillor about their behaviour.

~~91-93.~~ If following any warning a Councillor continues to breach paragraph ~~78-91~~ the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, ~~a vote will be taken without discussion.~~

~~92-94.~~ If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:

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

~~93-95.~~ In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public which disrupts the conduct of the meeting or impedes other members of the public including in connection with relating to the recording or reporting of the meeting ~~which disrupts the conduct of the meeting or impedes other members of the public.~~

ESTABLISHMENT OF COMMITTEES

~~94-96.~~ Every committee set up by the Full Council will perform the functions given to them until the Full Council resolves otherwise. Full Council can revise the functions of committees at any time.

APPOINTMENTS TO COMMITTEES

~~95-97.~~ Every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:

- a. they cease to be a Councillor
- b. their resignation
- c. changes to political balance necessitate changes to committee membership
- d. removal by the Proper Officer at the request of their group

~~96-98.~~ The Full Council is required to keep the allocation of seats to groups under review.

~~97-99.~~ Whenever allocation of seats is considered by the Full Council the Chief Executive will submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.

~~98-100.~~ Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

~~99-101.~~ Any changes in membership must be notified to the Governance Team in Democratic Services no later than ~~4 pm~~~~10 am~~ on the working day before of the relevant meeting. Substitution rules are set out in the Procedure Rules for Committee and Sub-Committee Meetings.

ANNUAL MEETING

~~100-102.~~ Subject to any statutory requirements, the Full Council at its annual meeting:

- a. Will elect the Chairman and Vice-Chairman of the County Council for the forthcoming year.
- b. Will resolve what committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
- c. Will note the membership of each group and their agreed officers.

ANNUAL BUDGET MEETING

103. The order of business for the annual budget meeting will usually be:

- a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- b. any business having priority by law
- c. confirmation of the minutes of the last meeting of the Full Council
- d. apologies for absence, including reasons
- e. declarations of interest
- f. Chairman of the County Council's business
- g. reports for decision by the Full Council

~~101.~~104. To ensure the smooth flow of business the following provisions will operate for the Annual Budget meeting budget report:

- a. After the budget proposals have been moved and seconded any budget amendments will be moved and seconded. The seconds of the amendments may either speak to them when seconding or may reserve their speech for later in the debate.
- b. With the exceptions below, no Councillor will speak more than once or for more than 20 minutes:
 - the Councillor who moves the budget proposals is not subject to a time limit and is entitled to speak twice; once when moving proposals and once when replying to the debate
 - the movers of any amendments may speak for an unlimited time when moving those amendments and for 20 minutes when summing up
- c. There will be a single debate on the motion and any amendments
- d. At the conclusion of the winding-up speeches, recorded votes will be taken on amendments in the order determined by the Chairman then a recorded vote will be taken on the substantive motion. The process for recorded votes is set out in paragraph 70 above.

EXTRAORDINARY MEETINGS

105. An extraordinary meeting may be arranged if the Chairman of the Council, the Council Leader, or any five County Councillors request such a meeting. An extraordinary meeting can be held on any day of the week.

106. The only business permitted at an extraordinary meeting is that which the meeting has been called to consider.

107. The order of business for an extraordinary meeting will usually be:

- a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- b. apologies for absence, including reasons
- c. declarations of interest
- d. the matters set out in the request to hold an extraordinary meeting

OTHER

108. Placards, banners, advertising materials and similar items are not permitted in any Council meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the Chamber.

109. Members of the public should remain seated in the public gallery during any debate and not do anything to endanger the health and safety of any person.

408-110. Members of the public may record proceedings and report all public meetings. ~~Any person recording the meeting must not although oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting.~~

409-111. Mobile phones and other electronic devices must be switched to silent.

APPENDIX 2 – COMMITTEE PROCEDURES RULES –‘TRACKED CHANGES’ VERSION INCORPORATING PROPOSED CHANGES

PART B – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS

INTRODUCTION

1. These rules are designed to ensure meetings run smoothly and are conducted properly.
2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

ARRANGEMENTS FOR MEETINGS

~~3. The agenda and papers for meetings must be available at least five clear working days before the meeting.~~

~~4.~~

~~5.3.~~ A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.

~~6.4.~~ If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

MINIMUM ATTENDANCE (QUORUM)

~~7.5.~~ The following number of committee members must be present for the meeting to proceed or continue:

- | | |
|--------------------------------|---|
| a. Less than 15 voting members | 3 |
| b. 15 to 25 voting members | 4 |
| c. More than 25 voting members | 5 |

~~8.6.~~ If there is an insufficient number of committee members present, the meeting will not proceed.

ORDER OF BUSINESS

~~9.7.~~ The order of business will usually be:

- a. at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
- b. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- c. confirmation of the minutes of the last meeting of the committee

- d. apologies for absence, including reasons
- e. declarations of interest
- f. business outstanding from the last meeting
- g. reports for decision by committee
- h. reports for information
- i. work programme (if applicable)

OTHER POINTS REGARDING THE ORDER OF BUSINESS

~~10.8.~~ At any time during the meeting the Chairman can adjourn the meeting.

~~11.9.~~ The order of business can be varied at the discretion of the Chairman.

~~12.10.~~ The minutes of ordinary meetings will not normally be confirmed at special meetings.

APOLOGIES FOR ABSENCE

11. Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

DECLARATIONS OF INTEREST

~~13.12.~~ Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

~~14.13.~~ Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:

- a. The Chief Executive has granted them a dispensation; or
- b. the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.

~~15. If the Councillor has chosen to remain within easy reach, that Councillor will be recalled by an appropriate officer before any further business is started.~~

~~16.~~14. Subject to paragraph ~~15~~6, any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

~~17.~~15. Paragraph ~~14~~5 above does not apply to members of the public who are entitled to speak at Planning and Licensing Committee.

DRAFT

CONSIDERATION OF RECOMMENDATIONS IN REPORTS AND THE RULES OF DEBATE

16. The report recommendation should be 'moved' by one committee member and 'seconded' by another committee member. It then becomes a 'motion' which may be debated before a vote is taken. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. Where a report contains more than one recommendation they will be moved as a single motion for debate.

