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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 29 June 2022

To all Members of the Council

Dear Councillor

A Meeting of the Council will be held on Thursday, 7 July 2022 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
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Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

Moment of Reflection

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the Meeting held on 26 May 2022 (Pages 1 - 12)

To receive as a correct record the minutes of the Meeting of the Council held on Thursday, 26 May 2022.

4. Mayor's Announcements
5. Leader's Announcements
6. Chief Executive's Announcements
7. Citizens' Questions

To answer questions submitted by Citizens on the Council or its

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

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**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



services.

8. Revisions to the Council's Constitution (Pages 13 - 44)

The report of the Monitoring Officer is attached.

9. Public Space Protection Order - Dog Control (Pages 45 - 64)

The report of the Director – Neighbourhoods is attached.

10. Bingham Improvement Board Report (Pages 65 - 86)

The report of the Chief Executive is attached.

11. Notices of Motion

To receive Notices of Motion submitted under Standing Order No.12

a) Council resolves to pledge its support to the maintenance and health of the Grantham Canal in the Borough of Rushcliffe as an integral wildlife and wellbeing corridor, and asks Communities Scrutiny Group to oversee the following actions:

- To raise awareness of the importance of the Grantham Canal with the wider community, the County Council, and other relevant agencies to ensure water is retained in the watered section of the Canal within Rushcliffe, to benefit the environment, Mental Health, Wellbeing and Sport.
- To raise awareness amongst the adjoining authorities through which the Grantham Canal passes.
- To review the Service Level Agreement with the Canal and Rivers Trust to include specific reference to water retention (it is due for renewal in 2024 and is being considered by Communities Scrutiny Group on 21 July 2022).
- To write to DEFRA requesting that it reclassify remainder waterways in order that they may benefit from Government funding in light of the health benefits of the canal environment which have been proven during Covid and the consequent lock down.

**Councillor N Clarke**

b) From June 2022, over 40,000 railway workers, mainly represented by the RMT and ASLEF trades unions, are taking strike action, paralysing much of the UK's train network. This has and will impact on the residents of Rushcliffe and our local businesses with -

1. Worry and stress for hospital patients as appointments are delayed, cancelled, or rearranged
2. Some schools' exams being potentially disrupted

3. Many more cars on the roads causing congestion, delays, and a huge spike in pollution
4. Many workers unable to get to work
5. Holiday plans disrupted or cancelled
6. Uncertainty, inconvenience and increased costs for business and leisure travel

Other public sector Trades Unions are also threatening a summer of industrial action across a range of essential services at time when the economy is just beginning to recover from the devastating impacts of the pandemic and many residents are facing a cost of living crisis.

As a Council, we call on the Unions calling these strikes and causing so much misery and inconvenience to our residents, to cease this industrial action immediately and get back to the negotiating table to seek an agreement.

### **Councillor S Robinson**

- c) UNICEF's Child friendly status is relevant to Communities and Cities alike. It emphasises that consultation is vital to developing our communities, including where children and young people can:
- Have a say about decisions that affect them
  - Express their views freely and are encouraged and supported to do that
  - Access good health, education, transport, and other services
  - Feel safe, prioritised, and protected from discrimination and harm
  - Enjoy public spaces and meet other children and young people freely.

This Council resolves to investigate UNICEF's Child Friendly City programme to allow Rushcliffe to become a recognised Child Friendly Community and to show that Rushcliffe is a place where children feel safe, are heard, cared-for, and able to flourish.

### **Councillor R Jones**

#### 12. Questions from Councillors

To answer questions submitted by Councillors under Standing Order No. 11(2)

## Membership

Chairman: Councillor T Combellack

Vice-Chairman: Councillor D Mason

Councillors: R Adair, S Bailey, B Bansal, M Barney, K Beardsall, N Begum, A Brennan, B Buschman, R Butler, N Clarke, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, L Howitt, R Inglis, Mrs C Jeffreys, R Jones, R Mallender, S Mallender, G Moore, J Murray, A Phillips, V Price, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, L Way, G Wheeler, J Wheeler and G Williams

## **Meeting Room Guidance**

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**Toilets:** Are located to the rear of the building near the lift and stairs to the first floor.

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

## **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



## **MINUTES OF THE MEETING OF THE COUNCIL**

**THURSDAY, 26 MAY 2022**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,  
Rugby Road, West Bridgford  
and live streamed on Rushcliffe Borough Council YouTube channel

### **PRESENT:**

Councillors S Mallender (Chairman), T Combella (Vice-Chairman), R Adair, S Bailey, B Bansal, M Barney, N Begum, B Buschman, R Butler, N Clarke, J Cottee, G Dickman, A Edyvean, M Gaunt, P Gowland, B Gray, L Healy, L Howitt, R Inglis, Mrs C Jeffreys, R Jones, R Mallender, D Mason, G Moore, J Murray, A Phillips, V Price, F Purdue-Horan, S J Robinson, K Shaw, D Simms, J Stockwood, Mrs M Stockwood, C Thomas, R Upton, D Viridi, J Walker, R Walker, G Wheeler, J Wheeler and G Williams

### **OFFICERS IN ATTENDANCE:**

L Ashmore	Director of Development and Economic Growth
D Banks	Director of Neighbourhoods
P Linfield	Director of Finance and Corporate Services
K Marriott	Chief Executive
A Poole	Democratic Services Officer
S Sull	Service Manager - Legal Services
H Tambini	Democratic Services Manager

### **APOLOGIES:**

Councillors K Beardsall, A Brennan and L Way

#### **1 Declarations of Interest**

There were no declarations of interest.

#### **2 Minutes of the Meeting held on 3 March 2022**

The minutes of the meeting held on Thursday, 3 March 2022 were proposed by Councillor Robinson and seconded by Councillor Edyvean and were approved as a correct record and signed by the Mayor.

