



Tuesday, 7 May 2024

Dear Sir/Madam

A meeting of the Council will be held on Wednesday, 15 May 2024 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:

D Bagshaw	H Land
S A Bagshaw	D L MacRae
P J Bales	R D MacRae
L A Ball BEM	T J Marsh
R E Bofinger	G Marshall
M Brown	J W McGrath
R Bullock	W Mee
G Bunn	J M Owen
B C Carr	P J Owen
C Carr	S Paterson
S J Carr	D D Pringle
A Cooper	M Radulovic MBE
H L Crosby	H E Skinner
T A Cullen	P A Smith
S Dannheimer	V C Smith
H J Faccio	A W G A Stockwell
K Harlow	C M Tideswell
G S Hills	D K Watts
S P Jeremiah	S Webb
S Kerry	E Williamson
H G Khaled MBE	E Winfield
A Kingdon	K Woodhead

## AGENDA

1. Apologies for Absence

To receive apologies and to be notified of the attendance of substitutes.

2. Declarations of Interest (Pages 5 - 12)

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. Minutes (Pages 13 - 22)

Council is asked to confirm as a correct record the minutes of the meeting held on 6 March 2024.

4. Mayor's Announcements

5. Vote of Thanks

6. Election of Mayor

7. Presentation of the Former Mayor's Jewel of Office

8. Appointment of Deputy Mayor

9. Appointments to Cabinet and Committees of Cabinet

To note appointments to the Cabinet and Committees of the Cabinet by the Leader in accordance with the schedule to be laid before the Meeting.

10. Recognition of Political Leaders

The Council is requested to note the Members chosen as Leader and Deputy Leader of the Opposition and the Leaders and Deputy Leaders of any other group.

11. Arrangements for the Discharge of Functions

1. Appointments to Committees/Overview & Scrutiny Committee/etc.

To make appointments in accordance with the schedule to be laid before the meeting.

2. **The Council is asked to NOTE that either the Leader of the Council or another Councillor being their nominated representative, and either the Leader of the Opposition or another Councillor being their nominated representative, have the right to attend any of the Council's Committees, which are not scrutiny Committees, as ex-officio Members and to speak but not vote at it provided that such nominated representatives may not be in attendance at the same meeting as their respective Leaders, unless they have been appointed as a Member of that Committee or are acting as a substitute for a named Member.**

12. Representation on Outside Bodies

13. Scheme of Delegation

(Pages 23 - 60)

To agree the Scheme of Delegation.

14. Amendments to the Liberty Leisure Ltd Board of Directors

**The Council is asked to NOTE the removal of Chris Laxton-Kane from the Directors of the Board of Liberty Leisure Limited and RESOLVE that Daniel Gammons, Business Development Manager, Liberty Leisure Limited, be appointed to the Board.**

15. Committee Reports

15.1 Amendments to the Constitution

(Pages 61 - 84)

Governance Audit and Standards Committee – 18 March 2024

Amendments to the Constitution

The Committee considered amendments to the Constitution regarding Portfolio Holders' Responsibilities in relation to the Council's Complaints Service and note the position on members to the Planning Committee and Bramcote Bereavement Joint Services Committee

The Local Government and Social Care Ombudsman (LGSCO), in association with the Housing Ombudsman (HO), issued a draft Joint Complaint Handling Code in October 2023. The aim of the Code was to introduce consistency in the way that both bodies deal with complaints.

**Recommendation**

**RECOMMENDED to Council that the amendments to the Terms of Reference within the Constitution for the Portfolio Holder for Resources and Personnel Policy be approved.**

16. Chetwynd: The Toton and Chilwell Neighbourhood Plan

(Pages 85 - 96)

To 'make' (adopt) the Chetwynd: The Toton and Chilwell Neighbourhood Plan, following a successful referendum result on 2 May 2024.

## Report of the Monitoring Officer

### Declarations of Interest

#### 1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

### **Part 2 – Member Code of Conduct**

#### **General Obligations:**

#### **10. Interest**

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publically available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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#### **Advice from the Monitoring Officer:**

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

'The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION  
'The action I will take is...'

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

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### **Ask yourself do you have any of the following interest to declare?**

#### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A "Disclosable Pecuniary Interest" is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

#### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

An "Other Registerable Interest" is a personal interest in any business of your authority which relates to or is likely to affect:

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

#### **3. NON-REGISTRABLE INTERESTS (NRIs)**

"Non-Registrable Interests" are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter "directly relates" to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### 3. NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
  - **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
  - **you must withdraw** from the room unless you have been granted a Dispensation.
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#### **Dispensation and Sensitive Interests**

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

#### **BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.



## **BIAS**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

## **PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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## Registerable Interests

These are interests that you are required to register in accordance with the Code of Conduct. They are interests that you would know about in advance of an item coming up (e.g. land you own) and you should have included them when filling in your register of interests.

What type of Registerable Interest do you have in this matter?

### Disclosable Pecuniary Interests

These are any interests that are described as DPIs under the Code of Conduct and include both the interests of yourself and of your partner.

### Other Registerable Interests

These are personal interests that relate to certain types of bodies that you may be involved in as set out in the Code of Conduct.

Does the matter directly relate to one of your Disclosable Pecuniary Interests?

No

Does the matter directly relate to the financial interest or wellbeing of one of your Other Registerable Interests?

No

Does the matter affect a financial interest or the wellbeing of yourself or of a friend, relative or close associate?

No

Is the financial interest or wellbeing affected to a greater extent than the financial interests or wellbeing of the majority of inhabitants?

No

Would a reasonable member of the public knowing all the facts believe that it would affect your view of the wider public interest?

No

You must:

- Disclose the interest;
- Not speak on the matter;
- Not participate in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

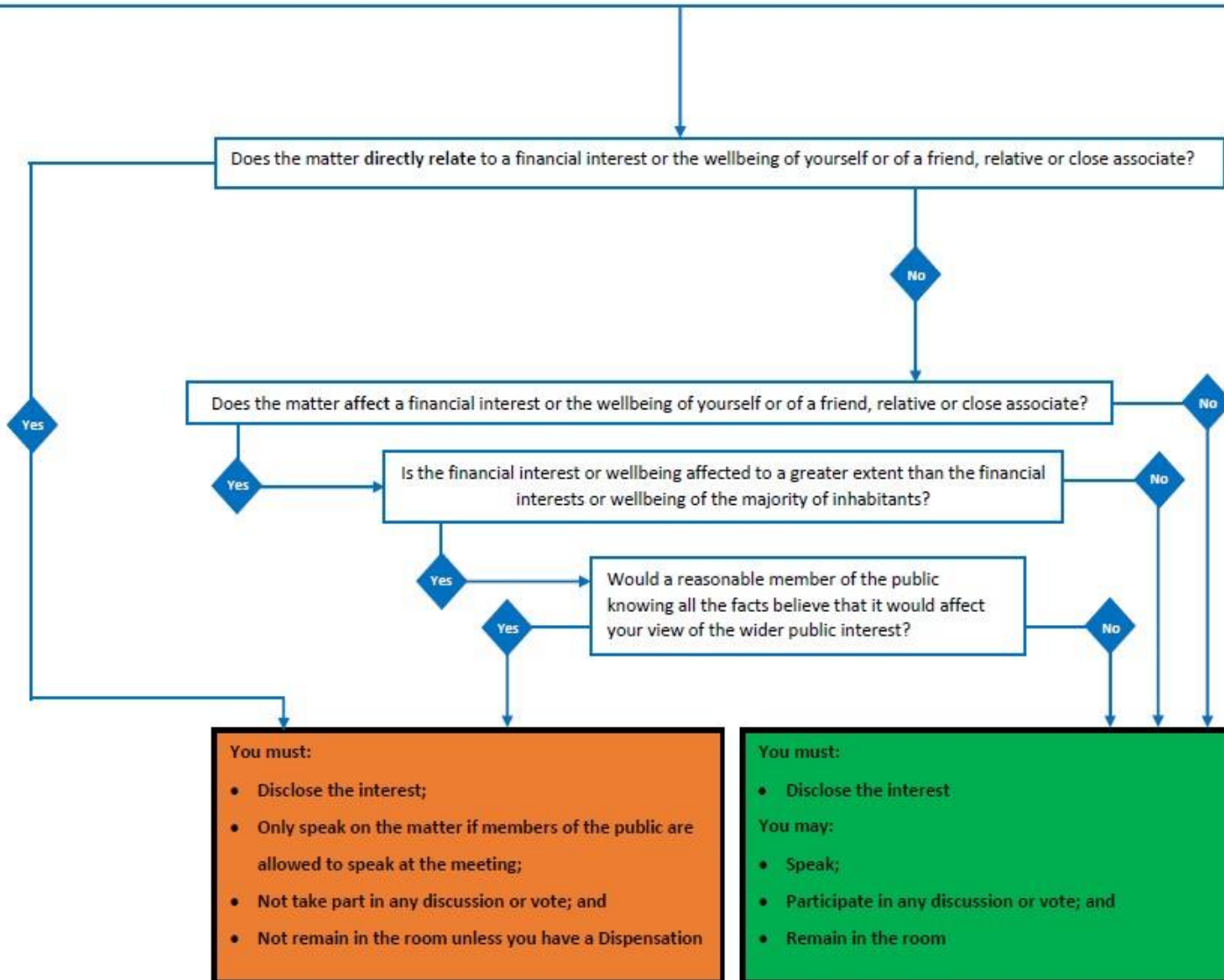
- Disclose the interest;
- Only speak on the matter if members of the public are allowed to speak at the meeting;
- Not take part in any discussion or vote; and
- Not remain in the room unless you have a Dispensation

You must:

- Disclose the interest
- You may:
- Speak;
  - Participate in any discussion or vote; and
  - Remain in the room

## Non-Registerable Interests

These are interests that you are not required to register but may become relevant when a particular item arises. These are usually interests that relate to other people you are connected with (e.g. friends, relatives or close associates) but can include your own interests where you would not have been expected to register them.



## COUNCIL

WEDNESDAY, 6 MARCH 2024

Present: Councillor T A Cullen, Mayor

Councillors: D Bagshaw  
P J Bales  
L A Ball BEM  
R E Bofinger  
M Brown  
R Bullock  
B C Carr  
C Carr  
S J Carr  
A Cooper  
S Dannheimer  
H J Faccio  
R S Falvey  
G S Hills  
S P Jeremiah  
H G Khaled MBE  
A Kingdon  
H Land  
D L MacRae  
R D MacRae  
G Marshall  
J W McGrath  
W Mee  
J M Owen  
P J Owen  
D D Pringle  
M Radulovic MBE  
H E Skinner  
P A Smith  
V C Smith  
A W G A Stockwell  
C M Tideswell  
D K Watts  
S Webb  
E Williamson  
E Winfield  
K Woodhead

Apologies for absence were received from Councillors S A Bagshaw, G Bunn, H L Crosby, K Harlow, S Kerry and S Paterson.

The Officers present were R Hyde, S Khosa, F Ellis and J Ward.

Prior to the meeting a minute silence was observed to mark the sad passing of former Councillor C Samson and former employee K Daykin.

66 DECLARATIONS OF INTEREST

Councillor D Bagshaw declared a non registrable, pecuniary interest in item 7. Minute number 71 refers.

67 MINUTES

The minutes of the meeting held on 13 December 2023 were confirmed and signed as a correct record subject to amendments to the attendance record.

68 MINUTES OF FREEMAN AND ALDERMAN COUNCIL

The minutes of the Freeman and Alderman Council meeting held on 24 January 2024 were confirmed and signed as a correct record subject to amendments to the attendance record.

69 REFERENCES

69.1 INDEPENDENT REMUNERATION PANEL

The recommendations of the Independent Remuneration Panel were debated, including the recommendation for a 4% rise in allowances.

**RESOLVED that:**

1. **An increase of 4% be applied to Member's allowances**
2. **A review be conducted to consider the roles and responsibilities of Councillors and for these to be benchmarked with other local authorities.**
3. **The Business Manager role be extended to apply to all recognised political groups.**

70 PAY POLICY STATEMENT - 2024/25

The Council debated the Pay Policy Statement for 2024/25, as required by the Localism Act 2011.

**RESOLVED that the Pay Policy Statement 2024/25 be approved.**

71 ATTENDANCE AT MEETINGS

The Local Government Act 1972 states that when a Councillor fails to attend any meeting for six consecutive months from the date of their last attendance, then, subject to certain exceptions, they cease to be a Member of the authority, unless the Council accepts a reason for the failure to attend before the six months expires. Councillor S A Bagshaw is currently unable to attend Council meetings and in the circumstances, it is put before Members to

consider a dispensation under Section 85 (1) of the Local Government Act 1972 for the period of six months from 6 March 2024 before which forfeiture applies.

**RESOLVED that a dispensation be granted for Councillor S A Bagshaw for a period of six months from the date of this meeting.**

(Having declared a non registrable, pecuniary interest, Councillor D Bagshaw left the meeting for the duration of the item and did not vote thereon.)

72 AMENDMENTS TO THE LIBERTY LEISURE LTD BOARD OF DIRECTORS

Members noted the resignation of Mr Jamie Bennett from the Liberty Leisure LTD Board of Directors. There were thanks for Mr Bennett's service.

73 APPROVAL OF THE REVENUE AND CAPITAL BUDGETS, CAPITAL STRATEGY, TREASURY MANAGEMENT STRATEGY, INVESTMENTS STRATEGY, MEDIUM TERM GENERAL FUND FINANCIAL STRATEGY AND TO FIX THE COUNCIL TAX FOR THE YEAR COMMENCING 1 APRIL 2024

The Council debated the capital and revenue budget proposals together with the Capital Strategy, Prudential Indicators, Treasury Management Strategy, Investment Strategy and General Fund Medium Term Financial Strategy and Business Plans.