17. Motions relating to the following may be moved and seconded without notice, the Chairman may require the motion to be put in writing to ensure clarity of the motion being considered:

a. an alternative to a recommendation in the report

a.b. amendments to motions

~~18. Motions relating to the following may be moved and seconded without notice but must be provided in writing to the Chairman when being moved:~~

~~a. an alternative to a recommendation in the report~~

~~b. amendments to motions~~

~~MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE~~

~~19. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:~~

~~a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice Chairman~~

~~b. request to withdraw a motion~~

~~c. that the matter be put to a vote~~

~~d. that the meeting be adjourned~~

~~e. variation of the order of business~~

~~f. suspension of the procedure rules~~

~~g. exclusion of the public~~

~~h. that a named committee member should not be heard further~~

THE RULES OF DEBATE

~~20.~~18. If a committee member wishes to speak they should indicate their intention by raising their hand.

~~21.~~19. The Chairman will decide the order in which speakers will be heard. Any committee member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.

~~22.~~20. Committee members can speak for a maximum of ~~540~~ minutes each time they are entitled to speak during a debate subject to paragraph 16.

~~23.~~21. Committee members when speaking must address the Chairman.

22. Councillors must speak strictly to the subject under discussion.

23. Councillors may speak once on any motion and once on each amendment.

24. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.

25. Whenever the Chairman stands during a debate the committee must be silent.

26. Any committee member may at any time during a meeting request that the meeting be adjourned for ~~a short period up to one hour~~. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.

~~27.~~ ~~If the motion has been amended since the committee member last spoke, that member may move a further amendment to the motion.~~

~~28.~~ ~~The committee member who moved the original motion has a right of reply at the close of the debate on that motion or any agreed amendment.~~

27. The committee member who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.

~~29.~~28. ~~If an amendment to a motion has been moved and seconded, the mover of the original motion has the right of reply at the close of the debate on the amendment following the mover of the amendment's closing remarks~~At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

~~A motion may be altered with the consent of the mover and seconder.~~

~~POINTS OF ORDER AND PERSONAL EXPLANATIONS~~

~~With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.~~

~~The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.~~

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

29. An alteration is where the motion is changed by or with the agreement of the mover and seconder of the motion. This can include where a proposal by another member to make a change to a motion, is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.

30. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.

31. An alteration can only be made if it would be accepted as a valid amendment. The Chairman may require the alteration to be put in writing to ensure clarity of the motion being considered. Alterations can be accepted:-

- a. when the mover changes the motion whilst moving it;
- b. during the debate to update the motion to maintain accuracy;
- c. if the mover accepts a proposed amendment; or
- d. to make the motion more acceptable to Councillors.

32. Amendments to a motion can be moved or seconded by any committee member, following the process set out in paragraph 178 above to leave out words, to add words or both provided that such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

33. Amendments must:-

- a. be asking the Council to make a decision which is lawful;
- b. be a matter for which the Council has responsibility for, is a matter which the Council has the power to implement, or which directly or indirectly affects residents or businesses in the County;
- c. not be defamatory, frivolous or offensive;
- d. not reverse a decision taken by the Council in the past six months;

e. not require disclosure of confidential or exempt information; and

f. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.

34. The amendment may be rejected if it does not comply with the provisions set out in paragraph 33. The Chairman may adjourn the meeting to seek appropriate advice to confirm the validity of the amendment.

~~30-35. If a valid amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion. The motion will remain in the name of the original mover if they propose or accept the amendment. No debate or vote will be required and the amended motion will become the substantive motion.~~

~~31. Only one Amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been must be dealt with and voted on one at a time.~~

~~32-36. If a motion to move an amendment is rejected following a vote then alternative amendments can be moved.~~

~~33-37.~~ If a ~~valid~~ amendment is not accepted by the mover of the original motion, the following procedure will apply:-

a. the amendment will be debated

b. a vote will then be taken on whether the amendment should become the amended motion (substantive motion)

~~c. if the amendment is carried, then the new substantive motion will be in the name of the committee member who moved the successful amendment~~

~~d.c.~~ debate will continue and further amendments may be moved

~~e.d.~~ after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final amended motion (substantive motion)

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

38. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:

a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman

b. request to withdraw a motion

- c. an amendment to a motion (the Chairman may require the amendment to be put in writing to ensure clarity of the amendment being considered)
- d. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 39)
- e. that the meeting be adjourned
- f. variation of the order of business
- g. suspension of the procedure rules (giving the procedure rule number to be suspended and the reason)
- h. exclusion of the public
- i. that a named committee member should not be heard further

BRINGING DEBATE TO EARLY CLOSURE

- ~~34.~~39. A committee member who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- ~~35.~~40. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- ~~36.~~41. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate~~by the proposer of the motion or amendment.~~

POINTS OF ORDER AND PERSONAL EXPLANATIONS

- ~~37.~~42. With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- ~~38.~~43. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

- ~~44.~~ Votes in committee are to be determined by a show of hands.
- ~~39.~~45. When the vote is being called Councillors must remain seated and quiet, clearly hold their hands up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.
- ~~40.~~46. Where there is an equal number of votes for and against a motion the Chairman can exercise a second ~~or~~ (casting) vote.

~~41.47.~~ A recorded vote will be taken if 2 or more committee members request it by a show of hands. The process will be as follows:

- a. The names of all committee members will be called and the vote of each member recorded.
- b. The Chairman will announce the result.
- c. The minutes will record how each committee member voted.

48. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the meeting room and, when called, use the microphone (if provided) to give their vote.

~~42.49.~~ Any committee member can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

~~43.50.~~ Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to the original decision-making meeting for further consideration with the agreement on a request from of the Committee's Chairman and Vice Chairman.

DISORDERLY CONDUCT

~~44.51.~~ Councillors are expected to act in a reasonable and professional manner at committee meetings, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the meeting.

~~45.52.~~ If, at any meeting, any Councillor in the opinion of the Chairman is in breach of paragraph ~~4516~~ the Chairman may warn the Councillor about their behaviour.

~~46.53.~~ If following any warning a Councillor continues to breach paragraph ~~4516~~ the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.

~~47.54.~~ If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:

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

~~48.55.~~ In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

ATTENDANCE OF OTHER COUNTY COUNCILLORS

~~49.56.~~ Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chairman they will be entitled to speak once and for a maximum of ~~510~~ minutes on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.