#### **3 Address of the retiring Mayor**

Councillor S Mallender, Mayor of Rushcliffe 2020/22, explained that the Council had been unable to thank Councillor Mrs Jeffreys properly for her service to the Borough as Mayor during 2019/20 at the close of her Mayoral year due to the impact of the pandemic. She commended Councillor Mrs Jeffreys for the service she had given to the Borough and acknowledged the challenging period in which she had been Mayor and the impact that Covid-19

had had.

Councillor Mrs Jeffreys said that she was thrilled to receive such honour and recognition. She highlighted her admiration for the Borough of Rushcliffe and how humbled she had been when asked to be Mayor. It had been a great honour for her, and she had met many people throughout Rushcliffe, who had been so welcoming. She commended Councillor colleagues and officers who had supported her in the Mayoral role.

Councillor S Mallender thanked everyone who had supported her during her two years as Mayor in 2020/22, in particular the Chief Executive; members of the Council; her Chaplain, the Reverend Dr Jonathan Mole; the Monitoring Officer; the Deputy Mayor; the Democratic Services Team; and the Media and IT teams.

Councillor S Mallender referred to the many engagements that she had been fortunate to attend and the wonderful people she had met. She added that although the number of events she had attended had been less than for previous Mayors due to the impact of the pandemic, there had been many Borough Council organised events, including the Multi-faith Civic Service; Civic Dinner, with an environmental theme; Proms in the Park; The Rushcliffe Community Awards; The Christmas Lights Switch-on and the Carol Service. She highlighted that her first event, opening the Lady Bay Open Front Gardens in July 2020, had been particularly special, as had her last event at Ash Lea Special School in Cotgrave, attended earlier that day, which had been a marvellous finale to her time as Mayor. She referred to her three charities, Music Works; Nottinghamshire Wildlife Trust and the Trent District Community First Response and the important work that they each carried out. She added that she had not been able to hold the fundraising events she had hoped to due to the impact of the pandemic and thanked Councillor Moore and his wife, and also Councillor Gray for their support in organising events to raise funds for the charities as well as everyone that had donated to the fund raising. She highlighted that in 2021, she had walked around the Borough boundary, a distance of over 100 miles, accompanied by her husband and consort Councillor R Mallender and her daughter. Councillor S Mallender highlighted that her term as Mayor had been conducted zero waste and carbon neutral, traveling by foot, bike, and public transport. She thanked her husband and consort, Councillor Richard Mallender, for his support over the last two years.

Councillor S Mallender highlighted that she had started a 'moment of reflection' at the start of Council meetings during her time as Mayor and speakers had included Humanist, Jewish, Muslim, Hindu, Sikh, Buddhism and Christian.

#### **4 Vote of thanks to the retiring Mayor**

Councillor Robinson proposed a vote of thanks to the retiring Mayor and commended her unique approach to the role of Mayor, particularly the introduction of the Multi-faith 'Moment of Reflection' at the start of Council meetings. He referred to the retiring Mayor's commitment to the Borough and what a fine ambassador she had been for the Council, and thanked Councillor R Mallender for his support as Consort. He highlighted that Councillor S Mallender had been unique in the fact that she was the only Mayor who had

served two consecutive years, during such a challenging time. He ended by commending her for her choice of the three charities and the support that she had given them and, on behalf of the Council, thanked her for the incredible work she had undertaken.

Councillor Walker, on behalf of the Labour Group, echoed the comments made and thanked the retiring Mayor for all her work throughout the last two years. She added that she appreciated the 'Moments of Reflection' and commended her on the work undertaken with the charities.

Councillor Jones, on behalf of the Liberal Democrat Group, echoed the comments made, and thanked Councillor S Mallender for her commitment to the role and commended for her unique approach to the role of Mayor, particularly walking around the Borough and the introduction of the 'Moments of Reflection' which he had found enriching.

Councillor R Mallender, on behalf of the Green Group, said that it had been an amazing two years in his role as Consort. He thanked the retiring Mayor for everything that she had done and highlighted that, in addition to the role of Mayor, she had continued working in her role in Museums and Galleries and as a Trade Union Officer.

Councillor Thomas, on behalf of the Independent Group, added to the vote of thanks and highlighted that Councillor S Mallender had set an excellent example for sustainable travel options in carrying out the Mayoral role. She thanked Councillor R Mallender for his support as the Mayor's Consort.

## 5 **Election of Mayor 2022/23**

It was proposed by Councillor Upton that Councillor Combella be elected Mayor of the Borough of Rushcliffe for the civic year 2022/23.

Councillor Upton referred to the many years of service that Councillor Combella had given since being elected to the Council in 2009. He highlighted her role as a Magistrate and her great knowledge of both the Council and Rushcliffe Borough, her passion for rural affairs and the rural economy, and her support of the Grantham Canal Trust. He added that she had given great commitment to Hickling, as Chair of Hickling Parish Council and the Neighbourhood Plan and her involvement in many organisations in the local community. He welcomed her appointment as Mayor saying that she would be a good ambassador for the Council and local communities.

In seconding the recommendation, Councillor Butler referred to her skills as a Councillor and adding that the appointment was well deserved.

There being no further nominations, it was **RESOLVED** that Councillor Combella be elected Mayor of the Borough of Rushcliffe for the civic year 2022/23.

Councillor Combella then read and signed the declaration of acceptance of office and after thanking her proposer, seconder, and fellow councillors, took the Chair and was invested with the Chain of Office.

The Mayor said that she was extremely honoured and proud to be Mayor. She thanked Councillors for electing her and commended Councillor S Mallender for her role as Mayor. She recognised the impact that Covid-19 had had on the fundraising activities for her chosen charities and added that she hoped to be able to continue raising awareness of these charities.

