



Tuesday, 3 May 2022

Dear Sir/Madam

A meeting of the Council will be held on Wednesday, 11 May 2022 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:

E H Atherton	L A Lally
D Bagshaw	P Lally
S A Bagshaw	H Land
L A Ball BEM	R D MacRae (Mayor)
M Brown	G Marshall
B C Carr	J W McGrath
S J Carr	J M Owen
M J Crow	P J Owen
E Cubley	J P T Parker
T A Cullen	S Paterson
S Dannheimer	J C Patrick
S Easom	D D Pringle
L Fletcher	M Radulovic MBE
J C Goold	R S Robinson
D Grindell	P Roberts-Thomson
T Hallam	C M Tideswell
M Handley	I L Tyler
M Hannah	P D Simpson
R I Jackson	H E Skinner
E Kerry	D K Watts
S Kerry	E Williamson
H G Khaled MBE	R D Willimott

## AGENDA

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

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 5 - 6)

The Council is asked to confirm as a correct record the minutes of the meeting held on 13 April 2022.

4. ELECTION OF MAYOR

5. APPOINTMENT OF DEPUTY MAYOR

6. ELECTION OF LEADER

The Council is requested to elect the Leader of the Council by resolution.

7. 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.

8. 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.

9. 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.**

10. REPRESENTATIONS ON OUTSIDE BODIES

11. THE CONSTITUTION

(Pages 7 - 14)

**To consider the Council's Constitution following the resolution to change the system of governance at the full Council meeting on 13 April 2022.**

A copy of the draft Constitution is circulated separately with this agenda.

12. COMMUNITY GOVERNANCE REVIEW 2021

(Pages 15 - 24)

To ask Council to approve changes to parish council boundaries in the south of the borough and the making of an order to bring those changes into effect from May 2023.

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## COUNCIL

WEDNESDAY, 13 APRIL 2022

Present: Councillor R D MacRae, Mayor

Councillors: E H Atherton  
D Bagshaw  
S A Bagshaw  
L A Ball BEM  
M Brown  
S J Carr  
M J Crow  
E Cubley  
T A Cullen  
S Dannheimer  
S Easom  
L Fletcher  
D Grindell  
T Hallam  
R I Jackson  
E Kerry  
L A Lally  
P Lally  
H Land  
G Marshall  
J W McGrath  
S Paterson  
J C Patrick  
D D Pringle  
M Radulovic MBE  
R S Robinson  
P Roberts-Thomson  
C M Tideswell  
I L Tyler  
P D Simpson  
H E Skinner  
D K Watts  
E Williamson  
R D Willimott

Apologies for absence were received from Councillors B C Carr, J C Goold, M Handley, M Hannah, S Kerry, H G Khaled MBE, J M Owen, P J Owen and J P T Parker

### 66 DECLARATIONS OF INTEREST

There were no declarations of interest.

67 MINUTES

The minutes of the meeting held on 2 March 2022 were confirmed and signed as a correct record.

68 ATTENDANCE AT MEETINGS

This item was withdrawn from the agenda.

69 REVISED CODE OF CONDUCT AND ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

Members were updated with the revised Code of Conduct and arrangements for dealing with Member complaints based on the new model Code (with local amendments) recently produced by the Local Government Association following the recommendations made by the Committee on Standards in Public Life.

The Member and Officer working task group had revised the Code of Conduct for Members and the arrangement for dealing with complaints to ensure they were fit for purpose, provided clarity on expected behaviours and process and to promote high standards of conduct.

**RESOLVED that the amended Code of Conduct at appendix 2 and arrangements at appendix 3, be APPROVED for implementation from 11 May 2022**

70 CHANGES TO GOVERNANCE ARRANGEMENTS AND DRAFT PROGRAMME OF MEETINGS FOR MAY 2022 TO APRIL 2023

Members were updated with the draft programme of meetings for May 2022 to April 2023 for Cabinet, Council and Committees and seek resolutions on issues in relation to the changes to governance arrangements.

A number of cross-party task and finish group meetings had taken place to consider details of the governance. It was stated that the Authority must be consistent with other authorities in Nottinghamshire for governance models, the constitution was a living document that would need to be amended as necessary and there needs to be democratic accountability at all levels of government.

**RESOLVED that:**

- 1. The Council adopt a Leader and Cabinet style of governance with implementation at the annual Council meeting in May 2022.**
- 2. The structure for the new governance arrangements as included in the report be approved.**
- 3. The programme of Meetings for the Council's Committees for May 2022 to April 2023, be approved.**

**Report of the Monitoring Officer**

<b>THE CONSTITUTION</b>
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1. Purpose of Report

To consider the Council's Constitution following the resolution to change the system of governance at the full Council meeting on 13 April 2022.