~~50.57.~~ A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

~~51-58.~~ These provisions apply to Planning and Licensing Committee, subject to its Code of Best Practice, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

APPOINTMENTS TO COMMITTEES

~~52-59.~~ Any changes in membership must be notified to the Governance Team in Democratic Services no later than ~~4.10 am on~~ the day ~~before~~^{of} the relevant meeting. ~~(For the Health and Wellbeing Board, see paragraph 57 below)~~

~~53-60.~~ Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

SUBSTITUTE MEMBERS

61. Where a council member of a committee is listed as a member of a Political Group of the Council for the purposes of allocating committee seats, all other listed eligible members of that Group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. The substitute will not be able to exercise any special powers or duties exercisable by the person they are substituting.

62. Only the first eligible substitute to declare at the meeting may replace the absent member. The identities of the substitute and of the absent member, and the reasons for apology from the absent member shall be declared at the outset of the meeting and recorded in the minutes.

63. Named substitutes will be required for the committees set out in Part 4, Paragraph 3 of the Constitution.

POLICY COMMITTEE, AND COMMUNITIES AND PLACE COMMITTEE AND HEALTH SCRUTINY COMMITTEE

~~54-64.~~ When exercising statutory scrutiny functions, the Committee may invite people to discuss issues of local concern and/or answer questions. They may for example wish to hear from residents and representatives of other organisations.

HEALTH AND WELLBEING BOARD

~~55-65.~~ Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:-

- a. To take the place of the ordinary member for whom they are substituting where the ordinary member will be absent for the whole of the meeting

- b. After the Proper Officer has been officially notified in writing by the organisation wishing to make the substitution.

PLANNING AND LICENSING COMMITTEE

56-66. The Committee will comply with its Code of Best Practice

57-67. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Licensing Committee.

PERSONNEL COMMITTEE

58-68. That Trade Union representatives be entitled to speak but not to vote at meetings of Personnel Committee.

GOVERNANCE AND ETHICS COMMITTEE

59-69. The Council's Procedure for Dealing with Conduct Allegations sets out who is entitled to speak on items relating to Councillor Conduct at meetings of Governance and Ethics Committee.

OTHER

70. Placards, banners, advertising materials and similar items are not permitted in any committee meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the meeting.

60-71. Members of the public should remain seated during any debate and not do anything to endanger the health and safety of any person.

61-72. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not , although oral commentary during meetings is not permitted as this would be disruptive to the good order of the meeting.

62-73. Mobile phones and other electronic devices must be switched to silent.

APPENDIX 3 – ‘CLEAN’ VERSION
INCORPORATING PROPOSED CHANGES

PART A – PROCEDURE RULES FOR MEETINGS OF THE FULL COUNCIL

INTRODUCTION

1. The County Council has four types of Full Council meetings:-
 - a. ordinary meetings – these meetings run throughout the year to carry out the business of the Council;
 - b. the annual meeting – usually held in May. In addition to the business of an ordinary meeting the annual meeting elects the Chairman and Vice-Chairman of the County Council who hold the posts until the annual meeting the following year;
 - c. the annual budget meeting – usually held in February to agree the Council’s budget for the following financial year. This meeting generally only considers the budget reports; and
 - d. extraordinary meetings – meetings arranged outside of the schedule of ordinary meetings.
2. These rules are designed to ensure meetings of the Full Council run smoothly and are conducted properly to enable sound decision-making in line with Wednesbury principles and to ensure that the business of the Council is undertaken effectively and efficiently.
3. Councillors are responsible for ensuring their behaviour reflects the Nolan Principles in relation to Standards in Public Life and that they comply with the Procedure Rules and the Code of Conduct for Councillors and Co-Opted Members at all times. Members are generally expected to be in attendance in their allocated seat for the duration of the meeting. During the meeting, the Chairman’s ruling on behaviour is final.
4. So far as the law allows, any of these rules may be suspended at any meeting of the Full Council, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.
5. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman’s decision will be final.
6. For the annual budget meeting some procedure rules will be suspended and alternative rules applied. See paragraph 103 below.

ARRANGEMENTS FOR MEETINGS

7. Meetings of the Full Council, including the budget meeting, will not continue beyond 5.30 pm. If the meeting is not likely to conclude before that time the matter under debate at 5.15pm will be moved to the vote to allow the meeting to conclude by 5.30pm. Any remaining business will be held over to the next available meeting and will be the first item in the relevant section of the agenda.

8. Details of arrangements for an extraordinary meeting are set out in paragraphs 105 - 107.

MINIMUM ATTENDANCE (QUORUM)

9. At least one quarter (17) of the whole number of elected County Councillors must be present for the meeting to proceed or continue.
10. If the Chairman or the Chief Executive concludes that an insufficient number of Councillors is present the meeting will not proceed. The Division Bell will be sounded, and if after more than five minutes there is still an insufficient number present at the meeting it will be adjourned to a time fixed by the Chairman.

DRAFT

ORDER OF BUSINESS

11. Except for the annual budget meeting and an extraordinary meeting the order of business will usually be:

Business at the annual meeting only (60 minutes)

- a. Election of Chairman
- b. Election of Vice-Chairman

Statutory formalities/Announcements (15 minutes)

- c. the choice of a person to preside if the Chairman and Vice-Chairman are absent
- d. any business having priority by law
- e. confirmation of the minutes of the last meeting of the Full Council
- f. apologies for absence, including reasons
- g. declarations of interest
- h. Chairman of the County Council's business

Constituency matters (30 minutes)

- i. constituency issues (15 minutes)
- j. petitions (15 minutes)

Business reports (60 minutes)

- k. reports for decision by the Full Council

Question time (60 minutes)

- l. questions to Nottinghamshire and City of Nottingham Fire Authority and responses
- m. questions to Committee Chairmen and responses

Motions for debate

- n. consideration of motions

OTHER POINTS REGARDING THE ORDER OF BUSINESS

12. At any time during the meeting the Chairman can adjourn the meeting.

13. The Chairman will manage the agenda to enable the meeting to keep to time and has discretion to extend the time limit of a particular section of the agenda within the overall time limit of the meeting.