The Mayor spoke of her journey to becoming Mayor, saying that having been elected to the Borough Council in 2009, she had followed in her father's footsteps, who had also been on the Borough Council. She informed Council that she would invite a variety of readers to Council meetings to lead the 'Moment of Refection' at the start of the meeting, the first being the Deaf Society at the Council meeting in July, and also the Dyslexia Association. The Mayor announced that her Chaplain would be the Area Dean Reverend Stephen Hippisley-Cox and added that Councillor Clarke would be her Consort.

## 6 **Election of Deputy Mayor 2022/23**

It was proposed by Councillor Clarke that Councillor Mason be elected as Deputy Mayor of the Borough of Rushcliffe for the civic year 2022/23.

Councillor Clarke reminded Council that Councillor Mason had been a Councillor since 1999 and was Chairman of the Environment Scrutiny Group before becoming a Cabinet member for the next 18 years with her portfolio including the environment, housing, communities, Health and Safety. She was Deputy Leader for several years before standing down from the Cabinet in 2020. He supported her for the role of Deputy Mayor in 2022/23.

In seconding the recommendation, Councillor Inglis stated that, having worked with Councillor Mason, he fully endorsed the comments made. He praised her for her dedication as a Ward Member and as a member of the Cabinet. He stated that she would be a great ambassador for and support to the Mayor.

It was **RESOLVED** that Councillor Mason be elected as Deputy Mayor of the Borough of Rushcliffe for the civic year 2022/23.

Councillor Mason then read and signed the declaration of acceptance of office and after thanking her proposer, seconder, and fellow councillors, was invested with her Chain of Office by the Mayor.

## 7 **Mayor's Announcements**

The Mayor started by thanking officers for their support to her as Chairman of the Corporate Overview Scrutiny Group and congratulated Councillor Mason on her appointment as Deputy Mayor.

The Mayor announced that her chosen charities for this year were the Grantham Canal Water Restoration Group which aimed to reduce water loss in the Hickling Basin and Kinoulton, and also the Nottinghamshire and Lincolnshire Air Ambulance.



## 8 **Leader's Announcements**

Councillor Robinson congratulated both the Mayor and Deputy Mayor on their appointments and hoped that they had a successful and positive year ahead.

Councillor Robinson advised that his Cabinet appointments for the municipal year 2022/23 would be as follows:

Portfolio Holder for Business and Economic Growth / Deputy Leader –  
Councillor Edyvean

Portfolio Holder for Communities and Climate Change – Councillor Brennan

Portfolio Holder for Finance and Customer Access – Councillor Moore

Portfolio Holder for Environment and Safety – Councillor Inglis

Portfolio Holder for Planning and Housing – Councillor Upton

## 9 **Appointments of Committees and Member Groups 2022/23**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson presented the report of the Director – Finance and Corporate Services, outlining the nominations for the appointment to committees and member groups for 2022/23.

It was proposed by Councillor Robinson and seconded by Councillor Edyvean and **RESOLVED** that the nominations to committees and member groups for 2022/23 be approved as follows:

### **A. Scrutiny Groups**

#### **Corporate Overview Group**

Councillors J Wheeler (Chairman), N Clarke, J Cottee, P Gowland, J Murray, D Viridi and G Williams

#### **Governance Scrutiny Group**

Councillors D Viridi (Chairman), P Gowland (Vice Chairman), R Adair, K Beardsall, L Howitt, K Shaw, D Simms, J Stockwood and Mrs M Stockwood

#### **Growth and Development Scrutiny Group**

Councillors N Clarke (Chairman), J Cottee (Vice Chairman), M Barney, R Butler, M Gaunt, A Phillips, V Price, J Stockwood and L Way

#### **Communities Scrutiny Group**

Councillors G Williams (Chairman), J Murray (Vice Chairman), G Dickman, L Healy, C Jeffreys, R Jones, R Mallender, F Purdue-Horan and R Walker

## **B. Committees**

### **Licensing Committee**

Councillors L Healy (Chairman), R Adair, S Bailey, B Bansal, K Beardsall, N Begum, B Buschman, G Dickman, L Howitt, R Mallender, D Simms, J Stockwood, J Walker, G Wheeler and G Williams

### **Planning Committee**

Councillors R Butler (Chairman), Mrs M Stockwood (Vice Chairman), S Bailey, B Bansal, N Clarke, L Healy, D Mason, V Price, F Purdue-Horan, C Thomas and J Walker

### **Employment Appeals Committee**

Councillors S Robinson (Chairman), N Begum, A Edyvean, V Price and R Walker

### **Interviewing Committee**

Councillors S Robinson (Chairman), N Begum, A Edyvean, R Walker and L Way

### **Standards Committee**

Councillors R Walker (Chairman), K Beardsall, B Gray, S Mallender, D Mason and A Phillips

## **C. Member Groups**

### **Local Development Framework Group**

Councillors R Upton (Chairman), S Bailey, M Barney, R Butler, J Cottee, B Gray, V Price, F Purdue-Horan, S Mallender, D Simms, Mrs M Stockwood, C Thomas, J Walker, R Walker and G Wheeler

### **Member Development Group**

Councillors R Mallender (Chairman), B Buschman, G Dickman, M Gaunt, C Jeffreys, A Phillips, K Shaw, J Wheeler and G Williams

### **Rushcliffe Strategic Growth Board**

Councillors S Robinson (Chairman), A Brennan, A Edyvean, P Gowland, R Inglis, R Jones, G Moore, R Upton and L Way

### **Civic Hospitality Panel**

Councillors T Combellack (Chairman), B Bansal, A Edyvean, D Mason, S Robinson and K Shaw

### **Development Corporation and Freeport Member Working Group**

Councillors A Edyvean (Chairman), M Barney, A Brennan, P Gowland, C Thomas, R Upton, D Viridi, J Walker and R Walker

### **West Bridgford Special Expenses and Community Infrastructure Levy Advisory Group**

Councillors G Moore (Chairman), B Buschman, P Gowland, R Jones, R Mallender, S Robinson, D Viridi, G Wheeler and J Wheeler

### **Bingham Chapel Lane and Crematorium Member Working Group**

Councillors A Edyvean (Chairman), J Cottee, B Gray, L Healy, L Howitt, G Moore, D Simms, C Thomas and G Williams

### **Upper Saxondale Community Governance Review Task and Finish Group**

Councillors R Inglis (Chairman), A Brennan, N Clarke, P Gowland, C Jeffreys, R Jones, S Mallender, R Upton and G Williams

## **10 Approval of timetable of Meetings 2022/23**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Director – Finance and Corporate Services setting out the schedule of Council and Committee meetings for the Municipal year 2022/23.