2. Recommendation

**The Council is asked to RESOLVE that the Constitution be approved.**

3. Detail

Changes to the system of governance were agreed by Members at full Council on 13 April 2022, as was the structure which would be used to support the new governance arrangements. It was resolved that the Council would operate a cabinet/strong leader system from 11 May 2022. Furthermore, Members received a draft version of the new Constitution at that meeting, which has subsequently been tidied up and formatted, with amendments being made to the scheme of delegation, proper officer practices and times allowed for speaking at committee and Council meetings. The Task and Finish Group which has been considering the Constitution has met once again to review the amendments.

In accordance with legislation, an advert has been placed in the Nottingham Evening Post which provides details of the provisions that have been set out and when they will take effect. Training has been offered and provided for Members and officers through separate sessions, which is considered necessary for the proper implementation of the new system.

The draft Constitution is circulated separately to the agenda and submitted for the consideration of full Council, and if approved, the Governance, Audit and Standards Committee will be asked to regularly review sections of the Constitution before further recommendations are made to Council.

4. Financial Implications

Nil

5. Legal Implications

Nil

6. Human Resources Implications

Nil

7. Union Comments

Nil

8. Data Protection Compliance Implications

Nil

9. Equality Impact Assessment

An Equality Impact Assessment is included in the appendix.

10. Background Papers

Nil

**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.

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:	Legal Services	Lead officer responsible for EIA	Monitoring Officer
Name of the policy or function to be assessed:		The Constitution	
Names of the officers undertaking the assessment:		Sachdev Khosa	
Is this a new or an existing policy or function?		Existing (renewal)	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Constitution provides a basis and framework for councillors and officers to work within, ensuring honesty, accountability and lawful decision making. It sets out how decisions are made and the procedures which are followed to ensure that the decisions are open and accountable to residents. Some of the procedures are required by law and others have been chosen by this Council. The Constitution may be amended according to the law.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>Clear, open and accountable decision making which is inclusive and commits the Council to ensuring effective and efficient use of resources.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Members, officers and residents of the borough.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Members, officers and residents of the borough.</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>None</p>			
<p><b>6. 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:</b></p>			

**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?**

These arrangements accommodate all members of the community and are represented by their ward members. Members of the public can take part in the democratic process through full Council arrangements or the scrutiny process.

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

Yes. The Constitution is published on the Council's website and is available at the Council Offices.

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

There are no perceived barriers to access.

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

The Constitution promotes accountability and transparency through good governance which contributes to equality and good relations. Broxtowe councillors represent the demographic of the borough.

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

It is not perceived that any further evidence is needed to understand the impact on equality.

**7. 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:** No further action required

**Disability:** The Constitution can be made available in different formats if required, such as large font or on different coloured paper. Guidance can be given by officers through in-person meetings or telephone calls if required.

**Gender:** No further action required

**Gender Reassignment:** No further action required

**Marriage and Civil Partnership:** No further action required

**Pregnancy and Maternity:** No further action required

**Race:** No further action required

**Religion and Belief:** No further action required

**Sexual Orientation:** No further action required

**Monitoring Officer:** Sachdev Khosa

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:** Sachdev Khosa

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## Report of the Executive Director

### COMMUNITY GOVERNANCE REVIEW 2021

#### Purpose of Report

To ask Council to approve changes to parish council boundaries in the south of the borough and the making of an order to bring those changes into effect from May 2023.

#### Recommendation

**Council is asked to RESOLVE that:**

- 1. The changes to parish boundaries set out in Appendix 1 to the report be approved and an Order be made to bring those changes into effect from 4 May 2023.**
- 2. The Head of Administrative Services request the Local Government Boundary Commission to make related alterations to the Borough ward boundaries as set out in Appendix 1.**
- 3. In light of the complex relationship between the communities in the north of the Borough and the limited time available to carry out a third consultation, no changes be made to the boundaries of Brinsley, Eastwood, Greasley (with the exception of its boundary with Awsworth parish south of the A610 as identified in Appendix 1), Kimberley (with the exception of its boundary with Awsworth parish at Awsworth Lane as identified in Appendix 1) and Nuthall at the present time.**
- 4. A further review be carried out later in the year, the arrangements to be approved by the Governance, Audit and Standards Committee, to identify potential changes to parish boundaries of Brinsley, Eastwood, Greasley, Kimberley and Nuthall Parish Councils which will provide for appropriate governance arrangements for these communities.**

#### Detail

A review of parish boundaries and governance arrangements (Community Governance Review) started in June 2021. The purpose of the review is to ensure that local governance continues to be effective and convenient and that it reflects the identities and interests of local communities. The recommendations arising from the CGR should deliver improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.