It was proposed by Councillor P J Owen and seconded by D D Pringle that the following amendment be made to the budget.

The Conservative party proposals for the 24/25 budget are as follows:

The Council shall -

1. Abolish the recently introduced car parking charges (additional cost £270,000)
2. Reduce proposed garden waste charges increases from an additional £5 to £1 per annum (additional cost £90,000)
3. Introduce flood wardens and sand-bags (additional cost £50,000)

Total additional 24/25 budget cost - £410,000

4. Increase the Council's staffing vacancy target (additional saving £200,000)
5. Use of general fund balances (additional saving £210,000)

Total additional 24/25 budget savings - £410,000.

Prior to the vote on the amendment Councillor R D MacRae proposed and Councillor E Williams seconded an adjournment. On being put to the meeting the motion fell.

The debate on the amendment was had and included comments on car parking charges and the impact on existing employees and services of further staffing cuts.

The debate on the amendment focussed the pressure that would be put on Officers by vacant posts being deleted and the balance of ensuring car parking charges were fair, but didn't impact negatively on businesses. On being put to the meeting the motion fell. The vote was recorded and the voting was as follows:

For	Against	Abstain
L A Ball BEM	D Bagshaw	B C Carr
M Brown	P Bales	S J Carr
G S Hills	R E Bofinger	A Kingdon
H G Khaled MBE	R Bullock	H Land
J M Owen	C Carr	D L MacRae
P J Owen	A Cooper	R D MacRae
D D Pringle	T A Cullen	D K Watts
A W G A Stockwell	S Dannheimer	E Williamson
	H J Faccio	
	R S Falvey	
	S P Jeremiah	
	G Marshall	
	J W McGrath	
	W Mee	
	M Radulovic MBE	
	H E Skinner	
	P A Smith	
	V C Smith	
	C M Tideswell	
	S Webb	
	E Winfield	
	K Woodhead	

There followed a brief adjournment.

After the adjournment the debate progressed on to the substantive motion. It was noted that the proposed budget included grants to sports organisations and voluntary groups. There were concerns about the house building programme, car parking charges and the increase in prices for garden waste bins.

Discussion progressed on to homelessness, the East Midlands Combined Authority, affordable housing and austerity.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was required. The voting was as follows:

For	Against	Abstain
D Bagshaw		L A Ball BEM
P Bales		M Brown
R E Bofinger		G S Hills
R Bullock		H G Khaled MBE
B C Carr		A Kingdon
C Carr		H Land
S J Carr		J M Owen
A Cooper		P J Owen
T A Cullen		D D Pringle
S Dannheimer		A W G A Stockwell
H J Faccio		D K Watts
R S Falvey		
S P Jeremiah		



D L MacRae		
R D MacRae		
G Marshall		
J W McGrath		
W Mee		
M Radulovic MBE		
H E Skinner		
P A Smith		
V C Smith		
C M Tideswell		
S Webb		
E Williamson		
E Winfield		
K Woodhead		

**RESOLVED that:**

1. The recommendations arising from the Cabinet meeting of 6 February 2024 as set out below be approved and adopted.
  - The Housing Revenue Account budget as submitted be approved.
  - The General Fund revenue budgets as submitted be approved.
  - The capital submissions and priorities within them be approved and the Deputy Chief Executive be authorised to arrange the financing of the capital programme as necessary.
  - An amount of £50,000 be provided for a General Contingency in 2024/25.
  - The Council Tax Requirement for 2024/25 including special expenses (but excluding local precepting requirements) be £6,601,729.
  - An amount of £2,070,092 be withdrawn from the General Fund reserves in 2024/25 to include:
    - a) £820,670 from General Fund balances.
    - b) £1,249,422 from General Fund earmarked reserves.
  - The Capital Strategy 2024/25 to 2026/27 be approved.
  - The Minimum Revenue Provision policy as set out be approved.
  - The Treasury Management Strategy 2024/25 to 2026/27 be approved.
  - The Investments Strategy 2024/25 to 2026/27 be approved.
  - The General Fund Medium Term Financial Strategy to 2027/28 be approved.
2. It be noted that Cabinet, at its meeting on 5 December 2023, approved the following amounts for the year 2024/25 in accordance with the

**Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012:**

(a) 35,224.25 being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as its council tax base for the year.

(b) **Part of the Council's area**

Parish of Awsworth	596.93
Parish of Brinsley	752.36
Parish of Cossall	242.81
Parish of Eastwood	3,092.46
Parish of Greasley	3,753.90
Parish of Kimberley	1,898.21
Parish of Nuthall	2,255.75
Parish of Stapleford	4,240.31
Parish of Trowell	838.10
Beeston Special Expense Area	17,379.01

being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

The amount calculated for dwellings in those parts of its area to which no special item relates is 174.41.

3. The following amounts be now calculated by the Council for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (the Act) as amended:

(a) £59,684,703 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act.

(b) £51,947,520 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.

(c) £7,737,183 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its council tax requirement for the year.

(d) £219.66 being the amount at 3(c) above divided by the amount at 2(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year.

- (e) £1,135,454 being the aggregate amount of all special items (including parish precepts and special expenses) referred to in Section 34(1) of the Act.
- (f) £187.42 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by the amount at 2(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(g) Part of the Council's Area

Parish of Awsworth	£335.63
Parish of Brinsley	£297.89
Parish of Cossall	£243.84
Parish of Eastwood	£226.64
Parish of Greasley	£248.37
Parish of Kimberley	£261.49
Parish of Nuthall	£242.03
Parish of Stapleford	£240.11
Parish of Trowell	£291.55
Beeston Special Expense Area	£188.89

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

PART OF THE COUNCIL'S AREA	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Parish of Awsworth	223.75	261.05	298.34	<b>335.63</b>	410.21	484.80	559.38	671.26
Parish of Brinsley	198.59	231.69	264.79	<b>297.89</b>	364.09	430.29	496.48	595.78
Parish of Cossall	162.56	189.65	216.75	<b>243.84</b>	298.03	352.21	406.40	487.68
Parish of Eastwood	151.09	176.28	201.46	<b>226.64</b>	277.00	327.37	377.73	453.28
Parish of Greasley	165.58	193.18	220.77	<b>248.37</b>	303.56	358.76	413.95	496.74
Parish of Kimberley	174.33	203.38	232.44	<b>261.49</b>	319.60	377.71	435.82	522.98
Parish of Nuthall	161.35	188.25	215.14	<b>242.03</b>	295.81	349.60	403.38	484.06
Parish of Stapleford	160.07	186.75	213.43	<b>240.11</b>	293.47	346.83	400.18	480.22
Parish of Trowell	194.37	226.76	259.16	<b>291.55</b>	356.34	421.13	485.92	583.10
Beeston Special Expense Area	125.93	146.91	167.90	<b>188.89</b>	230.87	272.84	314.82	377.78
All other parts of the Council's Area	124.95	145.77	166.60	<b>187.42</b>	229.07	270.72	312.37	374.84

being the amounts given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in Valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted for the year 2024/25, the Nottinghamshire and City of Nottingham Fire and Rescue Authority, Nottinghamshire County Council and the Nottinghamshire Police and Crime Commissioner are proposing the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

PRECEPTING AUTHORITY	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Nottinghamshire County Council	1,204.72	1,405.51	1,606.29	<b>1,807.08</b>	2,208.65	2,610.23	3,011.80	3,614.16
Nottinghamshire Police and Crime Commissioner	188.10	219.45	250.80	<b>282.15</b>	344.85	407.55	470.25	564.30
Nottinghamshire and City of Nottingham Fire and Rescue Authority	61.47	71.72	81.96	<b>92.21</b>	112.70	133.19	153.68	184.42

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2024/25 for each of the categories of dwellings shown below:

PART OF THE COUNCIL'S AREA	VALUATION BANDS							
	A £	B £	C £	D £	E £	F £	G £	H £
Parish of Awsworth	1,678.04	1,957.73	2,237.39	<b>2,517.07</b>	3,076.41	3,635.77	4,195.11	5,034.14
Parish of Brinsley	1,652.88	1,928.37	2,203.84	<b>2,479.33</b>	3,030.29	3,581.26	4,132.21	4,958.66
Parish of Cossall	1,616.85	1,886.33	2,155.80	<b>2,425.28</b>	2,964.23	3,503.18	4,042.13	4,850.56
Parish of Eastwood	1,605.38	1,872.96	2,140.51	<b>2,408.08</b>	2,943.20	3,478.34	4,013.46	4,816.16
Parish of Greasley	1,619.87	1,889.86	2,159.82	<b>2,429.81</b>	2,969.76	3,509.73	4,049.68	4,859.62
Parish of Kimberley	1,628.62	1,900.06	2,171.49	<b>2,442.93</b>	2,985.80	3,528.68	4,071.55	4,885.86
Parish of Nuthall	1,615.64	1,884.93	2,154.19	<b>2,423.47</b>	2,962.01	3,500.57	4,039.11	4,846.94
Parish of Stapleford	1,614.36	1,883.43	2,152.48	<b>2,421.55</b>	2,959.67	3,497.80	4,035.91	4,843.10
Parish of Trowell	1,648.66	1,923.44	2,198.21	<b>2,472.99</b>	3,022.54	3,572.10	4,121.65	4,945.98
Beeston Special Expense Area	1,580.22	1,843.59	2,106.95	<b>2,370.33</b>	2,897.07	3,423.81	3,950.55	4,740.66
All other parts of the Council's Area	1,579.24	1,842.45	2,105.65	<b>2,368.86</b>	2,895.27	3,421.69	3,948.10	4,737.72

## Report of the Monitoring Officer

### **SCHEME OF DELEGATION**

1. Purpose of Report

To agree the Scheme of Delegation.

2. Recommendation

**Council is asked to RESOLVE that the Scheme of Delegation be approved.**

3. Detail

Part 1.1.9 of the Constitution states that at the annual meeting of the Council, it should:

“agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out later in this Constitution)”.

The Scheme of Delegation is included at the appendix for Councillors to consider. It should also be noted that, as part of the review of the Constitution that is to be considered by the Governance, Audit and Standards Committee on 20 May 2024, Members will be encouraged to provide feedback on the consultation exercise before being submitted to Full Council.

4. Financial Implications

There are no financial implications.

5. Legal Implications

There are no Legal implications.

6. Human Resources Implications

There are no Human Resources implications.

7. Union Comments

There were no Union Comments.

8. Climate Change Implications

There were no comments from the Waste and Climate Change Manager.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

As this is not a change to policy or a new policy, therefor an equality impact assessment not required.

11. Background Papers

None.



# Broxtowe Borough Council Constitution

## Chapter 3 – Part 1

### Scheme of Delegation

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## **Chapter 3 Part 1: THE SCHEME OF DELEGATION**

### **Introduction to the Scheme of Delegation**

Under the Local Government Act 1972 and the Local Government Act 2000 the Council has arranged for the discharge of its functions and responsibilities by the Council bodies detailed below and as set out in the corresponding section of this Constitution:

- 1.1.1 The Council (Chapter 2 Part 1 & 2);
- 1.1.2 The Cabinet (Chapter 2 Part 3);
- 1.1.3 Committees (Chapter 2 Part 8 -17);
- 1.1.4 Officers (Chapter 3 this Part 1 – the Officer Scheme of Delegation);

The exercise of delegated powers is subject to the restrictions set out at paragraph 3 below:

Where a power has been delegated, the Council, Cabinet or Committee, or in the case of an Officer Sub-Delegation, the delegating Officer, may still exercise that power in a particular instance if considered appropriate. Equally, any matter may be referred up to the source of the delegation for determination.

Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee/Sub Committee.

In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and the Head of Legal Services. Any use of the Chief Executive's exercise of this delegated power must be reported to the Council and/or to the Cabinet as soon as practicable.

### **The Officer Scheme of Delegation**

#### **1. Introduction to the Officer Scheme of Delegation**

- 1.1 This Officer Scheme of Delegation (OSD) is for the Officers of the Council. 'Officers' are defined as all employees and staff employed or engaged by the Council to carry out its functions. It includes those under short-term, agency, or other non-employed situations. It does not apply to any person employed by contractors who are carrying out work or duties for the Council under contracts.

- 1.2 The OSD has been adopted by the Council and sets out the extent to which the powers and duties of the Council are delegated to Officers under the Local Government Act 1972, the Local Government Act 2000 (as amended) and all other powers enabling the delegation of Executive and Non-Executive functions to Officers.
- 1.3 The OSD is intended to provide a streamlined, clear and simple decision-making process and empower Officers to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team. The OSD should be interpreted widely.
- 1.4 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 1.5 In this OSD references to powers and functions of 'the Council' include the powers and functions of the Cabinet (Executive).
- 1.6 The delegations under this OSD are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- 1.7 An Officer to whom a power has been delegated may Sub-Delegate that power to another appropriate Officer(s) following consultation with the Chief Executive and Monitoring Officer. A record of any delegations shall be provided to the Monitoring Officer, Head of Legal and Head of Democratic Services for their records.
- 1.8 Where an Officer has delegated powers, the Council, the Cabinet, a Committee or a delegating Officer (as the case may be) can still exercise that power in a particular case if it considers it appropriate to do so. It remains open to an Officer not to exercise delegated powers and instead refer the matter up to the source of their delegated power for determination.