It was proposed by Councillor Robinson and seconded by Councillor Inglis and **RESOLVED** that the schedule of meetings for the municipal year 2022/23, as attached at Appendix A of the officer's report, be approved.

## **11 Appointment of Representatives to Outside Bodies 2022/23**

The Leader and Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Director – Finance and Corporate Services setting out the appointments to Outside Bodies for the municipal year 2022/23.

There was one contested appointment for Item 12 – Rural Community Action for Nottinghamshire. Nominations were Councillor S Bailey and Councillor S Mallender.

One vote would be taken for all of the nominations except Item 12 - Rural Community Action for Nottinghamshire which would be subject to a separate vote.

It was proposed by Councillor Robinson and seconded by Councillor Moore and **RESOLVED** that the appointments to Outside Bodies (with the exception of Item 12) for the municipal year 2022/23 be as follows:

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

Leader

Deputy Leader (Substitute)

East Midlands Councils (including other representative roles within this appointment)

Leader

Deputy Leader (Substitute)

#### Greater Nottingham Joint Planning Advisory Board

Cabinet Member – Housing and Planning

Local Government Association - General Assembly (including other representative roles within this appointment)

Leader

Deputy Leader (Substitute)

Nottingham East Midlands Airport Independent Consultative Committee

Cabinet Member – Business and Economic Growth

Health and Well Being Board

Cabinet Member – Community and Environment

D2N2 Joint Leaders Board

Leader

Deputy Leader (Substitute)

Nottinghamshire Police and Crime Panel

Cabinet Member – Neighbourhoods

Development Corporation Board

Leader

Nottinghamshire Waste Management Board

Cabinet Member – Neighbourhoods

Freeport Board

Leader

Friends of Rushcliffe Country Park

Councillor R Adair

Local Area Forum - West Bridgford

Councillors P Gowland (Abbey ward), A Philips (Compton Acres ward), D Virdi (Gamston South ward), R Mallender (Lady Bay ward), B Gray (Lutterell Ward), R Jones (Musters ward) and J Murray (Trent Bridge ward)

Trent Valley Internal Drainage Board

Councillors G Dickman, C Jeffreys, C Thomas and J Walker

Rural Community Action for Nottinghamshire

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a vote was taken for the appointment for Item 12 – Rural Community Action Nottinghamshire.

It was **RESOLVED** that the appointment to Rural Community Action for Nottinghamshire be Councillor Bailey.

## 12 **Appointment to the Monitoring Officer Role**

The Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Chief Executive concerning the appointment of the Monitoring Officer.

Councillor Robinson commended the outgoing Monitoring Officer, Mrs Sanjit Sull, praising her particularly for her support with the governance of the Freeport and Development Corporation. He welcomed Mrs Gemma Dennis as the proposed new Monitoring Officer and asked the Council to support the recommendation in the report.

Councillor Edyvean seconded the recommendation in the report and reserved the right to speak.

The comments made by Councillor Robinson were echoed by Councillor Walker, on behalf of the Labour Group; Councillor Jones, on behalf of the Liberal Democrat Group; Councillor R Mallender on behalf of the Green Group and Councillor Thomas on behalf of the Leake Independent Group.

It was **RESOLVED** that Mrs Gemma Dennis be appointed and designated as the Council's Monitoring Officer from 27 May 2022.

### 13 **Endorsement of the Borough Council's role in the East Midlands Freeport**

The Portfolio Holder for Strategic and Borough Wide Leadership, Councillor Robinson, presented the report of the Chief Executive concerning the Borough Council's role in the East Midlands Freeport.

Councillor Robinson summarised that the Government had allowed the East Midlands to proceed to Freeport status in March 2021, the outline business case had been submitted in September 2021 with the full Business Case submitted in March 2022. The Cabinet had received a report in February 2022 which gave a commitment to report to the Council seeking approval to appoint a Director of the Borough Council to the Freeport Board.

In moving the recommendation, Councillor Robinson reminded Councillors that the Freeport was a very important vehicle to attract high quality new jobs into the area, which would also regenerate the Power Station which was due to close in 2024 and would attract innovative new businesses to the Borough, with a particular focus on green energy. It would also offer significant opportunity to work with universities to conduct research into new technologies. The site was uniquely located by the River Trent, East Midlands Airport, the M1 and the HS2 route.

Councillor Edyvean seconded the recommendation in the report and reserved the right to speak.

Councillor Walker, on behalf of the Labour Group, said that she supported the recommendations in the report but remained deeply concerned about the Freeport's ability to deliver on the promises made, especially the creation of 61,000 new jobs. She added that she was concerned that the entire project was ideologically based which had the potential to fall short of the promises made and impact adversely on the wealth of local communities. She drew attention to the community wealth building model which sought to invest in the communities and businesses already operating in the Borough and employing local people, rather than attracting multinational corporations that continued to pay zero tax in the places in which they operated. She ended by saying that

the Labour Group would continue to push for good quality employment for local communities.