14. The order of business can be varied at the discretion of the Chairman.

15. Lunch will normally be taken at 12.30pm.

ABSENCES AND APOLOGIES

16. If a Councillor submits an apology for absence for the meeting, any questions or constituency issues they have submitted or motions they have proposed or seconded will have deemed to have fallen at the point the apology is given.

17. Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

18. If a Councillor is not in the Chamber at the point on the agenda that any question or constituency issue they would present would be considered the matter will be deemed to have fallen. Both the mover and seconder must be in the Chamber to propose a motion otherwise it will be deemed to have fallen.

19. The minutes of the meeting may record any Councillor's absence from the Chamber of more than 10 minutes during a Full Council meeting.

DECLARATIONS OF INTEREST

20. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is a Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.

21. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:

- a. The Chief Executive has granted them a dispensation; or
- b. the matter is only under consideration by the meeting as part of a report of the Minutes of Council, a committee or sub-committee and is not itself the subject of debate.

22. Any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting

is being held on the same occasions as they would have to do if they were a County Councillor.

CONSTITUENCY ISSUES

23. At any Full Council meeting except the annual budget meeting and an extraordinary meeting, Councillors will be 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. If the matter raised does not meet these criteria the Chairman will instruct the Councillor to stop speaking.
24. Such a speech will not give rise to a debate on the issue or a question and answer session.
25. If any Councillor wishes to make a three minute speech the Governance Team in Democratic Services must be notified by 10am three working days before the Full Council meeting. The notification must confirm who will be making the speech and which council service it relates to, to enable its validity to be determined in advance of the meeting.
26. A maximum of 15 minutes is allowed for this item. The speeches will be taken in the order received. Any speeches not heard within the time limit will fall and can be submitted again at the next meeting which allows constituency issues.

PETITIONS

27. In accordance with the Council's Petitions Scheme, at any Full Council meeting except for the annual budget meeting and an extraordinary meeting, any Councillor may present a petition to the Chairman of the Council on any matter affecting the residents of their division, and in relation to which the County Council has powers or duties.
28. If any Councillor wishes to submit a petition the Governance Team in Democratic Services must be notified by 10 am the day before the meeting, giving details about the petition.
29. In exceptional circumstances, if a petition is not properly notified in advance, the Chairman has discretion to allow the petition to be submitted at the meeting.
30. The Councillor presenting the petition can introduce and speak about the petition for up to one minute.
31. If a Councillor is unable to be at the meeting, they may request and agree to another Councillor presenting a petition on their behalf.
32. If a petition relates to more than one division the petition can be presented jointly if the relevant Councillors agree. If agreement cannot be reached the petition will be presented by the Council's Vice-Chairman.

33. Different procedures apply to some petitions as set out in the Council's petition scheme.
34. A maximum of 15 minutes is allowed for this item. Petitions will be taken in the order received. Any petitions not presented in the time limit will be accepted by the Chairman en bloc and referred to the appropriate committee for consideration.
35. Any petition presented will be referred without debate to the appropriate committee for consideration. A report back to Council on the outcome of that consideration will be made at its next meeting.

CONSIDERATION OF REPORTS FOR DECISION BY COUNCIL

36. Reports are introduced by the relevant committee chairman.
37. The report recommendation is then 'moved' by one Councillor and 'seconded' by another Councillor. It then becomes a 'motion' for debate and the rules of debate apply. The motion is then debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.
38. Statutory officer reports will be moved by the Chairman of the County Council and seconded by the Vice-Chairman of the County Council.

QUESTIONS TO COMMITTEE CHAIRMEN

39. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask any committee chairman one or more questions on matters within the remit of their committee.
40. Questions must:-
- a. disclose a question;
 - b. be limited to matters which fall within the remit of the relevant Committee;
 - c. be a matter for which the local authority has a responsibility or which affects the County;
 - d. not be defamatory, frivolous or offensive;
 - e. not be substantially the same as a question or motion which is under consideration or has, in the past six months, been put at a meeting of the Council or a committee;
 - f. not relate to a planning application or any other quasi-judicial matter; and
 - g. not require disclosure of confidential or exempt information.

41. The Monitoring Officer will rule a question invalid and give reasons, if a submitted question does not comply with the provisions in paragraph 40.
42. A maximum of 45 minutes is allowed for questions to Committee Chairmen after which any remaining questions will receive a written answer within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting. The Committee Chairman may elect for the answer to the question to be given by his or her Vice Chairman or another Committee Chairman if in the opinion of the Committee Chairman this is more appropriate.
43. At any meeting of the Full Council, except the annual budget meeting and an extraordinary meeting, a Councillor may ask the Chairman of Nottinghamshire and City of Nottingham Fire Authority one or more questions on matters within the remit of their authority. A maximum of 15 minutes is allowed for these questions after which any remaining questions will receive a written answer within 15 working days of the date of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.
44. If any Councillor wishes to submit a question under the Procedure Rules a copy of their question(s) must be posted in the box in Democratic Services or emailed to council.questions@nottsc.gov.uk no later than 10 am three working days before the meeting. The question must make it clear who the question is addressed to and who is asking it.
45. A submitted question cannot be altered after the deadline.
46. The order in which questions are put at the meeting will be determined by the Chairman.
47. After receiving an answer from the relevant chairman, or their nominee, the Councillor asking the original question may ask one supplementary question on the same matter.
48. The same supplementary question procedures apply to questions to the Chairman of the Fire Authority.
49. Any questions for Council which are withdrawn at the meeting or which fall because the member asking the question is not present in the Chamber at Council question time will receive a written reply within 15 working days of the meeting and the answer given will be included for information with the papers for the next convenient Full Council meeting.

QUESTIONS REQUIRING A WRITTEN RESPONSE

50. Any Councillor may at any time, by writing to Democratic Services, put a question to a committee chairman and will be sent a reply within 15 working days. Every such question and the answer given will be included for information with papers for the next convenient Full Council meeting.

CONSIDERATION OF INDIVIDUAL MOTIONS TABLED BY COUNCILLORS IN ADVANCE OF MEETINGS

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

- a. The motion must be proposed and seconded.
- b. Notice must be given no later than 10 am six clear working days before the Full Council meeting by one of the following methods:
 - i. Submitting an original signed by both the proposer and seconder to the Governance Team, Democratic Services
 - ii. Submitting a scanned copy of the signed original, or a motion with electronic signatures of the proposer and seconder, by email to council.questions@nottsc.gov.uk
- c. Motions will be included in the agenda for the meeting in the order of receipt.