## **2. Functions which are Not Delegated**

- 2.1 This OSD does not delegate to Officers:
  - 2.1.1 any matter reserved to full Council by law or otherwise in accordance with this Constitution;
  - 2.1.2 any matter which by law may not be delegated to an Officer;
  - 2.1.3 any Key Decision;
  - 2.1.4 any matter expressly withdrawn from delegation by the Council, Committees, Leader or Cabinet or delegating Officer (as the case may be).

### **3. Restrictions**

3.1 The exercise of delegated powers by an Officer is subject to:

3.1.1 any statutory restrictions;

3.1.2 the Budget and Policy framework;

3.1.3 any provision of this Constitution including the Financial Regulations, Procurement Regulations and Procedure Rules;

3.1.4 any financial limits set out in the revenue or capital budgets except as set out in the Financial Regulations set out at Chapter 4 Part 1&2;

3.1.5 any policy set by the Council or its Committees, the Cabinet, the Leader or Chief Executive;

3.1.6 the Employee Code of Conduct;

3.1.7 consultation (as applicable).

### **4. Consultation and Liaison**

4.1 When exercising delegated powers Officers must consult as appropriate, give due regard to any advice received and keep Councillors and relevant other Officers properly informed of actions arising within the scope the delegation exercised.

### **5. Transfer of Functions**

5.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet, or a Committee/Sub Committee.

5.2 In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer. Any use of this delegated power must be reported to the Council and/or to the Cabinet as soon as practicable.

### **6. Proper Officer Functions and Delegations**

6.1 Officers designated by the Council as "Appropriate" or "Proper" Officer" for the purposes of any statutory function (including where necessary or convenient having regard to any professional or technical requirements of an Officer who is not an employee of the

Council) and their functions are set out at the Schedule of Proper Officer Functions & Delegations below.

## **7. The Council's Statutory Officers and Management Structure**

The Council shall engage such Officers as considered necessary for the discharge of its functions.

### *The Statutory Officers & The General Management Team*

7.1 The Council's Statutory Officers are:

7.1.1 The Head of Paid Service (Chief Executive);

7.1.2 The Deputy Chief Executive/Section 151 Officer;

7.1.3 The Monitoring Officer.

7.2 The Statutory Officers together with the Executive Director are the Council's 'Chief Officers' and comprise the Council's General Management Team.

### *The Senior Management Team*

7.3 The Senior Officers listed below are part of the Council's Senior Management Team and they have delegated authority within the terms of this Constitution for their areas of responsibility as set out further below, without limitation, at paragraphs 13 – 24.

7.3.1 Head of Legal Services & Deputy Monitoring Officer;

7.3.2 Head of Democratic Services and Deputy Monitoring Officer;

7.3.3 Head of Finance Services;

7.3.4 Head of Planning & Economic Development;

7.3.5 Head of Asset Management;

7.3.6 Head of Housing;

7.3.7 Head of Environment Services;

7.3.8 Head of Revenue, Benefits & Customer Services;

7.3.9 Head of Administrative Services;

7.3.10 Chief Environmental Health Officer;

7.3.11 Chief Communities Officer.

7.4 The following Senior Officers are also members of the Council's Senior Management Team:

7.4.1 ICT and Business Transformation Manager;

7.4.2 Payroll and Job Evaluation Manager;

7.4.3 Health and Safety and Emergency Planning Manager;

7.4.4 Communications, Cultural and Civic Services Manager.

7.4.5 Human Resources Manager;

7.4.6 Commercial Manager.

7.5 The Senior Officers of the Council are those who comprise the Senior Management Team as well as those who report directly to a Member of General Management Team as listed at paragraph 7.3 and 7.4.

## **8. Delegation of General Powers**

8.1 The delegation to Chief Officers and Senior Officers shall include:-

8.1.1 All powers under all present and future legislation relevant to their areas of responsibility and the discharge of their duties and functions, including all powers incidental and/or conducive to that legislation, their areas of responsibility and the discharge of their duties and functions. All such functions must be managed in accordance with Council policies, strategies and procedures and all applicable law. It shall be the responsibility of each chief Officer to liaise with their senior Officers as to the discharge of their delegated functions to ensure it aligns with corporate policy.

8.1.2 The power to authorise the exercise of the delegated powers of decision by such other Officers as may be deemed appropriate for the proper and efficient performance of the work. A record of any delegations shall be provided to the Monitoring Officer and Head of Legal and Head of Democratic Services (The Deputy Monitoring Officers) for their retention.

8.2 If the Officer to whom a function has been delegated is unable to act due to a conflict of interest, a conflict of opinion with a Chief Officer or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the Section

Deputy Chief Executive/Section 151 Officer to determine who should exercise that function. If the Chief Executive and Deputy Chief Executive/Section 151 Officer are unable to act due to a conflict of interest, or any other reason, then the function can be exercised by any Chief Officer from the General Management Team.

- 8.3 Subject to any statutory restrictions or as otherwise provided for in this Constitution, the powers of a Statutory Officer/Chief Officer, Proper Officer or Senior Officer may be exercised by their nominated deputies or any other authorised Officer.
- 8.4 A Statutory Officer/Chief Officer, Proper Officer or Senior Officer may, so far as permissible under the law or otherwise as provided for in this Constitution, sub-delegate their powers within their area of responsibility (including cross-service delegation where appropriate).

### **Chief Officer Responsibilities and Specific Delegated Powers**

Without limitation the responsibilities and specific delegated powers of the Chief Officers are as set out below.

#### **9. The Chief Executive (Head of Paid Service)**

- 9.1 To act as the Council's Head of Paid Service and to undertake the associated duties as set out in Section 4 of the Local Government and Housing Act 1989.
- 9.2 To lead, manage and direct all Officers of the Council in providing a corporate, co-ordinated, cross-functional approach towards Strategy and Policy Development and the delivery of services for the Council.
- 9.3 To deal with the grant and supervision of exemptions from political restrictions in respect of the relevant Council's posts.
- 9.4 To review the Whistleblowing Procedure for Employees.
- 9.5 To review the Employee Code of Conduct.
- 9.6 In consultation with the HR Manager, as considered necessary, to deal with all matters other than those reserved to the Council relating to the recruitment, appointment, remuneration, conditions of service, discipline, dismissal, superannuation, qualifications, training, job evaluation, promotion, safety and provision of welfare facilities of all employees of the Council (including settlement of claims up to £25,000 after consultation with the Monitoring Officer and Deputy Chief Executive/Section 151 Officer).



- 9.7 To act as the Council's Returning Officer for the elections of Councillors of the Borough, Electoral Registration Officer for the Borough and Proper Officer for Parish polls under the Local Government Act 1972.
- 9.8 To act as the Council's Emergency Planning Officer in both wartime and peacetime emergencies and to liaise as necessary with neighbouring authorities, government departments, agencies and other bodies.
- 9.9 To perform the functions of the Council in respect of crime reduction including the payment of grants within the policy and budget of the Crime and Disorder Reduction Partnership.
- 9.10 The Chief Executive, following consultation with the Leader of the Council and, where possible, the Leader of the Opposition, shall have the power to allocate any new functions of the Council, or a function which has not been allocated under this Scheme, to the Officer (including the Chief Executive), which the Chief Executive considers most appropriate to perform the function. This enhances delegated urgency powers to the Chief Executive in light of any pandemic or other such circumstances.
- 9.11 In consultation with the Leader of the Council, and other recognised group Leaders, to nominate or recommend any appointment to Liberty Leisure Ltd on behalf of the Council as shareholder.
- 9.12 In consultation with the Leader of the Council and where possible, the Leader of the Opposition to authorise the taking or carrying out of action, notwithstanding anything on the Council's Procedure Rules or Financial Regulations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Cabinet or Council, as appropriate.
- 9.13 Any action in accordance with the Council's agreed policies and procedures with respect to the recruitment, appointment, promotion, training, grading, discipline, determination of wages and salary scales, determination of allowances, determination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment.
- 9.14 To sign and seal documents on behalf of the Council, as required.

**10. The Deputy Chief Executive/Section 151 Officer**

10.1 The Deputy Chief Executive shall deputise for the Chief Executive in their absence or where they are unable to act unless prohibited from doing so under the law or otherwise by any provision of this Constitution.

10.2 To perform the Council's commercial services function.

10.3 The Deputy Chief Executive is the Council's Deputy Chief Executive/Section 151 Officer and in such capacity:-

10.3.1 Ensuring Lawfulness and Financial Prudence in Decision-Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Deputy Chief Executive/Section 151 Officer shall report to the Council, the Cabinet or appropriate Committee (as the case may be) and the Council's external auditor, any proposal, decision or course of action which in the opinion of the Deputy Chief Executive/Section 151 Officer will incur unlawful expenditure or is otherwise unlawful and likely to cause a loss or deficiency, or where the Council is about to enter an item of account unlawfully.

10.3.2 Administration of Financial Affairs

- (a) The Deputy Chief Executive/Section 151 Officer shall be responsible for the administration of the financial affairs of the Council pursuant to section 151 of the Local Government Act 1972;
- (b) To make arrangements for the provision and operation of any treasury management, banking and insurance services including the authorisation of any transaction; signing of cheques or other financial instrument; provision of indemnities; agreement of terms for the raising, repayment or cancellation of loans, investments and leases;
- (c) To take any action to recover debts due to the Council and to write off debts considered to be irrecoverable for any proper reason;
- (d) To authorise arrangements for the disposal of surplus or obsolete assets and consequential accounting entries;
- (e) To determine all financial matters specified within statutory provisions and not reserved therein to the Council;
- (f) To allocate budgetary provision from approved contingencies and earmarked reserves;

- (g) To make arrangements for the provision of an internal audit service to the Council;
- (h) Negotiate and settle the Council's insurance claims through insurers up to a financial limit determined by policy;
- (i) Together with the Chief Executive and the Monitoring Officer provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and support and advise Councillors and Officers in their respective roles.

10.4 In consultation with the Head of Finance and Head of Revenue, Benefits & Customer Services:

10.4.1 Give financial information and provide financial information to the media, Members of the public and the community;

10.4.2 Write off debts to the limit set in Financial Regulations;

10.4.3 Grant non-domestic rating discretionary relief;

10.4.4 Assess and determine applications regarding the Policy on Discretionary Council Tax Discounts.

10.5 To discharge the Council's functions in respect of:

10.5.1 The Administration of benefits, including determination of entitlement and the award of discretionary housing benefits;

10.5.2 The Collection of revenues due to the Council under currently prevailing legislation relating to local government finance;

10.5.3 The Determination and declaration of the appropriate local average rate in March and September each year in respect of Council mortgages and perform and consequential administration;

10.5.4 Appearance at hearings of the Valuation Tribunal;

10.5.5 The recovery of rates and Council Tax including the appointment of enforcement agents for this purpose and the pursuit of court proceedings in consultation with the Head of Legal Services, where appropriate;

- 10.5.6 The Management of the Council's investments and debts, including the appointments of external investment managers and brokers, in accordance with the Council's adopted Treasury Policy Statement;
- 10.5.7 The Appointment of, and liaison with, insurers;
- 10.5.8 Unless otherwise delegated, the determination of tenders in respect of all activities in accordance with relevant legislative requirements and organisation and performance of all works in relation thereof;
- 10.5.9 The negotiation and acceptance of quotations from contractors for works classified as part of tenders within limits specified in the Financial Regulations;
- 10.5.10 The reduction or remittance of the charge for non-domestic rates on occupied and unoccupied properties on grounds of hardship, under Section 49 of the Local Government Finance Act 1988.

## **11. The Monitoring Officer**

- 11.1 The Monitoring Officer is the Council's Monitoring Officer for the purpose of section 5 of the Local Government and Housing Act 1989.
- 11.2 The Monitoring Officer has the following specific functions:
  - 11.2.1 To report to the Council, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration, after such consultation with the Chief Executive and the S151 Officer. Such a report, once issued, will have the effect of stopping the proposal or decision being implemented until the report has been considered;
  - 11.2.2 To maintain an up-to-date version of the Constitution and ensure that it is widely available to Members, staff and public, to include the recording of any changes ensuring that all administrative changes are made in consultation with the Chief Executive, Leader and Leader of the Opposition, save where such consultees object to the proposed changes in which case the matter shall be determined by the Council;
  - 11.2.3 To provide support and advice to the Council, Cabinet, Committees and Officers;
  - 11.2.4 To provide advice to all Members on issues in relation to the scope of powers and authority to take decisions, interests, maladministration, financial impropriety, probity and the Budget and Policy Framework;

11.2.5 In consultation with the with Head of Legal Services and/or other Senior Officer's as may be appropriate, deal with matters concerning regulators and Ombudsmen.

11.2.6 To determine corporate complaints and to make payments for maladministration and other similar compensation awards by the Council up to a limit of £5,000.

## **12. Executive Director**

12.1 To negotiate compensation claims by or against the Council up to the maximum currently set out in Financial Regulations in capital consideration in each case or weekly compensation not exceeding that sum in each case.

12.2 To perform the Council's, Environmental Services, Governance, Administration, Payroll and Job Evaluation, ICT and Business Transformation, Health, Safety and Emergency Planning, Corporate Communication and Civic Office functions.

12.4 To perform functions in relation to Climate Change matters.

12.5 To act as the Council's Data Protection Officer as required by relevant legislation.

12.6 To act as the Council's Senior Information Risk Owner (SIRO).

## **Senior Management Team Responsibilities and Specific Delegated Powers**

Without limitation the responsibilities and specific delegated powers of the Senior Management Team are as set out below.