Councillor Jones recognised the level and complexity of work done to reach this stage and supported the recommendations in the report with the following caveats and reservations. He said that he was sceptical about the practicalities of the Freeport which was located on three disconnected sites. He recognised that the Development Corporation was the most important element and agreed that the power station site needed development. However, he added that he hoped that engineering and production operations would start on the sites so as to reduce the Country's dependence on China.

Councillor R Mallender explained that his concerns for the Freeport related to the potential for tax free status for businesses, the misuse of Freeports in other parts of the world and the potential harm to wildlife/ trafficking of animals. However, despite the reservations, he did note that it was important that the Borough Council had a seat at the Freeport Company so would support the recommendations in the report.

Councillor Thomas said that despite her views on the Government's agenda to promote development, she recognised that the East Midlands needed to get its fair share along with everyone else and Rushcliffe should be part of this. She highlighted, however, that she was concerned about the impact on country roads around the site which needed to be considered, along with the need for sustainable access through cycle routes and public transport to the employment created by the Freeport for all areas of Rushcliffe, especially those which met the housing need. In addition, she asked that there was a need to have the net zero carbon emissions goals at the forefront of the development.

Councillor Robinson explained that the position of Director on the Freeport Board was linked to the position of Leader of the Council and would remain with that position should the incumbent change.

Councillor Robinson challenged the opposition leader's comments regarding businesses paying zero tax. He informed Council that the businesses would pay Corporation Tax and Stamp Duty and a huge investment from this would be going into the area. He stated that the innovative green technology that would be established within the development should be welcomed and that the investment in high quality jobs would also help address the cost-of-living crisis. He added that bringing manufacturing and research businesses into the development would be a key focus. He acknowledged that investment in the infrastructure near the site was needed to address the potential impact on Junction 24 of the M1 and access to the site.

It was proposed by Councillor Robinson and seconded by Councillor Edyvean and **RESOLVED** that

- a) the Council join the Freeport company (East Midlands Freeport) to be incorporated 1 June 2022 and, in doing so, enter into the Members Agreement; and

- b) the Leader of the Council be approved to act as a Director of East Midlands Freeport.

The meeting closed at 8.25 pm.

CHAIRMAN

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**Council**

**Thursday, 7 July 2022**

**Revisions to the Council's Constitution**

## **Report of the Monitoring Officer**

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,  
Councillor S Robinson**

### **1. Purpose of report**

- 1.1. This report seeks approval for the Council's Constitution which has been revised to reflect legislative changes, changes to the Councillor Code of Conduct, amendment to the meeting time of Planning Committee, to include a procedure for a review of the Chief Executives pay, to include an Information Sharing/UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA) agreement between Councillors and the Council and textual amendments.

### **2. Recommendation**

It is RECOMMENDED that Council approves the revisions to the Constitution.

### **3. Reasons for Recommendation**

- 3.1. The Borough has a duty to keep its Constitution up to date and is required to review it annually.
- 3.2. The proposed revisions incorporate and give effect to legislation, to changes recommended by the Standards Committee and to ensure that the document is accessible to all residents.

### **4. Supporting Information**

The proposed revisions are set out at Appendix 1. A summary of the main proposed revisions is set out below.

#### **Summary of proposed changes:**

#### **4.1. Part 2:**

- Changes to management structure, Cabinet structure and membership and committee membership.

#### 4.2. Part 3:

- Amendments to the terms of reference for all Scrutiny Groups to include reference to policy review
- A process for the remuneration of the Chief Executive
- Amendments to the circumstances in which applications must be considered by Planning Committee

#### 4.3. Part 4:

- An update to the meeting time of Planning Committee.
- Amendment to the Standing Orders relating to Contracts.

#### 4.4 Part 5:

- Amendments required to the Councillor Code of Conduct and Local Government Association guidance as a result of recommendations by the Standards Committee.
- Introduction of Information Sharing/UK GDPR and DPA 2018 Protocol

#### 4.5 Documents ancillary to the Code of Conduct revisions have also been updated as follows:

- 4.5.1 Arrangements for dealing with Code of Conduct complaints
- 4.5.2 Public Interest Test
- 4.5.3 Register of Interests
- 4.5.4 Guidance on completion of Register of Interests

#### 4.6 The Constitution amendments as detailed herein will be considered by the Governance Scrutiny Group at its meeting on 30 June 2022 and the outcome reported to Council at its meeting on 7 July 2022.

#### 4.7 Drafting will continue throughout the year so that the entire Constitution is compliant with the accessibility regulations, this includes formatting.

### 5. **Risks and Uncertainties**

The Council is required to undertake an annual review of its Constitution and ensure that it complies with the law. Failure to undertake a review of the Constitution risks legal challenge of decisions taken.

## 6. Implications

### 6.1. Financial Implications

There are no direct financial implications arising from the proposals in this report.

### 6.2. Legal Implications

Under section 9P of the Local Government Act 2000, the Council has a duty to keep its Constitution up to date and that section also prescribes its minimum content. The proposals in this report comply with those requirements.

Under Article 5 – Principles relating to processing of personal data and Article 24 – responsibility of a Controller of the UK GDPR, the Council and Councillors are to ensure these obligations are adhered to.

### 6.3. Equalities Implications

The formatting amendments to the Constitution made for web accessibility purposes will have a positive impact ensuring that the website is accessible to all users. There are no other implications as these alterations to the Constitution do not involve new or changing policies, services or functions, or financial decisions that will have an effect on services.

### 6.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct Section 17 implications.

## 7. Link to Corporate Priorities

Quality of Life	The proposed revisions should make it easier for members of the public, Councillors and officers to access, and use, materials, which are essential to effective and efficient democratic decision-making.
Efficient Services	
Sustainable Growth	
The Environment	

## 8. Recommendation

It is RECOMMENDED that Council approves the revisions to the Constitution.