A Task and Finish Group was set up to consider the representations made during the first stage consultation on the initial proposals agreed by the Governance, Audit and Standards Committee on 17 May 2021. Draft recommendations were subsequently published for consultation which took into account the issues raised by parish councils and members of the public. During the second consultation period, a number of alternative arrangements were put forward in respect of parishes in the north of the Borough which were significantly different to the draft recommendations. Given that these proposals included changes which could have an adverse impact on another parish financially and put forward new boundaries which had not been subject to consultation, the Task and Finish Group concluded that further work is

needed to achieve satisfactory arrangements for Brinsley, Eastwood, Greasley, Kimberley and Nuthall where they border each other and which takes into account the complex relationship between the communities in that part of the Borough. In view of the short time to complete that under the current Review timetable and the need to carry out further consultation afterwards, the Group recommended to Council that no changes should be made to the boundaries of those parishes at the present time, but a further review, limited to those areas, be carried out later in the year, with a view to any changes coming into effect for the elections in 2027. However, changes have been proposed in Appendix 1 which affect Kimberley and Greasley but only where those parishes border Awsworth.

However, the Group recommended that the proposed changes to the boundaries of the unparished areas and Awsworth, Cossall, Greasley (in respect of land south of the A610 only), Stapleford and Trowell parishes and should be implemented as they are not contentious and have little or no impact financially. Details of these are set out in Appendix 1. Maps showing the proposed boundaries are shown in Appendix 2. If Council approve the recommendation, the elections to Awsworth, Cossall, Stapleford and Trowell parishes will be run on the new boundaries. In addition, some changes will be required so that borough and parish boundaries are coterminous. These are identified in Appendix 1 and will need to be submitted to the Local Government Boundary Commission for approval.

#### Financial Implications

There are no financial implications arising from this report.

#### Legal Implications

The Council has a responsibility under the Local Government and Public Involvement in Health Act 2007 to ensure that local governance continues to be effective and convenient and that it reflects the identities and interests of local communities.

#### Human Resources Implications

There are no Human Resources implications.

#### Union Comments

There are no comments from the Union.

#### Data Protection Compliance Implications

There are no data protection implications.

#### Equality Impact Assessment

There are no direct equality implications arising from this report.

#### Background Papers

Nil

## APPENDIX 1

Proposed parish boundary changes**1. AWSWORTH**(i) Awsworth Lane (Awwsworth)

Electors	10
Properties	6

From Parish	Kimberley
To Parish	Awsworth
Ward Change	Yes

(ii) The Glebe

Electors	113
Properties	53

From Parish	Awsworth
To Parish	Cossall
Ward Change	No

**2. COSSALL**(i) Robinettes Lane

Electors	8
Properties	4

From Parish	Unparished
To Parish	Cossall
Ward Change	Yes

(ii) Awsworth Development Site

Electors	2
Properties	1

From Parish	Cossall
To Parish	Awsworth
Ward Change	No

**3. GREASLEY**(i) Land south of the A610

Electors	0
Properties	0

From Parish	Greasley
To Parish	Awsworth
Ward Change	No

**4. STAPLEFORD**(i) Ewe Lamb Close

Electors	0
Properties	0

From Parish	Stapleford
To Parish	Unparished
Ward Change	Yes

(ii) North of Stapleford Allocation

Electors	0
Properties	0

From Parish	Stapleford
To Parish	Unparished
Ward Change	Yes

(iii) Stapleford Allocation (Coventry Lane)

Electors	0
Properties	0

From Parish	Unparished
To Parish	Stapleford
Ward Change	Yes

(iv) Trowell Park Drive

Electors	38
Properties	17

From Parish	Stapleford
To Parish	Trowell
Ward Change	Yes

(v) Valmont Road

Electors	28
Properties	14

From Parish	Stapleford
To Parish	Unparished
Ward Change	Yes

**5. TROWELL**

(i) Field Farm

Electors	0
Properties	0

From Parish	Trowell
To Parish	Stapleford
Ward Change	Yes

(ii) East of Coventry Lane

Electors	0
Properties	0

From Parish	Trowell
To Parish	Unparished
Ward Change	Yes