52. An invalid motion cannot be altered after the deadline to make it valid.

53. Both the mover and seconder must be in the Chamber to move or second their motion, if they are not present the motion is deemed to have fallen.

54. The Chairman will manage the business to enable appropriate debate within the time limit of the meeting. If a motion is not debated due to a lack of time the motion will be carried forward to the next ordinary (or annual) meeting.

Scope of motions on notice

55. Valid motions must:-

- a. be asking the Council to make a decision which is lawful;
- b. be about matters for which the Council has a responsibility or which affects directly or indirectly residents or businesses of the County and the Council has the power to implement;
- c. not be defamatory, frivolous or offensive;
- d. not be substantially the same as a motion which has, in the past six months, been put at a meeting of the Full Council, or reverse a decision taken by the Council in the past six months;
- e. not relate to a planning application or any other quasi-judicial matter;
- f. not require disclosure of confidential or exempt information; and

- g. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.
56. The Monitoring Officer will reject a proposed motion as invalid, giving reasons if it does not comply with the provisions in paragraph 55.

THE RULES OF DEBATE

57. Any motion (including recommendations within reports) must be moved and seconded before the debate can be opened. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. It is not necessary to read the motion in full when moving the motion, provided the motion has been provided in writing to Full Council.
58. If a Councillor wishes to speak they should indicate their intention by raising their hand.
59. The Chairman will decide the order in which speakers will be heard. Any Councillor who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.
60. Councillors can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 57 and the exception at the Annual Budget meeting.
61. Councillors will stand when speaking and must address the Chairman. Other Councillors will be respectful of and not interrupt the Councillor who is speaking.
62. Councillors must speak strictly to the subject under discussion.
63. Councillors may speak once on any motion and once on each amendment.
64. If the motion has been amended since a Councillor last spoke, that Councillor may move a further amendment to the motion.
65. Whenever the Chairman stands during a debate any Councillor standing must sit down and the Full Council must be silent.
66. Any Councillor may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
67. The Councillor who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.

68. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

69. An alteration is where the motion is changed by or with the agreement of the mover and the seconder of the motion. This can include where a proposal by another member to make a change to a motion is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.

70. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.

71. An alteration must be submitted in writing to the Chairman. An alteration can only be made if it would be accepted as a valid amendment. Alterations can be accepted:-

- a. when the mover changes the motion whilst moving it
- b. during the debate to update the motion to maintain accuracy
- c. if the mover accepts a proposed amendment
- d. to make the motion more acceptable to Councillors.

72. Amendments to a motion can be moved or seconded by any Councillor and must be submitted to the Chairman in writing, following the process set out in paragraph 78 below in the following situations:

- a. to refer a subject of debate to a committee for further consideration
- b. to leave out words, to add words or both. However such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal), must comply with the provisions set out in paragraph 55 and must be relevant to the original motion.

73. The Monitoring Officer may reject a proposed amendment as invalid if it does not comply with the provisions set out in paragraph 55. The Chairman may adjourn the meeting to seek appropriate advice to confirm validity of the amendment.

74. If an amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alteration to the motion and will become the altered (substantive) motion.

75. Only one amendment may be moved and discussed at one time. No further amendment may be moved until the amendment under discussion has been voted on, subject to the exceptions set out in the Annual Budget Meeting Rules at paragraph 104.

76. If an amendment is not accepted by the mover of the original motion, the following procedure will apply:-

- a. the amendment will be debated
- b. a vote will then be taken on whether the amendment should become the amended (substantive) motion
- c. debate will continue and further amendments may be moved
- d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final substantive motion

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

77. Motions can be moved and seconded orally at meetings including a reason for proposing the motion, to ensure meetings run smoothly and are conducted properly. The following are examples of such motions:

- a. appointment of a chairman for the meeting in the absence of the Chairman and Vice-Chairman
- b. request to withdraw a motion
- c. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 79)
- d. that the meeting be adjourned
- e. variation of the order of business
- f. suspension of a specific procedure rule (giving the procedure rule number to be suspended and the reason)
- g. exclusion of the public
- h. that a named Councillor should not be heard further

78. Amendments to motions may be moved and seconded without notice but must be provided in writing to the Chairman when being moved.

- a.

BRINGING DEBATE TO EARLY CLOSURE

79. A Councillor who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.

80. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.

81. If the vote is carried the motion or amendment will be put to the vote following closing remarks by the proposer of the motion or amendment.

POINTS OF ORDER AND PERSONAL EXPLANATIONS

82. With the consent of the Chairman any Councillor may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on the issue raised.
83. The Chairman of the County Council's ruling will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

84. Votes in Full Council are to be determined by a show of hands.
85. When a vote is being called Councillors must remain seated and quiet, clearly hold their hand up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.
86. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.
87. A recorded vote will be taken if 10 or more Councillors request it by a show of hands and where required under the Annual Budget meeting rules in paragraph 104 below. The process will be as follows:
- a. The Chief Executive will then call the names of all Councillors and record the vote of each Councillor.
 - b. The Chairman will announce the result.
 - c. The minutes will record how each Councillor voted.
88. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the Chamber and, when called by the Chief Executive, use the microphone provided to give their vote.
89. Any Councillor can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

90. Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to Full Council for further consideration on a request from the Council's Chairman and Vice Chairman.

DISORDERLY CONDUCT

91. Councillors are expected to act in a reasonable and professional manner at Full Council, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the Full Council.
92. If, at any meeting, any Councillor in the opinion of the Chairman of the County Council is in breach of paragraph 91 the Chairman may warn the Councillor about their behaviour.
93. If following any warning a Councillor continues to breach paragraph 91 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
94. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:
 - a. may request the Councillor to leave the meeting; or
 - b. may adjourn the meeting of the Full Council for any period considered necessary
95. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public which disrupts the conduct of the meeting or impedes other members of the public including in connection with the recording or reporting of the meeting.

ESTABLISHMENT OF COMMITTEES

96. Every committee set up by the Full Council will perform the functions given to them until the Full Council resolves otherwise. Full Council can revise the functions of committees at any time.