<b>For more information contact:</b>	Gemma Dennis Monitoring Officer 0115 914 8215 <a href="mailto:gdennis@rushcliffe.gov.uk">gdennis@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	The Council's Constitution is available online.
<b>List of appendices:</b>	Appendix 1: Table of amendments

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## Summarising amendments to Constitution 2021/2022

Page Number/Section	Details Amendment
Part 2 Page 11 Management Structure	Replace Sanjit Sull with Gemma Dennis in structure
Part 2 Page 12 Cabinet Structure	Cabinet amendments to reflect Roger Upton re-joining the Cabinet as portfolio holder for Planning & Housing
Part 2 Page 14	Amendments to Scrutiny Group Chairman and Vice Chairman
Part 3 Page 19	<p>Insert the following:</p> <p>The pay of the Chief Executive is based on an agreed pay scale agreed by Council prior to appointment. Changes to this are determined by the Leader, Deputy Leader and Leader of the Opposition, who are advised by an agreed external professional and the Strategic Human Resources Manager.</p>
Part 3 Appendix 1 Page 32	<p>where, following consultation in accordance with the codes and protocols – guidance on planning application procedures, the Director –Development and Economic Growth and ward Councillor(s) have different views on a matter which is considered by the Director – Development and Economic Growth to constitute a material planning consideration</p>

<p>Page 92</p>	<p>Applications may be referred to the Planning Committee in various circumstances outlined in detail in the Constitution including:</p> <ul style="list-style-type: none"> <li>• applications submitted by a Borough Councillor or senior member of staff</li> <li>• Applications where there is a difference of opinion between the planning officers' recommendation and the ward councillors' views as expressed during the consultation on a matter which is considered by the Director – Development and Economic Growth to constitute a material planning consideration</li> <li>• <del>applications which cannot be determined by officer delegation</del></li> </ul> <p>Please note that large or complex applications may be considered differently by the Planning Committee.</p>
<p>Part 3 Appendix 2</p>	<p><b>Corporate Overview Group</b></p> <ul style="list-style-type: none"> <li>• <del>Implementing identified improvements to scrutiny throughout the transitional period including training of scrutiny members, construction of new work programmes and reporting methods</del></li> <li>• Creating and receiving feedback on work programmes for Growth and Development, Communities and Governance Scrutiny Groups based on the Cabinet Forward Plan, Corporate Strategy, Medium Term Financial Strategy, Investment Strategy and Transformation Plan</li> <li>• Scrutinising financial and performance management reports on a quarterly basis to ensure the smooth running of the Council and delegate any necessary investigations into concerning elements of this report to the most appropriate scrutiny group via their work programme</li> <li>• Reviewing reports in respect of health and safety, diversity and customer feedback to ensure the Council is meeting its statutory duties</li> <li>• Reviewing the Council's policies and strategies as appropriate prior to adoption.</li> </ul>

	<p><b>Governance Scrutiny Group</b></p> <ul style="list-style-type: none"> <li>• Reviewing the outcomes of both internal and external audit investigations to ensure the Council is compliant with legislation and best practice</li> <li>• Monitoring the Annual Governance Statement to ensure compliance with the Council’s Code of Corporate Governance</li> <li>• Scrutinising and approving the Statement of Accounts</li> <li>• Considering the Council’s Risk Management Framework annually to ensure current risks are being monitored, and effective controls and mitigating actions are in place</li> <li>• Considering regular reports on Asset and Investment Management to ensure prudent use of Council resources is being made to fulfil the objectives of the Investment Strategy and Annual Capital Programme</li> <li>• Monitoring the operation of the Council’s constitution to ensure that it is being upheld and to recommend to Council any necessary fundamental changes</li> <li>• <del>Receive reports on the performance of the Council’s wholly owned companies (Streetwise)</del></li> <li>• <b>Reviewing the Council’s policies and strategies, in respect of governance issues, as appropriate prior to adoption.</b></li> </ul> <p><b>Growth and Development Scrutiny Group</b></p> <ul style="list-style-type: none"> <li>• Overseeing significant projects contributing towards growth in the Borough to ensure deliverables are met and growth-related outcomes achieved</li> <li>• Scrutinising infrastructure development which acts as a catalyst for growth in the Borough to ensure such developments progress in a timely fashion and any obstructive barriers are removed or negotiated •</li> <li>• Reviewing the growth in demand for Council services ensuring all residents can access the services they need in a timely and cost-efficient manner</li> </ul>
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	<ul style="list-style-type: none"> <li>• Considering projects and initiatives to promote economic vibrancy, local democracy and community leadership within local towns and villages contributing towards the overall Council goal of creating Great Place and Great Lifestyle</li> <li>• <b>Reviewing the Council's policies and strategies, in respect of growth and development issues, as appropriate prior to adoption.</b></li> </ul> <p>Communities Scrutiny Group</p> <ul style="list-style-type: none"> <li>• Reviewing the Council's partnerships to ensure that community needs are being met and the partnership is providing good value for money</li> <li>• Identifying areas of community concern, exploring how this can be met and making recommendations to that effect</li> <li>• Considering concerns specific to the local area in terms of health and wellbeing and making recommendations to improve the health and wellbeing of local residents</li> <li>• Considering projects and initiatives to further the Council's efforts to protect the environment of the Borough and promote environmental sustainability to our residents</li> <li>• <b>Reviewing the Council's policies and strategies, in respect of community issues, as appropriate prior to adoption.</b></li> </ul>
<p>Part 4 Page 54</p>	<p>5. Time and Place of Meetings</p> <p>All meetings shall start at 7.00pm (with the exception of Planning Committee which will start at 2.30pm <del>from 1 August 2021 to 28 February 2022</del>) and will be held at Rushcliffe Arena. Member working groups may be held at other times. The Chief Executive, in consultation with the Mayor or relevant Chairman as the case may be, may vary the starting time and location of any meeting.</p>