### **13. Head of Legal Services and Deputy Monitoring Officer**

13.1 Legal services Affixing the Common Seal of the Council.

13.2 Certifying true copies.

13.3 To determine, authorise, issue and withdraw any Notice, decision, proceedings (to include criminal and civil proceedings) and appeals on behalf of the Council.

13.4 To exercise discretion in consultation with the S151 Officer to settle court and tribunal proceedings and other potential proceedings.

13.5 To authorise, in conjunction with the Chief Executive, Officers under Section 223 of the Local Government Act 1972 to appear on behalf of the Council in proceedings before the Magistrates' Court where those Officers would otherwise not have rights of audience before the court.

- 13.6 To arrange and authorise the signing of a contract under seal such signing to be witnessed by an Officer or Member of the Council and registered in a book kept for that purpose by the Monitoring Officer.
- 13.7 To confirm unopposed public path orders and tree preservation orders.
- 13.8 To determine applications for the Register of Community Assets and applications for compensation.
- 13.9 To approve Wayleave Agreements.
- 13.10 To authorise any person or sign any Notice to enable the use of the Council's powers of entry to land or property including applications to the court to enforce or ensure that the power of entry can be exercised.
- 13.11 To determine, prepare and serve applications for Certificates of Lawful Use or Development notices and directions subject to prior approval with the Head of Planning and Economic Development or his or her nominated Officer.
- 13.12 To enter into an agreement regulating the development or use of land in consultation with the Head of Planning and Economic Development (Section 106 Town and Country Planning Act 1990).
- 13.13 To determine appeals in relation to compensation for matters relating to the Register of Community Assets.
- 13.14 To determine and issue any Notice, decision, proceedings, appeals not otherwise delegated to Officers (other than where prohibited by statute) or in circumstances where that Officer is unable to exercise his or her delegated authority.

**14. Head of Democratic Services & Deputy Monitoring Officer**

- 14.1 To perform, the Council's Democratic Service functions.
- 14.2 To perform the Council's Complaints functions.
- 14.3 To ensure that all decisions, reasons for those decisions, relevant Officer reports and background papers are made publicly available as soon as possible and in accordance with the relevant legislation.

## **15. Head of Finance Services**

- 15.1 To perform the Council's Financial Management functions to manage the finances in an efficient manner such that the Council has sufficient financial resources to enable it to successfully implement its policies and plans.
- 15.2 To perform the Council's Accountancy Services functions to prepare and monitor the Council's detailed financial plans and pay all creditors and collect all income due to the Council promptly.
- 15.3 To perform the Council's Treasury Management and Banking functions to manage the Council's debt portfolio, investments and banking arrangements, manage the risks associated with these activities and pursue optimum performance consistent with these risks.
- 15.4 To perform the Council's Internal Audit functions as a key component of the Council's governance framework to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.
- 15.5 To co-ordinate the Council's Fraud and Corruption prevention activity. The Council takes a zero-tolerance approach to fraud and corruption and is committed to establishing a strong anti-fraud and corruption culture.
- 15.6 To co-ordinate the Council's Business Planning and Performance Management framework, including support with the preparation of Business Plans and the suite of performance indicators and targets and the monitoring of these through the performance management system.
- 15.7 To perform the Council's Insurance and Risk Management functions to identify, arrange and monitor insurance requirements, including claims handling, and to implement risk management initiatives which minimise the risk of injury or loss to customers, employees and other stakeholders and safeguard the Council's assets.
- 15.8 To co-ordinate the Council's Procurement and Commissioning activity to improve the delivery and cost effectiveness of high quality services across the organisation through the promotion of effective, prudent and innovative procurement and commissioning practices.
- 15.9 To perform the Council's Grant Aid activity to process applications for grant aid from voluntary organisations and individuals involved in sports or the arts.

**16. Head of Planning & Economic Development**

- 16.1 To perform the Council's Planning regeneration and development management functions.
- 16.2 To manage the Council's shared Building Control functions.
- 16.3 To perform the Council's Street works functions.
- 16.4 To perform the Council's Planning policy functions.
- 16.5 To perform the Council's functions in relation to Economic Development, Investment Regeneration, and Local Enterprise Partnership.
- 16.6 To determine applications for planning permission, the need for prior approval, consent for the display of advertisements and listed building consent and the determination of or response to any other application or matter received in respect of the town and country planning function, (excluding enforcement) including Article 4 directions subject in each case to the proviso that any Member of the Council may bring the application before the Planning Committee for decision, and subject also to the provisos below:
  - 16.6.1 Any application above that is
    - i) contrary to policy
    - ii) made by a Member of the Council or
    - iii) by an Officer involved in the planning process, namely: Directors, Heads of Service and employees of the planning and building control sections shall be referred to Planning Committee for decision;
  - 16.6.2 In consultation with Ward Members, the Chair and Vice Chair of the Planning Committee, the decision not to take enforcement action must only be made in consultation with the Head of Legal Services.
- 16.7 To determine planning enforcement action as may be necessary having due regard to the consultation response from Ward Members, the Chair of Planning Committee and the Head of Legal Services to include the:
  - 16.7.1 Investigation leading to breach of condition notices;
  - 16.7.2 Investigation leading to enforcement notices and injunctions;
  - 16.7.3 Investigation leading to stop and temporary stop notices;



- 16.7.4 Investigations leading to untidy land notices or community protection notices.
- 16.8 On a finding of breach of planning control, after consultation with Ward Members, Chair and Vice Chair of Planning Committee and Head of Legal Services to carry out the necessary action.
- 16.9 To approve or reject plans deposited under the Building Regulations and to make a declaration that plans approved under the Building Regulations since 1 April 1974 are of no effect where work has not commenced on site within 3 years of deposit of plans.
- 16.10 To manage the Council's functions under the Building Act 1984 as amended to include the issue of Notices under Section 36 of the Building Act 1984 (removal or alterations of work done in breach of Building Regulations) in consultation with the Head of Legal Services.
- 16.11 To exercise all local authority functions under the currently subsisting Building Act and Building Regulations.
- 16.12 To issue Notices requiring advance payment of Private Street Works charges under Section 220 of the Highways Act 1980 and Exemption Notices under Section 219 of the Highways Act 1980.
- 16.13 To enforce in respect of complaints Part 8 of the Anti-Social Behaviour Act 2003, including high hedges.
- 16.4 To determine street naming and numbering.
- 16.15 To authorise suitable bidding requests for grant aid for shop fronts and industrial improvement.
- 16.16 Where Section 106 contributions have been approved at the relevant Committee to arrange payments of these in consultation with the Head of Legal Services.
- 17. Head of Asset Management**
- 17.1 To deal with Capital Works Housing stock management and modernisations.
- 17.2 To approve bids and adaptations to Council properties up to a maximum of £30,000.
- 17.3 House Building Delivery – To consider and recommend housing building schemes.
- 17.4 Estate Management - Property/land acquisition and disposal (except housing stock).

- 17.5 To carry into effect approved capital and revenue programmes with regard to the Council's housing stock.
- 17.6 To manage and maintain buildings and lands held for directorate purposes including public car parks, industrial and commercial property.
- 17.7 To operate civil parking enforcement on and off street including those vested in the Council via an agreement with the County Council as Traffic Authority; save for the consideration of parking appeals referred back to the Council by the Traffic Penalties Tribunal.
- 17.8 In common with the Head of Legal Services acquisitions, appropriations and disposals of land or property (except Council Houses) not exceeding the value currently set out in Financial Regulations.
- 17.9 To consider, negotiate and determine all of the Council's acquisitions, appropriations and disposals of any land or property (except Council houses), lettings, negotiations and settlement of leases and rents for Council owned land or property (except Council houses), easements, licences or other rights or interests affecting the land whether granted or to be granted to or by the Council not exceeding the rental or capital consideration currently set out in Financial Regulations and in accordance with the Council's land disposal policy.
- 17.10 To negotiate and accept quotations from contractors for such related works classified as part of tenders within limits specified in the Financial Regulations.
- 17.11 To perform the function of requesting the County Council to apply to the Secretary of State for the closure or diversion of a public right of way on the grounds of crime reduction, following consultation with any Ward Members and the Crime and Disorder Reduction Partnership, for the purposes of the Countryside and Rights of Way Act 2000.
- 17.12 To consider and recommend investment in, improvement of and carbon reduction of the Council's housing stock.
- 17.13 To negotiate and accept quotations from contractors for works to the Council housing stock classified as part of tenders within limits specified in the Financial Regulations.
- 18. Head of Housing**
- 18.1 Housing Operations Management -The Council's functions as a housing provider and as regards its housing stock and housing revenue account.
- 18.2 The Council's functions as regards homelessness.

- 18.3 The Council's functions as regards to Housing Strategy.
- 18.4 To perform the Council's functions with regard to the Council's housing stock and housing revenue account property in accordance with all legislation relevant to housing and including homelessness, anti-social behaviour, repairs and allocations.
- 18.5 To carry into effect approved capital and revenue programmes and approved policies with regard to the Council's housing stock.
- 18.6 To approve conditions of sale and administer, in conjunction with the Head of Legal Services, the right to buy, voluntary sales schemes and property purchases.
- 18.7 To award compensation (up to a maximum of £1000) under the Secure Tenants of Local Authorities (Compensation for Improvement) Regulations 1994 (or other legislation) unless appropriate to exercise a discretion.
- 18.8 To recover rent, rates (from the Council's housing stock), including the appointment of agents for this purpose and pursuit of Court proceedings.
- 18.9 To consider and conduct reviews of Council and introductory tenancies.
- 18.10 To deal with Housing Repairs and Compliance Matters.
- 18.11 In common with the Head of Legal Services deal with acquisitions, appropriations and disposals of Council Houses not exceeding the value currently set out in Financial Regulations.
- 18.12 To consider, negotiate and determine all acquisitions, appropriations and disposals, lettings, negotiations and settlement of leases and rents for Council Houses not exceeding the rental or capital consideration currently set out in Financial Regulations and in accordance with relevant Council policies.

**19. Head of Environment Services**

- 19.1 To deal with Environmental services and waste collection services.
- 19.2 Vehicle, plant, equipment and facilities management, acquisition and disposal.
- 19.3 To deal with functions relating to Bereavement Services.
- 19.4 To carry into effect approved capital and revenue programmes with regards to the Council's vehicle fleet and improvements to public parks and green spaces.

- 19.5 To manage and maintain buildings and land held for Directorate purposes including Public Parks, Cemeteries, Woodlands, Play Areas, Recreational Grounds with associated Sports Facilities including Pavilions, Nature Reserves, The Nottingham Canal, public civil engineering assets and Allotments.
- 19.6 To manage and operate the licence, in accordance with statutory obligations, on behalf of the Council as Waste Collection Authority.
- 19.7 To manage and authorise the acquisition and disposal of all of the Council's vehicles and plant not exceeding the value currently set in the Financial Regulations.
- 19.8 To deal with all matters in relation to the provision of vehicles, facilities and equipment within the overall capital programme including power to negotiate and execute all leases for items of plant and equipment within the capital programme.
- 19.9 To establish and review as necessary internal rates in respect of labour, plant and materials.

**20. Head of Revenue, Benefits & Customer Services**

- 20.1 To perform the Council functions in relation to Revenue and benefits.
- 20.2 To perform the Council functions in relation to Customer Services Contact Centre.
- 20.3 To perform the Council functions in relation to Council Tax and Business Rates including the assessment of all reliefs, discounts levy's and exemptions.
- 20.4 To perform the Council's Quality & Control functions.
- 20.5 To appoint Officers (either internally or externally) to act on behalf of the Council to perform functions in relation to Revenues, Benefits and Customer Services.