APPOINTMENTS TO COMMITTEES

97. Every person appointed to be a member of a committee or sub-committee will remain a member of that committee until the first of the following events:
 - a. they cease to be a Councillor
 - b. their resignation
 - c. changes to political balance necessitate changes to committee membership
 - d. removal by the Proper Officer at the request of their group

98. The Full Council is required to keep the allocation of seats to groups under review.
99. Whenever allocation of seats is considered by the Full Council the Chief Executive will submit a report showing what the allocation of seats should be in order to ensure committees reflect the overall political balance of the Council.
100. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.
101. Any changes in membership must be notified to the Governance Team in Democratic Services no later than 4 pm the working day before the relevant meeting. Substitution rules are set out in the Procedure Rules for Committee and Sub-Committee Meetings.

ANNUAL MEETING

102. Subject to any statutory requirements, the Full Council at its annual meeting:
- a. Will elect the Chairman and Vice-Chairman of the County Council for the forthcoming year.
 - b. Will resolve what committees and sub-committees will be established, the terms of reference and size of these committees and may appoint the chairman and vice-chairman of each committee.
 - c. Will note the membership of each group and their agreed officers.

ANNUAL BUDGET MEETING

103. The order of business for the annual budget meeting will usually be:
- a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - b. any business having priority by law
 - c. confirmation of the minutes of the last meeting of the Full Council
 - d. apologies for absence, including reasons
 - e. declarations of interest
 - f. Chairman of the County Council's business
 - g. reports for decision by the Full Council
104. To ensure the smooth flow of business the following provisions will operate for the Annual Budget meeting budget report:

- a. After the budget proposals have been moved and seconded any budget amendments will be moved and seconded. The seconders of the amendments may either speak to them when seconding or may reserve their speech for later in the debate.
- b. With the exceptions below, no Councillor will speak more than once or for more than 20 minutes:
 - the Councillor who moves the budget proposals is not subject to a time limit and is entitled to speak twice; once when moving proposals and once when replying to the debate
 - the movers of any amendments may speak for an unlimited time when moving those amendments and for 20 minutes when summing up
- c. There will be a single debate on the motion and any amendments
- d. At the conclusion of the winding-up speeches, recorded votes will be taken on amendments in the order determined by the Chairman then a recorded vote will be taken on the substantive motion. The process for recorded votes is set out in paragraph 70 above.

EXTRAORDINARY MEETINGS

105. An extraordinary meeting may be arranged if the Chairman of the Council, the Council Leader, or any five County Councillors request such a meeting. An extraordinary meeting can be held on any day of the week.
106. The only business permitted at an extraordinary meeting is that which the meeting has been called to consider.
107. The order of business for an extraordinary meeting will usually be:
 - a. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - b. apologies for absence, including reasons
 - c. declarations of interest
 - d. the matters set out in the request to hold an extraordinary meeting

OTHER

108. Placards, banners, advertising materials and similar items are not permitted in any Council meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the Chamber.

109. Members of the public should remain seated in the public gallery during any debate and not do anything to endanger the health and safety of any person.
110. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.
111. Mobile phones and other electronic devices must be switched to silent.

DRAFT

APPENDIX 4 – COMMITTEE PROCEDURES RULES – ‘CLEAN’ VERSION **INCORPORATING PROPOSED CHANGES**

PART B – PROCEDURE RULES FOR COMMITTEE AND SUB-COMMITTEE MEETINGS

INTRODUCTION

1. These rules are designed to ensure meetings run smoothly and are conducted properly.
2. So far as the law allows any of these rules may be suspended at any meeting, either for the whole meeting or for a particular item on the agenda. In order to achieve this, a motion must be moved and seconded and a vote carried.

ARRANGEMENTS FOR MEETINGS

3. A special meeting is arranged if the chairman or vice-chairman of the relevant committee, or any 4 of its members request such a meeting.
4. If any issues arise at a meeting in relation to interpretation of the procedure rules, the Chairman's decision will be final.

MINIMUM ATTENDANCE (QUORUM)

5. The following number of committee members must be present for the meeting to proceed or continue:
 - a. Less than 15 voting members 3
 - b. 15 to 25 voting members 4
 - c. More than 25 voting members 5
6. If there is an insufficient number of committee members present, the meeting will not proceed.

ORDER OF BUSINESS

7. The order of business will usually be:
 - a. at the first meeting after the annual Council meeting, appointing or noting the appointment of the Chairman and Vice-Chairman of the committee
 - b. the choice of a person to preside if the Chairman and Vice-Chairman are absent
 - c. confirmation of the minutes of the last meeting of the committee
 - d. apologies for absence, including reasons

- e. declarations of interest
- f. business outstanding from the last meeting
- g. reports for decision by committee
- h. reports for information
- i. work programme (if applicable)

OTHER POINTS REGARDING THE ORDER OF BUSINESS

- 8. At any time during the meeting the Chairman can adjourn the meeting.
- 9. The order of business can be varied at the discretion of the Chairman.
- 10. The minutes of ordinary meetings will not normally be confirmed at special meetings.

APOLOGIES FOR ABSENCE

- 11. Apologies for absence will be categorised under the following headings:-

- Other County Council Business
- Medical / Illness
- Other reasons

DECLARATIONS OF INTEREST

- 12. Where any Councillor has an interest in any matter to be discussed or decided, they will, in accordance with the Code of Conduct for Councillors and Co-opted Members, declare the existence and nature of that interest and whether the interest is Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
- 13. Where any Councillor has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
 - a. The Chief Executive has granted them a dispensation; or
 - b. the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.
- 14. Subject to paragraph 15, any person or officer of the authority who is appointed to do anything in connection with the County Council which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a County Councillor.

15. Paragraph 14 above does not apply to members of the public who are entitled to speak at Planning and Licensing Committee.