Part 4 page 154	An award notice is required on Contracts Finder for all Contracts awarded with a total value of <del>£20,000</del> <del>£25,000</del> or above.
Part 4 Page 171	<p>15. Performance Bonds Parent Company Guarantees</p> <p>Performance Bonds or other suitable alternatives need the prior approval of the S151 officer and must be sought for contracts with a value of <del>£250,000</del> <del>£500,000</del> and above.</p>
Part 4 Page 174 Section 17	<p>Every contract not required to be under the Common Seal of the Council under the preceding Standing Order shall be in writing and approved as follows for contracts:</p> <p>(a) up to <del>£75,000</del> <del>Lead Specialists</del></p> <p>(b) up to <del>£100</del> <del>£125,000</del> service managers;</p> <p>(c) up to <del>£250,000</del> <del>Chief Information Officer</del>;</p> <p>(d) from <del>£100</del> <del>£125,000</del> to <del>£250</del> <del>£1,000,000</del> executive managers <del>Directors</del>; and</p> <p>(e) greater than <del>£250</del> <del>£1,000,000</del> Section 151 Officer and the Chief Executive.</p> <p>Where the Executive Management Team or a Director has given their prior approval to a contract proposal in writing, the limits above shall not apply when approving that contract in relation to (a) - (c) above.</p>
Part 5	Insert new Information Sharing Code (see attached)
Part 5	Amendments to the Councillor's Code of Conduct (attached)

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# Rushcliffe Borough Council Constitution

## Part 5

### CODES AND PROTOCOLS

#### INFORMATION SHARING / UK GDPR & DPA 2018

##### 1. Introduction

- 1.1. The nature of the relationship between the Council and Councillors means that personal data will be shared between both parties. These codes and protocols set out rules and responsibilities to ensure the Council and Councillors meet their obligations to the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA).
- 1.2. All Councillors are designated 'Data Controllers' and have a responsibility to ensure all safeguarding is in place to secure and protect all personal data as governed by the UK GDPR and DPA 2018.
  - 1.2.1. Data Controller – Article 24 of UK GDPR means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are or are to be processed.
  - 1.2.2. Taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons, the controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation. Those measures shall be reviewed and updated where necessary.
  - 1.2.3. Where proportionate in relation to processing activities, the measures referred to in section 1.2.2 shall include the implementation of appropriate data protection policies by the controller.
- 1.3. All Councillors must complete their Information Management and Governance eLearning course. This is to ensure you kept up to date with your responsibilities outlined in this section.

## 2. Principles relating to processing of personal data

2.1. The UK GDPR sets out seven key principles that all Councillors must follow when handling personal data:

- (a) Lawfulness, fairness and transparency
- (b) Purpose limitation
- (c) Data minimisation
- (d) Accuracy
- (e) Storage limitation
- (f) Integrity and confidentiality (security)
- (g) Accountability

2.2. Here are definitions for each of these principles.

2.2.1. Personal data shall be:

- (a) processed **lawfully, fairly** and in a **transparent** manner in relation to the Individuals ('lawfulness, fairness and transparency');
- (b) collected for **specified, explicit** and **legitimate purposes** and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) **adequate, relevant** and **limited** to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) **accurate** and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of Individuals for **no longer than is necessary** for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the Individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate **security** of the personal data, including **protection** against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

2.2.2. The controller shall be responsible for, and be able to demonstrate compliance with, section 2.2.1 ('**accountability**').

### 3. Information to be shared

The information that may be shared between the Council and Councillors are shown under '**What information is being shared**' in Annex 1.

### 4. Legal Basis for sharing

4.1. All Councillors must take care when processing personal data that a legal basis exists for doing so. In most scenarios, all Councillors will be processing personal data with Consent under Article 6(1)(a) or processing personal data for the purposes of carrying out a public task under Section 8 DPA 2018 and Article 6(1)(e) UK GDPR.

4.1.1 **Article 6(1)(a)** the Individuals has given consent to the processing of his or her personal data for one or more specific purposes. Consent must be recorded;

4.1.2 **Article 6(1)(e)** gives you a lawful basis for processing where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

4.1.3 **Act Section 8** a task carried out in the public interest, or the exercise of official authority includes processing that is necessary for the:

- (a) administration of justice;
- (b) exercise of a function of either House of Parliament;
- (c) exercise of a function conferred on a person by an enactment or rule of law;
- (d) exercise of a function of the Crown, a Minister of the Crown or a government department; or
- (e) an activity that supports or promotes democratic engagement

4.2. To the extent that information being shared with the Council includes any Personal Data, Councillors shall ensure that the Shared Information is processed in accordance with the Data Protection Legislation.

### 5. Access to data and individuals' rights

5.1. All Councillors must have process and procedures in place to allow Individuals to exercise their individual rights.

5.1.1. The Right to be **Informed** - Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the UK GDPR. All Councillors must provide their own Privacy Notice, explaining purposes for processing their personal data, your retention periods for that personal data, and who it will be shared with.

5.1.2. The Right of **Access** - Individuals have the right to access and receive a copy of their personal data, and other supplementary information. This is commonly referred to as a subject access request or 'SAR'. Individuals can make SARs verbally or in writing, including via social media. You should respond without delay and within one month of receipt of the request. All responses must be disclosed securely, and you should provide the information in an accessible, concise and intelligible format.

- 5.1.3. The Right to **Rectification** - Individuals have the right for inaccurate personal data rectified or completed if it is incomplete. An individual can make a request for rectification verbally or in writing and you have one calendar month to respond.
- 5.1.4. The Right to **Erasure** (right to be forgotten) – Individuals have the right to have their personal data erased however, this right is not absolute and only applies in certain circumstances.
- (a) The personal data is no longer required for the purposes for which they were collected or otherwise processed.
  - (b) Consent is withdrawn on which the processing is based and there are no legal grounds for the processing.
  - (c) The individual objects to the processing and there are no overriding legitimate grounds for the processing or for direct marketing purposes.
  - (d) The personal data has been unlawfully processed.
  - (e) The personal data must be erased for compliance with a legal obligation.
  - (f) The personal data have been collected in relation to the offer of information society services.