**21. Head of Administrative Services**

- 21.1 To perform the Council's Business Support functions.
- 21.2 To perform the Council's elections, electoral registration and Local Land Charges functions.
- 21.3 To perform the Council's Support Services & Cleaning functions.
- 21.4 To perform the Council's Information Governance functions
- 21.5 To perform the Council's Parking Services functions

- 21.6 To perform the Council's Surveillance functions
- 21.7 To act as the Council's Senior Responsible Officer under the Surveillance Commission Code of Practice

## **22. Chief Environmental Health Officer**

- 22.1 To perform the Council's functions, with regards to public protection and environmental health under all current and new relevant legislation to include anti-social behaviour, occupational health and safety, control of diseases, control of pollution, air quality, contaminated land, public health, drainage, statutory nuisance, verminous persons and property, animal health and welfare, private sector housing, Sunday trading, food and water supplies, environmental protection, health protection unlawful encampments and smoking and the regulation and deregulation of businesses.
- 22.2 To approve and authorise the payment of housing grants.
- 22.3 To implement property charges on dwellings in respect of aids and adaptations.
- 22.4 To consider, determine and issue all of the Council's applications for approvals, licences, permits and registration for the Directorate, and if applicable vary, refuse, revoke or suspend such approvals, licences, permits and registration in relation to relevant Council functions and under the relevant current and new legislation including (but not limited to)
- skin piercing and special treatments
  - pleasure boats and vessels
  - premises for the preparation of food (including the Food Hygiene Rating Scheme)
  - animal activities including but not exclusively; dog breeding, pet vending, premises where animals are bred or kept as part of a business, animal boarding, animal trainers and exhibitors, riding establishments, zoos, dangerous wild animals, guard dogs
  - house in multiple occupation
  - mobile homes
  - scrap metal dealers (except for refusals which will go to Committee)
  - pollution control
  - private water supplies
  - health protection Liquor (Licensing Act 2003)
  - Gambling (Gambling Act 2005)
  - street collections
  - house to house collections
  - sex shops and cinemas
  - massage and special treatment
  - vehicles, drivers and operators
  - hypnotism

- pavement licences
  - Scrap Metal Dealers (Sites and Collectors)
- 22.5 To perform the role of Hearing Officer on an application to review a decision to issue possession proceedings on the absolute ground.
- 22.6 To determine and maintain a matrix of competency and scope of enforcement levels of officers within environmental health.
- 22.7 To administer Simple Cautions in conjunction with an officer from Legal Services.
- 22.8 To be appointed as an Inspector in pursuance of section 19 of the Health and Safety at Work etc. Act 1974 authorised to carry out the powers vested in Inspectors by sections 20, 21, 22 and 25 of the Act and also the several provisions mentioned in the third column of Schedule 1 to the 1974 Act and any regulations, orders and instruments made hereunder:
- To authorise persons accompanying them on inspections for the purposes of section 20(2)(c)(i) of the Act.
  - To request prosecution proceedings under Section 39 of the Health & Safety at Work Etc. Act 1974.
- 22.9 To act as an authorised officer under Food Safety Act 1990.
- 22.10 To perform all the Council's functions with regard to moveable dwellings, caravan sites and unlawful encampments.
- 22.11 To perform the functions of the Council with respect to anti-social behaviour including Community Protection Notices and Fixed Penalties.
- 22.12 To enforce the powers of the Council in relation to smoking, save that the power to instigate legal proceedings is delegated to the Head of Legal Services.
- 22.13 To be authorised to carry out private sector housing functions including caravan sites, waste, filthy and verminous and HIMO's and improvement schemes (excluding Housing Act Notices, Grant Approvals and Licences).
- 22.14 To exercise powers not otherwise provided for by committee under the Licensing Act 2003 and the Gambling Act 2005, including providing for the discharge of the Authority's functions as a responsible authority within the meaning of the Licensing Act 2003 and the Gambling Act 2005.
- 22.15 To issue licences for hackney carriage and private hire vehicles which are outside the current age limits under the Council's Exceptional Condition policy.

22.16 To be authorised to carry out enforcement of all of the functions relating to the Licensing activities above (excluding the issue of Licences and Notices).

### **23. CHIEF COMMUNITIES OFFICER**

23.1 To perform the Council's functions, with regards to public protection and under all current and new relevant legislation to include anti-social behaviour and smoking.

23.2 To perform the Council's functions in the role of Independent Chair on an application to review Multi Agency Action in relation to community trigger applications (Anti-Social Behaviour Crime and Policing Act 2014).

23.3 To perform the Council's functions in authorising the issuing of Community Protection Warnings for Anti-Social Behaviour.

23.4 To perform the Council's functions with respect to Anti-Social Behaviour including Community Protection Notices and Fixed Penalties.

23.5 To perform the Council's functions in enforcement of the powers of the Council in relation to smoking.

23.6 To perform the Council's functions in determining applications for Sanctuary Scheme in accordance with the Sanctuary Scheme Policy.

23.7 To perform the Council's functions in managing secure systems for Multi-Agency information sharing and Key Individuals Network Contact Systems.

23.8 To perform the Council's functions in managing the Local Strategic Partnership and Community Safety Partnership.

23.9 To perform the Council's functions in managing Partnership finances on behalf of South Notts Community Safety Partnership.

23.10 To perform the Council's functions in commissioning Domestic Homicide Reviews.

23.11 To perform the Council's functions in managing the Vetting Procedure.

23.12 To perform the Council's functions in managing and perform the role of Chair the Anti-Social behaviour and Complex Case Panel.

23.13 To perform the Council's functions in determining Safeguarding referrals and referrals into other services or agencies.

- 23.14 To perform the Council's functions in determining applications for sharing personal information without consent in relation to vulnerable people.
- 23.15 To perform the Council's functions in determining referrals for Child Criminal Exploitation, Child Sexual Exploitation, PREVENT, Modern Slavery and Trafficking.
- 23.16 To perform the Council's functions in relation to Section 11 Children Act 2004 and Safeguarding Assurance Returns.

## **24. SEALING**

- 24.1 The common seal of the Council shall be kept in a safe place in the custody of the Legal team.
- 24.2 The common seal of the Council shall only be affixed to a document on the authority of a Proper Officer, as detailed in the Schedule of Proper Officer Functions and Delegations or otherwise on the authority of the Council, or other Officer with delegated authority to commit the Council to enter into an instrument to which the Council's seal should be affixed.
- 24.3 An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for that purpose by the Monitoring Officer, and shall identify the persons who shall have attested the seal and the date when the seal was affixed. The seal may be witnessed and attested by any Officer or Member of the Council.

## **Schedule of Proper Officer Functions and Delegations**

The Council has approved the appointment of the following Officers as Proper Officers.

**The Chief Executive** shall act as the Proper Officer in relation to any other enactment where specific arrangements have not been made under the following provisions.

**The Deputy Chief Executive/Section 151 Officer** shall act as the Proper Officer in respect of any other statute where specific arrangements for financial matters have not been made under the following provisions.

**The Monitoring Officer** shall act as the Proper Officer in respect of any other statute where specific arrangements for legal matters have not been made under the following provisions.

Proper Officer functions may be discharged by their Deputies or any other Officers duly authorised to act in the name of the Proper Officer concerned.



If the Officer to whom a function has been delegated is unable to act due to a conflict of interest or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the Deputy Chief Executive/Section 151 Officer to determine who should exercise that function. If both the Chief Executive and Section 151 Officer is unable to act then the powers shall be exercisable by any other Chief Officer of the Council's General Management Team.

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
<b>PUBLIC HEALTH ACT 1936</b>			
S.79	Power to require removal of noxious matter	Chief Executive	Chief Environmental Officer
S.84	Certificate relating to cleansing or destruction of filthy or verminous items	Chief Executive	Chief Environmental Officer
S.85(2)	Cleansing of verminous persons or articles	Chief Executive	Chief Environmental Health Officer
<b>LOCAL GOVERNMENT ACT 1972</b>			
S.83 (1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer	Chief Executive
S.84	Receipt of notice of resignation of Elected Member	Chief Executive	Deputy Chief Executive/Section 151 Officer
S.88(2)	Arranging a Council meeting to appoint to Chair of the Council	Chief Executive	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive	Monitoring Officer
S.100B(2)	The Officer also may exclude from agendas any information which is likely to be dealt with in the absence of press and	Monitoring Officer	Head of Democratic Services

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
	public		
S.100B(7)	Disclosure to newspapers of a copy of the agenda and/or any further copies of documents in connection with the item.	Monitoring Officer	Head of Democratic Services
S.100C(2)	Where parts of the published minutes have not been disclosed due to exempt information and the document does not provide members of the public with a reasonably fair and coherent record than the proper officer shall prepare a written summary of the proceedings at Cabinet/ Committees and Sub-Committees	Monitoring Officer	Head of Democratic Services
S.100D(1) and (5)	The Officer responsible for identifying and compiling lists of background papers	Officer supporting the portfolio holder to compile the report.	The Director of the service compiling the report.
S.100F(2)	The Officer making decisions as to documents disclosing exempt information which are not required to be open to inspection by Council Members	Chief Executive	Monitoring Officer
S.115(2)	Receipt of money due from Officers	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.137 and 137A	Receipt of statement provided in relation to financial assistance	Deputy Chief Executive/Section 151 Officer	Head of Finance Services

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.151 (and S.114 Local Government and Finance Act 1988)	The Officer responsible for the proper administration of the Council's financial affairs	Deputy Chief Executive/Section 151 Officer	Head of Finance Services
S.191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Head of Legal Services	Head of Planning and Economic Development
S.210	Charity functions of predecessor authorities transferred to the Council	Chief Executive	Monitoring Officer
S.225	Deposit of documents	Chief Executive	Head of Legal Services
S.228(3)	Accounts for inspection by any Member of the Council	Deputy Chief Executive/Section 151 Officer	Chief Executive
S.229(5)	Certification of photographic copies of documents	Monitoring Officer	Head of Legal Services
S.234	Officer who may authenticate documents	Monitoring Officer	Head of Legal Services
S.236(9) and (10)	Sending of copies of byelaws to Parish Councils, Parish meetings and County Council	Monitoring Officer	Head of Legal Services
S.238	Certification of byelaws	Monitoring Officer	Head of Legal Services
S.248	Officer who will keep the Roll of Freemen	Chief Executive	Monitoring Officer

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
Para 4(2)(b) of Schedule 12	Signing of summons to Council meeting	Chief Executive	Monitoring Officer
Para 25 of Schedule 14	Certification of resolution passed under this paragraph	Monitoring Officer	Chief Executive
Schedule 29	To undertake those duties which arise at District and Parish Council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer.	Chief Executive	Head of Administrative Services
<b>LOCAL GOVERNMENT ACT 1974</b>			
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer	Chief Executive
<b>LOCAL LAND CHARGES ACT 1975</b>			
	Local Land Charges Registrar under the Land Charges Rules	Chief Executive	Head of Legal Services
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>			
S.41(1)	The Officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer	Chief Executive
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>			
S.8	Electoral Registration Officer	Chief Executive	Head of Administrative Services
S.35	Returning Officer for local elections	Chief Executive	Head of Administrative Services
S.52(2)	Deputy Electoral Registration Officer	Head of Administrative Services	Chief Executive
S.67	Acting as the appropriate person for the purposes of Part II	Chief Executive	Head of Administrative Services
S.128	Publishing a petition questioning	Chief Executive	Head of Administrative

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
	a local election		Services
S.131	Providing suitable accommodation for election court	Chief Executive	Head of Administrative Services
S.145	Receipt of High Court Certificate at the conclusion of trial of local election petition	Chief Executive	Head of Administrative Services
S.200	Posting notices required in relation to local elections	Chief Executive	Head of Administrative Services
Paragraphs 3, 6 and 8 of Schedule 4	Receipt of an election expense declarations and returns and the holding of those documents for public inspection	Chief Executive	Head of Administrative Services
<b>PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984</b>			
S.48	To issue certificates relative to the removal of bodies to mortuaries or for immediate burial	All Lead Consultants from Public Health England (East Midlands)	Chief Executive
S.60	Service of notices and other documents	Chief Executive	Chief Environmental Health Officer
s.61	Powers to enter premises	Chief Executive	Chief Environmental Health Officer
<b>BUILDING ACT 1984</b>			
S.35A	Certifying evidence is sufficient to justify commencing proceedings for contravention of building regulations	Chief Executive	Head of Legal Services
S.61	Access to work to repair drain	Chief Executive	Head of Legal Services/Chief Environmental Health Officer
S.78	Taking immediate action in relation to dangerous building	Chief Executive	Head of Legal Services/Chief Environmental Health Officer

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
S.93	Authentication of documents	Chief Executive	Head of Legal Services
<b>NOTTINGHAMSHIRE COUNTY COUNCIL ACT 1985</b>			
Part II	Public Health	Chief Executive	Chief Environmental Health Officer
Part III	Public Order & Safety	Chief Executive	Chief Environmental Health Officer
Part IV	Establishments for massages or special treatment	Chief Executive	Chief Environmental Health Officer
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>			
S114A, 115	Responsibility for Chief Financial Officer Reports.	Section 151 Officer	Chief Executive
S. 116	Notify auditor of meeting to consider financial report to the authority and decision at that meeting	Section 151 Officer	Chief Executive
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>			
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer	Chief Executive
S.4	Designation and reports of head of paid service	Deputy Chief Executive/S151 Officer	Chief Executive
S.5 (as amended by para 24 of schedule 5 of the Local Government Act 2000)	Designation and reports of Monitoring Officer	Monitoring Officer	Chief Executive
S.15,16	To undertake all matters relating to the formal establishment of political groups within the membership of the Council	Chief Executive	Deputy Chief Executive/Section 151 Officer
<b>LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 NO. 1553</b>			
	For the purposes of the composition of Committees and nominations to political groups	Monitoring Officer	Chief Executive

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
<b>FOOD SAFETY ACT 1990</b>			
s.5(6)	Authorised Officer for the purposes of the Council's functions	Chief Executive	Environmental Health Officers and Environmental Health Technical Officers
<b>ENVIRONMENTAL PROTECTION ACT 1990</b>			
S.149	Relating to stray dogs	Executive Director	Head of Environment
Part III	Relating to statutory nuisances	Chief Executive	Chief Environmental Health Officer
<b>DATA PROTECTION ACT 1998</b>			
	Data Protection Officer/Senior Information RiskOwner	Executive Director	Chief Executive
<b>FREEDOM OF INFORMATION ACT 2000</b>			
s.36 (2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
S.36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Monitoring Officer	Chief Executive
<b>LOCAL GOVERNMENT ACT 2000</b>			
S.52	Undertakings by Members and co-opted Members to observe the Council's Code of Conduct	Monitoring Officer	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT 2000</b>			
	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Deputy Chief Executive/Section 151 Officer , Head of Legal Services, Head of Housing, Head of Revs and	Chief Executive