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CONSIDERATION OF RECOMMENDATIONS IN REPORTS AND THE RULES OF DEBATE

16. The report recommendation should be 'moved' by one committee member and 'seconded' by another committee member. It then becomes a 'motion' which may be debated before a vote is taken. The mover and seconder of the motion may speak for a maximum of 10 minutes when moving the motion. Where a report contains more than one recommendation they will be moved as a single motion for debate.
17. Motions relating to the following may be moved and seconded without notice, the Chairman may require the motion to be put in writing to ensure clarity of the motion being considered:
 - a. an alternative to a recommendation in the report
 - b. amendments to motions
18. If a committee member wishes to speak they should indicate their intention by raising their hand.
19. The Chairman will decide the order in which speakers will be heard. Any committee member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.
20. Committee members can speak for a maximum of 5 minutes each time they are entitled to speak during a debate subject to paragraph 16.
21. Committee members when speaking must address the Chairman.
22. Councillors must speak strictly to the subject under discussion.
23. Councillors may speak once on any motion and once on each amendment.
24. If the motion has been amended since the Councillor last spoke, that Councillor may move a further amendment to the motion.
25. Whenever the Chairman stands during a debate the committee must be silent.
26. Any committee member may at any time during a meeting request that the meeting be adjourned for a short period. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
27. The committee member who moved the original motion has a right of reply at the close of the debate on that motion including where it has been amended during the debate.

28. At the end of a debate on an amendment to a motion, the mover of the amendment has a right to make closing remarks before the Councillor who moved the original motion exercises their right of reply.

ALTERATIONS AND AMENDMENTS TO RECOMMENDATIONS AND MOTIONS

29. An alteration is where the motion is changed by or with the agreement of the mover and seconder of the motion. This can include where a proposal by another member to make a change to a motion, is accepted by the mover of the motion which then alters the proposed motion without the need for a vote on the proposed change.
30. An amendment is a proposal by another member to change a motion being debated which is not accepted by the mover of the original motion.
31. An alteration can only be made if it would be accepted as a valid amendment. The Chairman may require the alteration to be put in writing to ensure clarity of the motion being considered. Alterations can be accepted:-
- a. when the mover changes the motion whilst moving it;
 - b. during the debate to update the motion to maintain accuracy;
 - c. if the mover accepts a proposed amendment; or
 - d. to make the motion more acceptable to Councillors.
32. Amendments to a motion can be moved or seconded by any committee member, following the process set out in paragraph 17 above to leave out words, to add words or both provided that such changes must not have the effect of fundamentally altering the spirit or intention of, or directly reversing the spirit or intention of, the original proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.
33. Amendments must:-
- a. be asking the Council to make a decision which is lawful;
 - b. be a matter for which the Council has responsibility for, is a matter which the Council has the power to implement, or which directly or indirectly affects residents or businesses in the County;
 - c. not be defamatory, frivolous or offensive;
 - d. not reverse a decision taken by the Council in the past six months;
 - e. not require disclosure of confidential or exempt information; and
 - f. include appropriate and sufficient information to enable Councillors to make a lawful decision for example legal, financial, statutory or policy implications.

34. The amendment may be rejected if it does not comply with the provisions set out in paragraph 33. The Chairman may adjourn the meeting to seek appropriate advice to confirm the validity of the amendment.
35. If a valid amendment is accepted by the mover of the original motion no debate or vote will be required and it will become an alternation to the motion and will become the altered (substantive) motion.
36. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been voted on.
37. If a valid amendment is not accepted by the mover of the original motion, the following procedure will apply:-
- a. the amendment will be debated
 - b. a vote will then be taken on whether the amendment should become the amended motion (substantive motion)
 - c. debate will continue and further amendments may be moved
 - d. after all amendments have been dealt with using the procedure stated above then a vote will be taken on the final amended motion (substantive motion)

MOTIONS NOT REQUIRING PRIOR WRITTEN NOTICE

38. The following motions can be moved and seconded orally to ensure meetings run smoothly and are conducted properly:
- a. appointment of a Chairman for the meeting in the absence of the Chairman and Vice-Chairman
 - b. request to withdraw a motion
 - c. an amendment to a motion (the Chairman may require the amendment to be put in writing to ensure clarity of the amendment being considered)
 - d. that the matter be put to a vote (this can only be moved by a Councillor who has not yet spoken on the debate as set out in paragraph 39)
 - e. that the meeting be adjourned
 - f. variation of the order of business
 - g. suspension of the procedure rules (giving the procedure rule number to be suspended and the reason)
 - h. exclusion of the public

- i. that a named committee member should not be heard further

BRINGING DEBATE TO EARLY CLOSURE

- 39. A committee member who has not already spoken on the matter may orally move a motion that a vote should be taken immediately. This must be seconded.
- 40. If the Chairman feels there has been sufficient discussion of the issue he may put the oral motion to the vote.
- 41. If the vote is carried the motion or amendment will be put to the vote following closing remarks as set out in the rules of debate.

POINTS OF ORDER AND PERSONAL EXPLANATIONS

- 42. With the consent of the Chairman any committee member may make a brief comment, ask a question designed to clarify a matter which has been raised, or indicate where they feel the procedure rules have not been followed. They may not introduce new material or make a speech on this.
- 43. The Chairman's ruling on this will be final and they may limit such exchanges to maintain the flow of debate.

VOTING

- 44. Votes in committee are to be determined by a show of hands.
- 45. When the vote is being called Councillors must remain seated and quiet, clearly hold their hands up to cast their vote and keep it up until the Chairman tells Councillors the vote has concluded.
- 46. Where there is an equal number of votes for and against a motion the Chairman can exercise a second (casting) vote.
- 47. A recorded vote will be taken if 2 or more committee members request it by a show of hands. The process will be as follows:
 - a. The names of all committee members will be called and the vote of each member recorded.
 - b. The Chairman will announce the result.
 - c. The minutes will record how each committee member voted.
- 48. Whilst the recorded vote is being taken, Councillors must remain seated and quiet in the meeting room and, when called, use the microphone (if provided) to give their vote.
- 49. Any committee member can require that the minutes of the meeting record how they voted on any decision taken.

REVERSING DECISIONS

50. Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable for whatever reason a further report on the issue will be brought back to the original decision-making meeting for further consideration with the agreement of the Committee's Chairman and Vice Chairman.

DISORDERLY CONDUCT

51. Councillors are expected to act in a reasonable and professional manner at committee meetings, in accordance with the Code of Conduct for Councillors and Co-opted Members. Councillors should not misbehave by persistently disregarding the Chairman's ruling, or by behaving improperly or offensively, including by using offensive language or making personal remarks about individuals, or by obstructing the business of the meeting.
52. If, at any meeting, any Councillor in the opinion of the Chairman is in breach of paragraph 51 the Chairman may warn the Councillor about their behaviour.
53. If following any warning a Councillor continues to breach paragraph 51 the Chairman may move "that [the Councillor named] should not be further heard" and, if seconded, a vote will be taken without discussion.
54. If any Councillor continues the misconduct after a "should not be further heard" vote has been carried, the Chairman:
- a. may request the Councillor to leave the meeting; or
 - b. may adjourn the meeting for any period considered necessary
55. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public or a specific individual/s leave. "General disturbance" may include any action or activity by the public relating to the recording or reporting of the meeting which disrupts the conduct of the meeting or impedes other members of the public.

ATTENDANCE OF OTHER COUNTY COUNCILLORS

56. Any County Councillor who wishes to attend a meeting of a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chairman they will be entitled to speak once and for a maximum of 5 minutes on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.
57. A County Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.

58. These provisions apply to Planning and Licensing Committee, subject to its Code of Best Practice, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

APPOINTMENTS TO COMMITTEES

59. Any changes in membership must be notified to the Governance Team in Democratic Services no later than 4 pm the day before the relevant meeting.

60. Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

SUBSTITUTE MEMBERS

61. Where a council member of a committee is listed as a member of a Political Group of the Council for the purposes of allocating committee seats, all other listed eligible members of that Group who are not members of that committee are appointed as substitute members with entitlement to attend, speak and vote in the event that the appointed member is absent from the meeting. The substitute will not be able to exercise any special powers or duties exercisable by the person they are substituting.

62. Only the first eligible substitute to declare at the meeting may replace the absent member. The identities of the substitute and of the absent member, and the reasons for apology from the absent member shall be declared at the outset of the meeting and recorded in the minutes.

63. Named substitutes will be required for the committees set out in Part 4, Paragraph 3 of the Constitution.

POLICY COMMITTEE, COMMUNITIES AND PLACE COMMITTEE AND HEALTH SCRUTINY COMMITTEE

64. When exercising statutory scrutiny functions, the Committee may invite people to discuss issues of local concern and/or answer questions. They may for example wish to hear from residents and representatives of other organisations.

HEALTH AND WELLBEING BOARD

65. Substitute members can be appointed for the non-County Council representatives. Substitute members will have all the powers and duties of any ordinary member on the Board but will not be able to exercise any special powers or duties exercisable by the person they are substituting. Substitute members may attend meetings in this capacity only:-

- a. To take the place of the ordinary member for whom they are substituting where the ordinary member will be absent for the whole of the meeting
- b. After the Proper Officer has been officially notified in writing by the organisation wishing to make the substitution.

PLANNING AND LICENSING COMMITTEE

66. The Committee will comply with its Code of Best Practice

67. The Committee's Code of Best Practice sets out who is entitled to speak at meetings of Planning and Licensing Committee.

PERSONNEL COMMITTEE

68. That Trade Union representatives be entitled to speak but not to vote at meetings of Personnel Committee.

GOVERNANCE AND ETHICS COMMITTEE

69. The Council's Procedure for Dealing with Conduct Allegations sets out who is entitled to speak on items relating to Councillor Conduct at meetings of Governance and Ethics Committee.

OTHER

70. Placards, banners, advertising materials and similar items are not permitted in any committee meeting and must be covered or removed. Failure to comply may result in the member of the public being asked to leave the meeting.

71. Members of the public should remain seated during any debate and not do anything to endanger the health and safety of any person.

72. Members of the public may record proceedings and report all public meetings. Any person recording the meeting must not disrupt the good order of the meeting.

73. Mobile phones and other electronic devices must be switched to silent.

6 November 2019**Agenda Item: 11****REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND
EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2019 - 20.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the Committee's agenda, the scheduling of the Committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and Committee meeting. Any member of the Committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.

Other Options Considered

4. None.

Reason/s for Recommendation/s

5. To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

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

RECOMMENDATION

- 1) That Committee considers whether any changes are required to the work programme.

Marjorie Toward
Service Director, Customers, Governance and Employees

For any enquiries about this report please contact:

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E-mail: keith.ford@nottsc.gov.uk

Constitutional Comments (SLB)

The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

There are no financial implications arising directly from this report.

Background Papers

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

GOVERNANCE & ETHICS COMMITTEE - WORK PROGRAMME (AS AT 29 OCTOBER 2019)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
17 December 2019			
Review of Democratic Services Staffing Structure	To consider the review of the staffing structure previously agreed by the Committee.	Marjorie Toward	Heather Dickinson
RIPA Annual Report		Marjorie Toward	Sorriya Richeux
Member Communication and Engagement Programme	To consider an update report on progress with this Programme.	Marjorie Toward	Heather Dickinson
Annual Whistleblowing Report		Marjorie Toward	Sorriya Richeux
Update on internal audit of vacant property		Adrian Smith	Tony Gamble
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council (item to be confirmed).	Marjorie Toward	Laura Mulvany-Law
Update on Use of the Councillors' Divisional Fund	To consider the six monthly update.	Marjorie Toward	Keith Ford
22 January 2020			
Information Governance Improvement Programme Update	To consider the latest update as agreed by the Committee on 24 July 2019.	Marjorie Toward	Caroline Agnew
National Audit Office Cyber Security and Information Risk Guidance for Audit Committees	To consider a six monthly update and any subsequent actions required.	Nigel Stevenson	Adam Crevald
Update on Use of Resources by Councillors	To consider the six monthly update.	Marjorie Toward	Keith Ford
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council (item to be confirmed).	Marjorie Toward	Laura Mulvany-Law

4 March 2020			
Information Governance Action Plan Update	To consider a quarterly update on performance against this new Action Plan.	Marjorie Toward	Caroline Agnew
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council (item to be confirmed).	Marjorie Toward	Laura Mulvany-Law
29 April 2020			
Update on Local Government and Social Care Ombudsman Decisions	To consider any recent findings of the Local Government Ombudsman in complaints made against the County Council (item to be confirmed).	Marjorie Toward	Laura Mulvany-Law