<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
		Bens.	
<b>LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2011 NO. 2914</b>			
Regulation 4	Publish the number that is equal to 5 per cent of the number of local government electors for the authority's area	Chief Executive	Head of Administrative Services
Regulation 7	Post announcement and post directions – petitions	Chief Executive	Head of Administrative Services
Regulation 8	Amalgamation of petitions	Chief Executive	Head of Administrative Services
Regulation 11	Procedure on receipt of petition	Chief Executive	Head of Administrative Services
Regulation 13	Publicity for valid petitions	Chief Executive	Head of Administrative Services
Regulation 14	Publicity for invalid petitions	Chief Executive	Head of Administrative Services
Regulation 19	Action following direction	Chief Executive	Head of Administrative Services
<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2012 NO.2089</b>			
Regulation 12	Recording of Executive decisions made at meetings	Monitoring Officer	Head of Democratic Services
Regulation 13	Recording of Executive decisions made by individual Members	Monitoring Officer	Head of Democratic Services
Regulation 14	Making documents available for inspection following Executive decisions	Monitoring Officer	Head of Democratic Services
Regulation 5	Compiling list of background papers for inspection	Monitoring Officer	Head of Democratic Services
Regulation 15	Making report and background papers relating to key decision available for inspection	Monitoring Officer	Head of Democratic Services
Regulation 7	Access to agenda and connected reports	Monitoring Officer	Head of Democratic Services



<b>STATUTE OR REGULATION</b>	<b>ACTION</b>	<b>PROPER OFFICER</b>	<b>SUBSTITUTE PROPER OFFICER</b>
Regulation 9	Publicity in connection with key decisions	Monitoring Officer	Head of Democratic Services
Regulation 10	General exception	Monitoring Officer	Head of Democratic Services
Regulation 16	Members' rights of access to documents	Monitoring Officer	Head of Democratic Services
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer	Head of Democratic Services
<b>LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003</b>			
Regulation 13	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Chief Executive	Deputy Chief Executive/Section 151 Officer
<b>HOUSING ACT 2004</b>			
Section 4	Where an official complaint about the condition of any residential premises in the district of a local housing authority is made to the proper Officer of the authority, and the circumstances complained of indicate – a) That any category 1 or category 2 hazard may exist on those premises, or b) That an area in the district should be dealt with as a clearance area, the proper Officer must inspect the premises or area.	Chief Executive	Chief Environmental Health Officer
<b>LOCAL ELECTIONS (PARISHES AND COMMUNITIES) (ENGLAND AND WALES) RULES 2006 NO. 3305</b>			
Rule 5	Receipt of request to fill a casual vacancy in the office of a Parish or Community Councillor	Chief Executive	Head of Administrative Services
Paragraph 50 of Schedule 2	Receipt of declaration of result in Parish or Community election	Chief Executive	Head of Administrative Services

STATUTE OR REGULATION	ACTION	PROPER OFFICER	SUBSTITUTE PROPER OFFICER
<b>THE LOCAL AUTHORITIES (MAYORAL ELECTIONS) (ENGLAND AND WALES) REGULATIONS 2007 NO.1024</b>			
Paragraph 54 of Schedule 1	Receive declaration of result	Chief Executive	Head of Administrative Services
<b>LOCAL AUTHORITIES (CONDUCT OF REFERENDUMS) (ENGLAND) REGULATIONS 2012 NO 323</b>			
Regulation 4	Publicity in connection with referendums	Chief Executive	Head of Administrative Services
Paragraphs 41 and 43 of Schedule 5	Receive declaration of result	Chief Executive	Head of Administrative Services

### Authentication of Documents

Any notice, order or other document which the Council are authorised or required by or under any enactment (including the Local Government Act 1972) to give, make or issue shall be signed or sealed on behalf of the Council by the proper Officer of the Council as defined below.

Proper Officer	Substitute	Purpose
Chief Executive	Appropriate Member of GMT	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Deputy Chief Executive/Section 151 Officer	Head of Finance Services	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Monitoring Officer	Head of Planning & Economic Development Head of Administrative Services	In accordance with their functions highlighted in the Constitution and the Proper Officer functions

	Head of Legal Services & Deputy Monitoring Officer	
Head of Legal Services	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Chief Environmental Health Officer	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Asset Management	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Planning and Economic Development	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions
Head of Housing	Chief Executive	In accordance with their functions highlighted in the Constitution and the Proper Officer functions

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## Report of the Monitoring Officer

**AMENDMENTS TO THE CONSTITUTION**1. Purpose of report

To consider amendments to the Constitution regarding Portfolio Holders' Responsibilities in relation to the Council's Complaints Service to recommend to full Council that these be adopted.

2. Recommendation

The Committee is asked to:

1. **RECOMMEND to Council that the amendments to the Terms of Reference within the Constitution for the Portfolio Holder for Resources and Personnel, be approved.**
2. **NOTE the update on Member referrals to Planning Committee.**
3. **NOTE the update position Bramcote Bereavement Services Joint Committee Agreement.**

3. Detail

The Local Government and Social Care Ombudsman (LGSCO), in association with the Housing Ombudsman (HO), issued a draft Joint Complaint Handling Code in October 2023. The aim of the Code was to introduce consistency in the way that both bodies deal with complaints. The LGSCO and HO consulted with local authorities on its initial version of the Joint Code with a closing date of 23 November 2023. On consideration of the responses, the LGSCO informed authorities that it would not participate further in the Joint Code until 2027, while the HO stated that it would still require implementation in 2024.

Much of the Code (attached at **APPENDIX 1**) is currently contained within the process used at this Council. However, the new Code will allow for complaints to be considered 12 months after an event has taken place rather than the six-months allowed in the current guidance as agreed by the Governance, Audit and Standards Committee and previously recommended by the HO.

The Policy Overview Working Group gave consideration to the oversight and responsibility for Complaints. Currently, the Governance, Audit and Standards Committee under its terms of reference receives and scrutinise the Annual Complaints Report, and it was suggested that in order for wider Member engagement this continues to happen, in addition to submission of the report to Cabinet as recommended in the Code guidance. Further consideration was given to an appropriate Portfolio Holder overseeing the role and processes of complaints at the Council, and presenting reports and recommendations to Cabinet. As the Complaints Service currently sits under the Portfolio Holder for Resources and Personnel Policy, the Working Group considered that this Portfolio Holder be best placed to receive and challenge updates on the complaints process. The new responsibility for the Portfolio Holder would necessitate an inclusion in the Constitution under the Terms of Reference as follows:

‘To have lead responsibility for complaints to support a positive complaint handling culture.’

The Complaints Code will be considered by Cabinet at its meeting on 12 March 2024. Any updates from the meeting will be provided to the Governance, Audit and Standards Committee.

#### Member referrals to Planning Committee - Update

On 12 July 2023 Full Council resolved that Members be required to give 28 days’ notice and complete a form when referring items to Planning Committee for further consideration. The proposal was to formalise the planning referral process to ensure greater clarity for both Members and Planning Officers, and to fully detail the planning reasons why an application is being referred to Committee. The aim was to eradicate the potential for any referrals to be overlooked or human error to occur, as this issue has unfortunately arisen in the past. Therefore, any Planning Committee referral would have to be submitted through a specific form.

It was proposed that 28 days’ written notice by Members was required to make referrals to Planning Committee to enable all parties to the application to have sufficient time to prepare representations ahead of the Committee and to enable Planning Officers to manage their workloads.

The Head of Planning and Economic Development’s update is included at **APPENDIX 2**.

#### Bramcote Bereavement Services Joint Committee Agreement

The draft version of the Agreement has undergone its initial checks through this Council’s Legal Team. Erewash Borough Council have been consulted on timelines and it has been scheduled that the two Councils will consider the document at the relevant Committee meetings in May, before recommending to their respective Council meetings in July.

#### 4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no financial implications to consider with any costs being contained within existing budgets.

#### 5. Legal Implications

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

No comments

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. Data Protection Compliance Implications

There are no Data Protection issues in relation to this report.

9. Climate Change Implications

There were no climate change implications as a result of this report.

10. Equality Impact Assessment

As there is no change to policy an equality impact assessment is not required.

11. Background Papers

Nil.

REFERENCE

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# Complaints Policy

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REFERENCE

## **1.0 Scope**

The Complaints Policy sets out the approach that Broxtowe Borough Council takes to investigate and respond to official complaints.

The Policy applies to all complainants that have registered an official complaint with the Council.

For the purpose of the Policy, official complaints relate to both stage 1 and stage 2 complaints.

## **2.0 Purpose**

The document describes how Broxtowe Borough Council will monitor, investigate and response to official complaints.

The Housing Ombudsman recommends that the Council adopt its Complaint Handling Code to ensure a consistent approach to dealing with complaints and learning from the outcome of complaints.

## **3.0 Aims and Objectives**

The aims and objectives of the Policy are:

- To ensure consistent reporting, investigating and responding to all official complaints received by the Council.
- To provide guidance on how to appropriately action complaints.

## **4.0 Regulatory Code and Legal Framework**

- Housing Ombudsman remedies guidance.
- Housing Ombudsman Complaint Handling Code.
- Local Government Ombudsman Guidance on remedies.
- Complaints Compensation Policy.

## 5.0 Policy Outline

### Introduction

An effective complaints process enables the Council to learn from the issues that arise for residents and to take steps to improve the services it provides. Complaint handling performs an important strategic role for an organisation, providing vital intelligence on its performance, culture and reputation.

Some Council's see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process. These can be:

- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- Complaints provide senior staff with essential insight into day-to-day operations allowing them to assess effectiveness and drive a positive complaint handling culture.
- Good complaint handling promotes a positive Council and resident relationship.

### The complaints process

#### 1. Definition of a complaint

1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

1.2 A complaint must be defined as:

*'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting a resident or group of residents.'*

1.3 A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction The Council must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the Council's complaints policy.

1.4 The Council must recognise the difference between a **service request** and a **complaint**. This must be set out in their complaints policy. A service request is a request from a resident to the Council requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

1.5 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Council must not stop their efforts to address the service request if the resident complains.

1.6 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where The Council ask for wider feedback about their services, they also must provide details of how residents can complain.

## **2. Exclusions**

2.1 The Council must accept a complaint unless there is a valid reason not to do so. If the Council decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.

2.2 A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.

2.3 The Council must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. The Council must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

2.4 The Council decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the Council to take on the complaint.

2.5 The Council must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.

## **3. Accessibility and awareness**

3.1 The Council must make it easy for residents to complain by providing different channels through which they can make a complaint. The Council must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.

3.2 Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the Council.

3.3 High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.

3.4 The Council must make their Complaint Policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at

each stage, and the timeframes for responding. The policy must also be published on the Council's website.

- 3.5 The policy must explain how the Council will publicise details of the complaints policy, including information about the Ombudsman and this Policy
- 3.6 The Council must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the Council.
- 3.7 The Council must provide residents with information on their right to access the Ombudsman Service and how the individual can engage with the Ombudsman about their complaint.

#### **4. Complaint handling staff**

- 4.1 The Council must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Policy will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.
- 4.2 The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.
- 4.3 The Council are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively.

#### **5. The complaint handling process**

- 5.1 The Council must have a single policy in place for dealing with complaints. Residents must not be treated differently if they complain.
- 5.2 The early and local resolution of issues between the Council and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.
- 5.3 A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.
- 5.4 Where the Council's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Policy. Residents must not be expected to go through two complaints processes.
- 5.5 The Council are responsible for ensuring that any third parties handle complaints in line with the Policy.

- 5.6 When a complaint is logged at Stage 1 or escalated to Stage 2, the Council must set out their understanding of the complaint and the outcomes the resident is seeking. The Policy will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.
- 5.7 When a complaint is acknowledged at either stage, the Council must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.
- 5.8 At each stage of the complaints process, complaint handlers must:
- a) deal with complaints on their merits, act independently, and have an open mind;
  - b) give the resident a fair chance to set out their position;
  - c) take measures to address any actual or perceived conflict of interest; and
  - d) consider all relevant information and evidence carefully.
- 5.9 Where a response to a complaint will fall outside the timescales set out in this Policy the Council must agree with the resident suitable intervals for keeping them informed about their complaint.
- 5.10 The Council must make reasonable adjustments for residents where appropriate under the Equality Act 2010. The Council must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.
- 5.11 The Council must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. The Council must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Policy.
- 5.12 A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.
- 5.13 The Council must have processes in place to ensure that a complaint can be remedied at any stage of its complaints process. The Council must ensure that appropriate remedies can be provided at any stage of the complaints process without the need for escalation.
- 5.14 The Council must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. The Council must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.
- 5.15 Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

## 6. Complaints stages

### Stage 1

- 6.1 The Council must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. The Council must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.
- 6.2 Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure **within five working days of the complaint being received**.
- 6.3 The Council must issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- 6.4 The Council must decide whether an extension to this time scale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.5 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.6 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.7 The Council must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.8 Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
- 6.9 The Council must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:
  - a) the complaint stage;
  - b) the complaint definition;
  - c) the decision on the complaint;
  - d) the reasons for any decisions made;
  - e) the details of any remedy offered to put things right;
  - f) details of any outstanding actions; and
  - g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.



## Stage 2

- 6.10 If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the Council's procedure. Stage 2 is the Council's final response.
- 6.11 Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within **five working days of the escalation request being received**.
- 6.12 Residents must not be required to explain their reasons for requesting a stage 2 consideration. The Council are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.
- 6.13 The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.
- 6.14 The Council must issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- 6.15 The Council must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.16 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.17 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.18 The Council must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.19 The Council must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:
- a) the complaint stage;
  - b) the complaint definition;
  - c) the decision on the complaint;
  - d) the reasons for any decisions made;
  - e) the details of any remedy offered to put things right;
  - f) details of any outstanding actions; and
  - g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.
- 6.20 Stage 2 is the Council's final response and must involve all suitable staff members needed to issue such a response.

## **7. Putting things right**

- 7.1 Where something has gone wrong the Council must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:
- Apologising;
  - Acknowledging where things have gone wrong;
  - Providing an explanation, assistance or reasons;
  - Taking action if there has been delay;
  - Reconsidering or changing a decision;
  - Amending a record or adding a correction or addendum;
  - Providing a financial remedy;
  - Changing policies, procedures or practices.
- 7.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.
- 7.3 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 7.4 The Council must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

## **8. Self-assessment, reporting and compliance**

- 8.1 The Council must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:
- a) the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
  - b) a qualitative and quantitative analysis of the Council's complaint handling performance. This must also include a summary of the types of complaints the Council has refused to accept;
  - c) any findings of non-compliance with this Policy by the Ombudsman;
  - d) the service improvements made as a result of the learning from complaints;
  - e) any annual report about the Council's performance from the Ombudsman; and
  - f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.
- 8.2 The annual complaints performance and service improvement report must be reported to the Council's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.
- 8.3 The Council must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.
- 8.4 The Council may be asked to review and update the self-assessment following an Ombudsman investigation.

8.5 If a Council is unable to comply with the Policy due to exceptional circumstances, such as a cyber-incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. The Council must provide a timescale for returning to compliance with the Policy.

## **9. Scrutiny & oversight: continuous learning and improvement**

9.1 The Council must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.

9.2 A positive complaint handling culture is integral to the effectiveness with which The Council resolve disputes. The Council must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

9.3 Accountability and transparency are also integral to a positive complaint handling culture. The Council must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.

9.4 The Council must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

9.5 In addition to this, a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

9.6 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the Council's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.

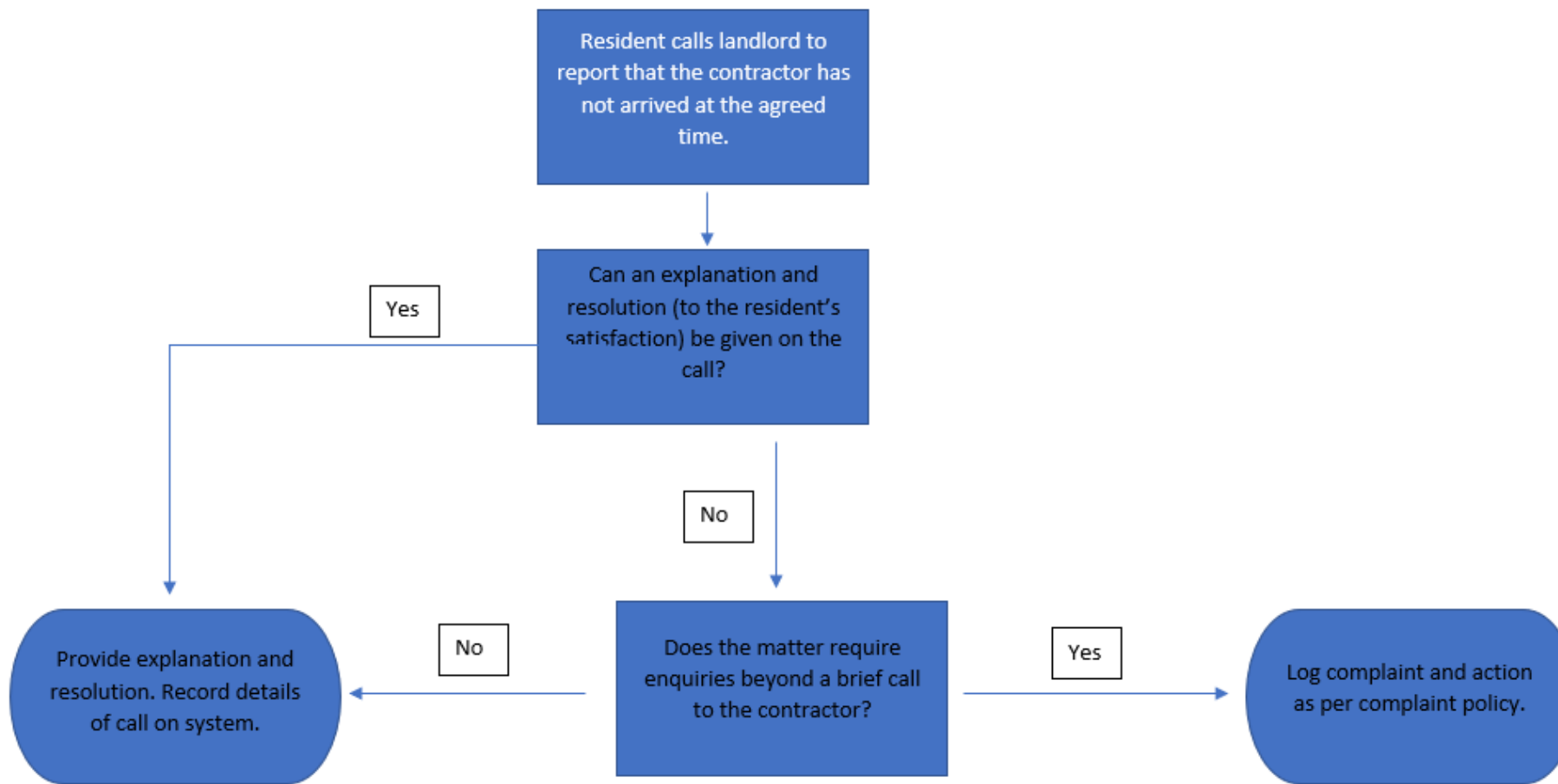
9.7 As a minimum, the MRC and the governing body (or equivalent) must receive:

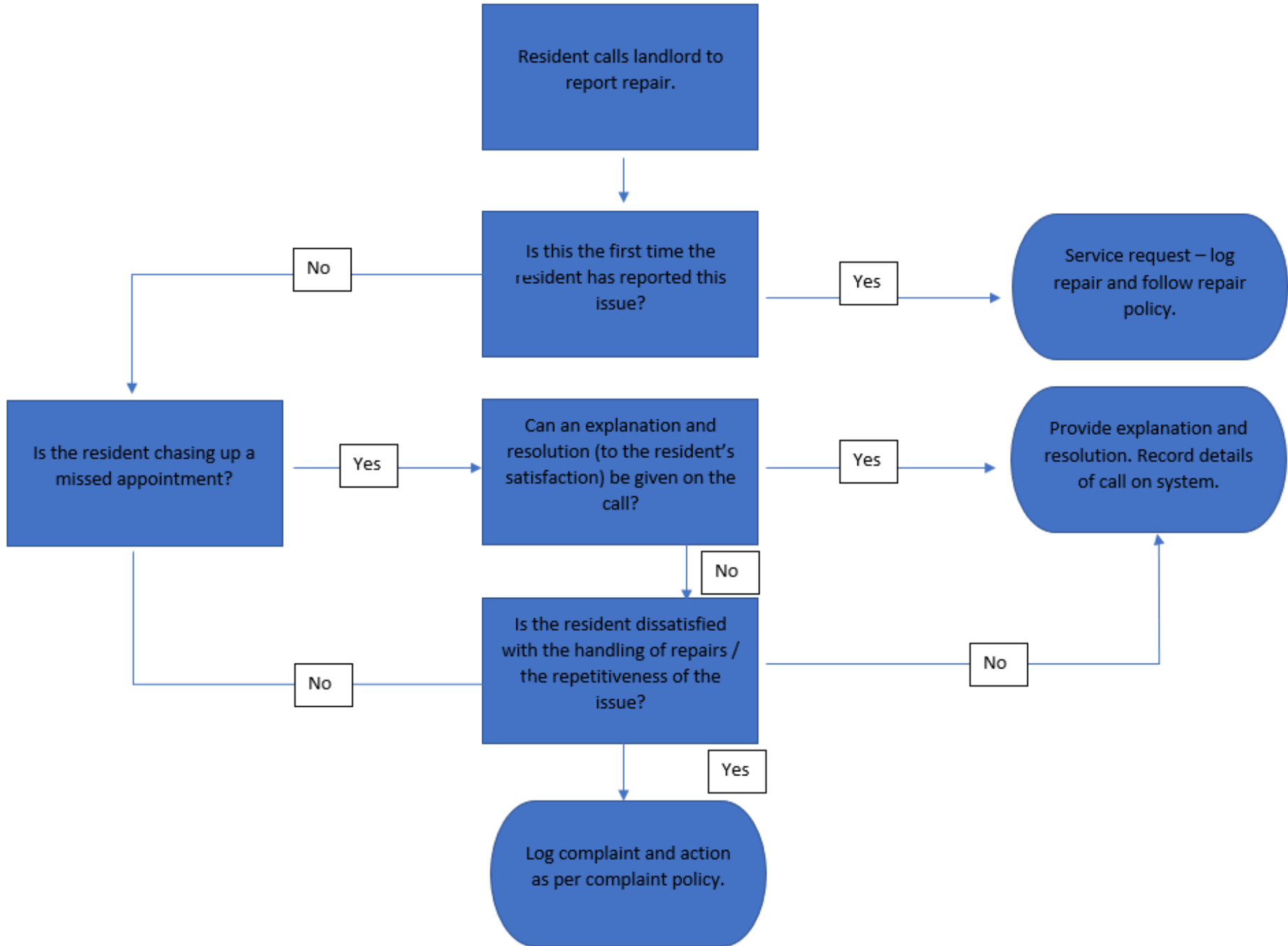
- a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
- b) regular reviews of issues and trends arising from complaint handling;
- c) regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
- d) the annual complaints performance and service improvement report.

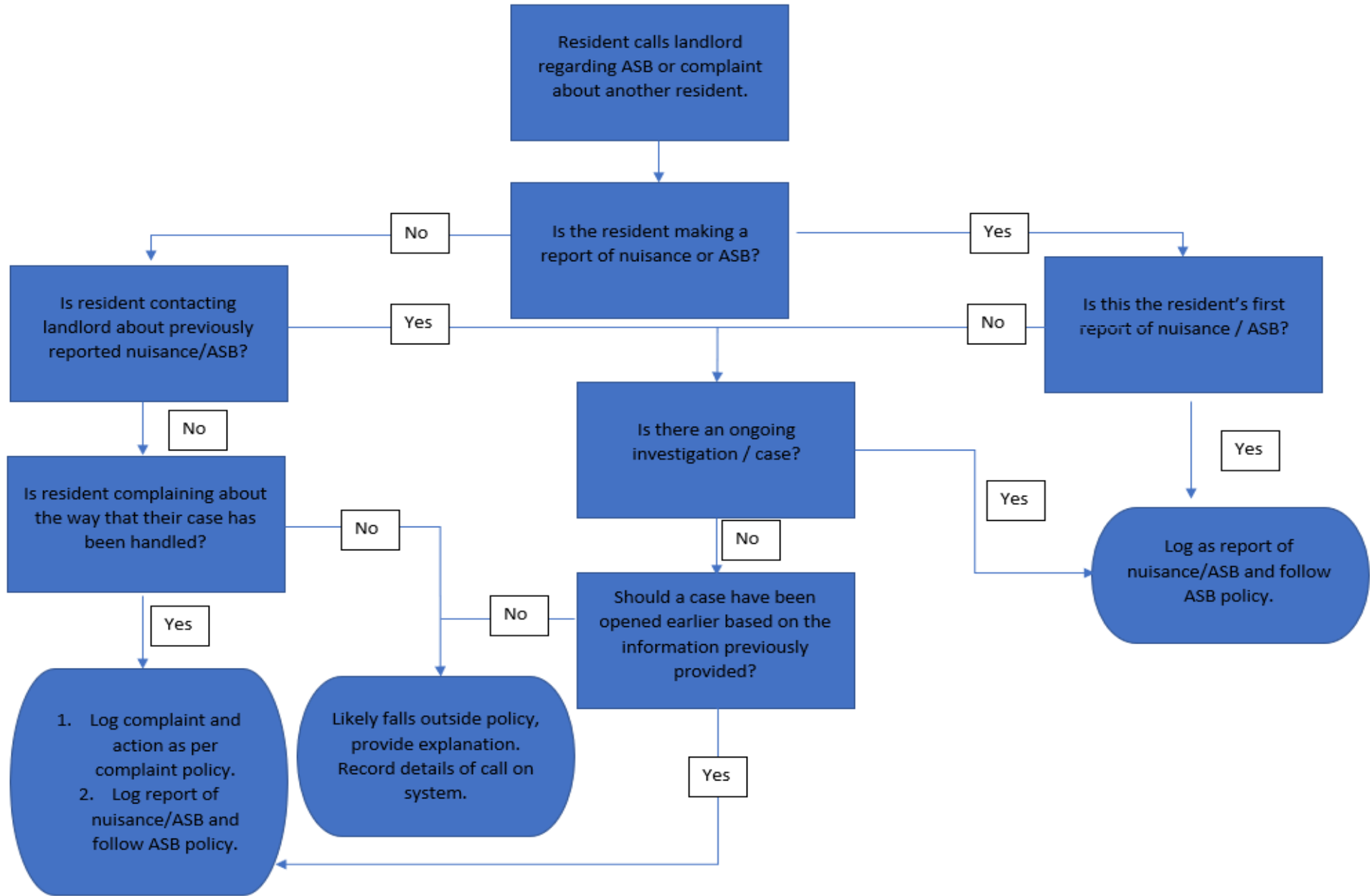
9.8 The Council must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

- a) have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b) take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c) act within the professional standards for engaging with complaints as set by any relevant professional body.

Service request or complaint – flow charts and case studies







REFERENCE

## **Case study A – Resident calls to report contractor has not arrived at the agreed time**

Ms B calls the Council to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

*This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the Council is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the Council should keep a record of the call and should consider if there is any learning (i.e. should the Council have been informed the contractor was delayed so it could alert Ms B and any other affected residents)*

### **Alternative scenario**

Ms B calls her Council to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the Council with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

*Whilst the Council can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The Council will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.*



## **Case study B – Resident calls to report a repair**

Mr D calls the Council to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted the Council about it.

*This is a service request and should be handled in accordance with the Council's repairs policy.*

### **Alternative scenario A**

Mr D calls the Council regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

*Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the Council has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the Council's service that should be investigated and put right. The Council should also explore any learning opportunities.*

### **Alternative scenario B**

Mr D calls the Council regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the Council is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted.

*The call handler raises a job for a new radiator and opens a complaint case for Mr D. Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the Council. It is also clear that something is not working as it should do within the Council's process, which should be investigated as part of the complaint.*

### **Case Study C – Resident calls to report noise nuisance/ASB**

Mr A calls the Council to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the Council that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the Council to do something about the noise.

*This is a report of noise nuisance/ASB. The Council should explain the ASB procedure to Mr A and clearly outline what the next steps are. The Council should follow its ASB policy in responding to this allegation.*

Two months later Mr A calls the Council again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells the Council that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells the Council that he has reported some instances to the police, and he has filled in the diary sheets as the Council has asked. The Council confirms it will add this new information to Mr A's case file. The Council contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the Council's request.

*Although the neighbour's behaviour is escalating, the Council continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.*

#### **Alternative scenario**

Two months after his initial report, Mr A calls his Council. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his Council that he has reported some instances to the police, and he has filled in the diary sheets as the Council has asked but he has not heard anything from the Council since his initial report. Mr A tells the Council that he has done everything asked of him, but the Council has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his Council that this is impacting on his mental health, and he is worried that it could escalate further.

*The Council has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the Council should also open a complaint case to look at its handling of Mr A's reports of ASB.*

## **Appendix A – Self-Assessment**

This self-assessment must be completed and must be shared with the organisation's governing body (or equivalent) annually as part of the complaints performance and service improvement report.

Evidence must be included to demonstrate compliance in practice as part of the other elements of the annual complaints performance and service improvement report with additional commentary as necessary. For example, this could include records of quality assurance checks on complaint responses, exclusions and feedback from relevant staff. If the failure to meet a requirement only relates to one service area or department this must be made clear in the commentary section.

When completing the self-assessment, organisations should not focus on the number of complaints received. Recording a high number of complaints may be an indication that the organisation welcomes complaints and that individuals are able to access the complaints process easily. Organisations should focus on timescales for responding to complaints and complaint outcomes.

Members of the Housing Ombudsman must submit a copy of their self-assessment as part of their annual complaints performance and service improvement report, following the guidance for submissions. The submissions will be used to assess the organisation's compliance with the Code in line with the Housing Ombudsman's duty to monitor against this.

The Local Government and Social Care Ombudsman may consider the complaints performance and service improvement report as part of an investigation or its own annual review of complaints.

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## Report of the Chief Executive

### Chetwynd: The Toton and Chilwell Neighbourhood Plan

#### 1. Purpose of Report

To 'make' (adopt) the Chetwynd: The Toton and Chilwell Neighbourhood Plan, following a successful referendum result on 2 May 2024.

#### 2. Recommendation

**Council is asked to RESOLVE that:**

- 1. Following a successful referendum on 2 May 2024, the Council 'makes' (adopts) the Chetwynd: The Toton and Chilwell Neighbourhood Plan.**
- 2. Authority be given to issue a statement setting out this decision (the 'Decision Statement').**

#### 3. Detail

Following an Independent Examination into the Chetwynd: The Toton and Chilwell Neighbourhood Plan, the Independent Examiner recommended that the Plan should proceed to referendum, subject to a number of recommended modifications. At its meeting of 6 February 2024, Cabinet resolved that the Chetwynd: The Toton and Chilwell Neighbourhood Plan, once amended as proposed, would meet the basic conditions and other relevant legislative requirements and should proceed to referendum.

A Neighbourhood Plan referendum took place in relation to the Chetwynd: The Toton and Chilwell Neighbourhood Plan on 2 May 2024, asking the question: 'Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Chetwynd: Toton and Chilwell to help it decide planning applications in the neighbourhood area?'. The number of votes cast in favour of 'yes' was 3,606 and those in favour of 'no' was 552. The turnout was 36%.

Section 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

Therefore, Broxtowe Borough Council is now required to formally 'make' (adopt) the Chetwynd: The Toton and Chilwell Neighbourhood Plan. The Chetwynd: The Toton and Chilwell Neighbourhood Plan would then form part of the 'development plan' for the Chetwynd: The Toton and Chilwell Neighbourhood Area, sitting alongside the Broxtowe Local Plan (Broxtowe Aligned Core Strategy and the Broxtowe Part 2 Local Plan). Decisions on planning applications within the Chetwynd: The Toton and Chilwell Neighbourhood Area will be made using both the Broxtowe Local Plan and the Chetwynd: The Toton and Chilwell Neighbourhood Plan, and any other material considerations. The final version of the Chetwynd: The Toton and Chilwell Neighbourhood Plan is available to view

on the Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>.

The Council is required to adopt the Chetwynd: The Toton and Chilwell Neighbourhood Plan as soon as 'reasonably practicable' after the referendum was held and, in any event, by the end of the period of 8 weeks following the day after the referendum. This is in order to comply with the relevant legislative requirements.

#### 4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as it affects parts of two Borough Council wards (parts of Toton and Chilwell Meadows ward and Chilwell West ward).

#### 5. Updates from Scrutiny

Not applicable.

#### 6. Financial Implications

The comments from the Head of Finance Services were as follows:

The Council was able to claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC), during the March 2024 'claims window', as it issued a decision statement detailing its intention to send the Neighbourhood Plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)). This referendum has now been held, although no additional funding is available.

#### 7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

In order to comply with Regulation 18A of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the date prescribed for the purposes of section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. Therefore, the Council is required to adopt the Chetwynd: The Toton and Chilwell Neighbourhood Plan as soon as 'reasonably practicable' after the referendum was held and, in any event, by the end of the period of 8 weeks following the day after the referendum.

As set out within section 61E(8) of the Town and Country Planning Act 1990 Act (as amended), there are narrow circumstances where the Local Planning Authority is not required to 'make' (adopt) the Neighbourhood Plan. These are where it considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with, any EU or human rights obligations. However, it is considered that these do not apply in the case of the Chetwynd: The Toton and Chilwell Neighbourhood Plan.

8. Human Resources Implications

The Human Resources Manager comments were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

The Chetwynd: The Toton and Chilwell Neighbourhood Plan includes local planning policies to promote sustainable development, to protect and enhance blue and green infrastructure and to protect and enhance biodiversity.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

The Equality Impact Assessment is included at the **appendix**.

13. Background Papers

Nil.

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## Appendix

**Equality Impact Assessment**

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where

a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	<b>Chief Executive's Department</b>	Title of the Lead Officer responsible for EIA	<b>Head of Planning and Economic Development</b>
Name of the policy or function to be assessed:	<b>Chetwynd: The Toton and Chilwell Neighbourhood Plan</b>		
Title of the Officer undertaking the assessment:	<b>Senior Planning Policy Officer</b>		
Is this a new or an existing policy or function?	<b>New local planning policies (within a Neighbourhood Plan) which will form part of the Development Plan, sitting alongside the Local Plan, if adopted by the Council. There has been extensive public consultation in relation to this document and it has been the subject of an Independent Examination. It has also been successful at a local referendum.</b>		
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>Neighbourhood Plans set out the (community's) vision for an area and planning policies for the use and development of land within the Neighbourhood Area (in this case, the Chetwynd: The Toton and Chilwell Neighbourhood Area). As the Neighbourhood Plan has been successful at referendum, then if adopted, its policies will form a part of the Development Plan for this part of Broxtowe Borough, sitting alongside the Local Plan.</p> <p>The specific vision and objectives of the Chetwynd: The Toton and Chilwell Neighbourhood Plan can be found on pages 40-50 of the (Referendum Version of the) Chetwynd: The Toton and Chilwell Neighbourhood Plan (<a href="https://www.broxtowe.gov.uk/media/sdcllkdq/chetwynd-the-toton-and-chilwell-n-p-feb-2024.pdf">https://www.broxtowe.gov.uk/media/sdcllkdq/chetwynd-the-toton-and-chilwell-n-p-feb-2024.pdf</a>).</p> <p>Further information in relation to Neighbourhood Plans can be found within Planning Practice Guidance at the following (gov.uk) website link: <a href="https://www.gov.uk/guidance/neighbourhood-planning--2">https://www.gov.uk/guidance/neighbourhood-planning--2</a>.</p>			

Directorate:	<b>Chief Executive's Department</b>	Title of the Lead Officer responsible for EIA	<b>Head of Planning and Economic Development</b>
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**2. What outcomes do you want to achieve from the policy or function?**

Neighbourhood Plans should help to deliver the aspirations of the local community in terms of protecting and enhancing built development and the environment of their local area.

The Neighbourhood Plan includes 28 policies. These are:

- ENV01 - Local Green Space
- ENV02 - Natural Environment
- ENV03 - Green and Blue Infrastructure Requirements
- INF01 - Road Infrastructure
- INF02 - Active Travel
- INF03 - Public Transport
- INF04 - Parking & Reducing Travel Demand
- HAS01 - Housing Mix
- HAS02 - Green Design & Sustainability
- HAS03 - Broadband Connectivity
- HAS04 - On-Site Construction
- URB01 - Amenity Space & Privacy
- URB02 - Minimising Crime
- URB03 - Street Design
- URB04 - Well Designed Neighbourhoods
- URB05 - Strategic Location for Growth, West of Toton Lane
- URB06 - Infill Development
- LHC01 - Local Centres
- LHC02 - Heritage Assets
- LHC03 - Heritage Trail
- LHC04 - Secondary Education
- LHC05 - Primary Education and Medical Facilities
- LHC06 - New Leisure Centre
- LHC07 - Sports Field and Pavilion

Directorate:	Chief Executive's Department	Title of the Lead Officer responsible for EIA	Head of Planning and Economic Development
<ul style="list-style-type: none"> <li>• LHC08 - Provision of Allotments</li> <li>• EMP01 - Strategic Location for Growth Business Zone</li> <li>• EMP02 - Chetwynd Barracks Business Zone</li> <li>• EMP03 - Smart Building Technologies &amp; Modern Methods of Construction</li> </ul> <p>The first part of the Vision of the Chetwynd: The Toton and Chilwell Neighbourhood Plan is 'to protect and enhance the wellbeing of people who live and work in our Area'.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>The local community including residents and businesses, landowners and potential developers and a range of other stakeholders.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>The Chetwynd: The Toton and Chilwell Neighbourhood Forum and its members, local residents and businesses, Broxtowe Borough Council, Nottinghamshire County Council, community organisations, nearby Town and Parish Councils and other groups within the local community and a range of other organisations.</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Extensive research was undertaken throughout the development of the Neighbourhood Plan. Please refer to the Neighbourhood Plan (main text) and the Consultation Statement (these documents can be viewed on Broxtowe Borough Council's website at the following link: <a href="https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/">https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/</a>), and further information is also available on the website of the Chetwynd: The Toton and Chilwell Neighbourhood Forum at the following link: <a href="https://cttcnf.org.uk/plan/">https://cttcnf.org.uk/plan/</a>.</p>			
<p><b>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Extensive research was undertaken throughout the development of the Neighbourhood Plan. Please refer to the Neighbourhood Plan (main text) and the Consultation Statement (these documents can be viewed on Broxtowe Borough Council's website at the following link: <a href="https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/">https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/</a>), and further</p>			

Directorate:	<b>Chief Executive's Department</b>	Title of the Lead Officer responsible for EIA	<b>Head of Planning and Economic Development</b>
information is also available on the website of the Chetwynd: The Toton and Chilwell Neighbourhood Forum at the following link: <a href="https://cttcnf.org.uk/plan/">https://cttcnf.org.uk/plan/</a> .			

**7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

A number of stakeholder consultations were undertaken. These helped to develop the policies, aspirations and supporting text within the Neighbourhood Plan.

Further information in relation to some of the consultations undertaken can be found within the Consultation Statement and details of more recent consultations can be found on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>. (The Consultation Statement can be viewed on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/media/9606/consultation-statement-revised-nov-2021.pdf>).

**8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

- Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

The policies of the Neighbourhood Plan have the potential to benefit all members of the local community. No groups should be excluded.

- Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes, the Neighbourhood Plan has been developed by the Neighbourhood Forum and members of the local community for the benefit of all members of the local community.

- Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

This should not be the case.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

Yes, as the development of the Neighbourhood Plan has been led by the Neighbourhood Forum with the support and widespread involvement of the local community, it has already helped to promote and enhance community cohesion through this process.

- **What further evidence is needed to understand the impact on equality?**

It is not considered that any further evidence is needed.

**9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

**Age:** None Identified

**Disability:** None Identified

**Gender:** None Identified

**Gender Reassignment:** None Identified

**Marriage and Civil Partnership:** None Identified

**Pregnancy and Maternity:** None Identified

**Race:** None Identified

**Religion and Belief:** None Identified

**Sexual Orientation:** None Identified

**Care Experience:** None Identified

In relation to 'Human Rights', the Independent Examiner for the Chetwynd: The Toton and Chilwell Neighbourhood Plan stated within her Report (paragraph 3.10) that: *'Broxtowe Borough Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998) and, from my independent assessment, I see no reason to disagree'*.

**Chief Executive:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature:**