An individual can make a request for erasure verbally or in writing and you have one calendar month to respond.

- 5.1.5. The Right to **Restrict Processing** - Individuals have the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances. When processing is restricted, you are permitted to store the personal data, but not use it. An individual can make a request for restriction verbally or in writing and you have one calendar month to respond to a request
- 5.1.6. The Right to **Data Portability** – Individuals shall have the right to receive the personal data concerning him or her, which he or she has provided you, in a structured, commonly used and machine-readable format.
- 5.1.7. The Right to **Object** - Individuals shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her, including profiling based on those provisions. Councillors shall no longer process the personal data unless you can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the Individuals or for the establishment, exercise or defence of legal claims. How the Individuals makes such objections shall be detailed in your Privacy Notice.
- 5.1.8. Rights in relation to **automated decision making** and **profiling** - Individuals have the right to object to automated decision making or profiling. Unless there are grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims, you must stop processing straightaway.
- 5.2. All Councillors must notify the Council without due delay of any request by an individual for rectification or erasure of Shared Information or restriction of processing carried out in respect of the Shared Information.

- 5.3. All Councillors will respond to any notice from the Information Commissioner that imposes requirements to cease or change the way in which data is processed.

## **6. Privacy Notice**

- 6.1. When processing personal data, you must tell individuals what you are doing with it. They have the right to know why you need it, what you'll do with it and who you're going to share it with. You should provide this information in a clear, open and honest way. This is achieved by creating a document called a Privacy Notice.
- 6.2. All Councillors must have their own Privacy Notice to comply with UK GDPR Article 5 Principle (a) Lawfulness, fairness and transparency. The Council will provide a template for you to populate and make appropriate for your use. Your Privacy Notice will be published on the main Rushcliffe website with your profile information.

## **7. Data Breaches**

- 7.1. Councillors must report misuse, loss, destruction, damage or unauthorised access, suspected or otherwise, of information to the Council without due delay.
- 7.2. The Council must be notified without due delay of any breach of confidentiality or incident involving a risk or breach of the security of personal information.
- 7.3. Councillors are liable for any losses or liabilities incurred due to their own actions as a result of a breach under the UK GDPR and DPA 2018.
- 7.4. In the event of any personal information security breach in respect of Shared Information or otherwise, Councillors responsible for the security of that particular information will immediately take steps to contain the breach once it has been identified. If the Council decides that the Information Commissioner's Office should be notified of the breach under Article 33(1) UK GDPR, the Leader of the Council and Cabinet members will also be notified as part of that process. Councillors shall provide reasonable cooperation and assistance in respect of any personal information security breach.
- 7.5. Once the breach referred to in 7.4 above has been contained, The Council will launch an investigation to establish the reasons behind the breach and will share the outcome of the investigation with the Leader of the Council and Cabinet members.

## **8. Information Governance**

- 8.1. Before starting any information sharing activity with the Council, the Councillor or Council will consider whether or not to carry out a Data Privacy Impact Assessment (DPIA) as required under Data Protection Legislation to minimise any data protection risks of the information sharing being contemplated and to establish that the proposed information sharing complies with the data protection obligations.
- 8.2. The Shared Information may not be used by Councillors for any other purposes than those set out in the sharing schedule of Annex 1.
- 8.3. Where possible and to the extent that it does not conflict with any of the other provisions set out in this document, Councillors shall ensure that any Personal Data, Sensitive Personal Data and Special Categories of Personal Data and Criminal Conviction Data contained within the Shared Information is anonymised.

- 8.4. In accordance with the Councils data protection policy, Councillors shall implement appropriate technical and organisational measures to maintain the quality and integrity of the Shared Information held by it, having regard to any specific requirements set out under the heading “security requirements” of the sharing schedule of Annex 1.
- 8.5. Councillors must ensure that the Shared Information is processed securely and, as a minimum, shall adhere to the Council’s information security policy and the “security requirements” set out in the sharing scheduled of Annex 1.
- 8.6. Where possible, Councillors shall ensure that the information is shared using compatible datasets and that any Shared Information is recorded in the same way by Councillors.
- 8.7. Where Councillors rely on consent as the condition for processing personal data then withdrawal of consent means that the condition for processing will no longer apply. Where information is shared with the Council and withdrawal of consent applies, you must communicate to the Council without due delay. When withdrawal of consent is received, processing must cease as soon as possible.
- 8.8. No Councillor should process or otherwise transfer any of the Shared Information outside of the United Kingdom without the written approval of the Council.



## ANNEX 1 - What information is being shared

### Schedule of Processing, Personal Data and data Subjects

Description	Details
Subject matter of the processing	Personal information can be shared between the Council and Councillors for example, to raise concerns from residents of Rushcliffe Borough.
Duration of the processing	Until Consent is withdrawn or there is no longer a purpose for processing the data.
Nature and purposes of the processing	<ul style="list-style-type: none"> <li>• To provide advice, if you request it</li> <li>• To investigate any issues or concerns you may raise with me</li> <li>• To find out about your involvement with any other public authorities, if you ask me to</li> <li>• To prevent or detect fraud or other crime</li> </ul>
Type of personal data	<ul style="list-style-type: none"> <li>• Name</li> <li>• Address</li> <li>• Telephone number</li> <li>• Email address</li> <li>• Photographs</li> <li>• Any other details regarding your personal circumstances that you choose to provide to me to help deal with your query (including details about another person who has asked you to act on their behalf)</li> </ul>
Categories of data subject	<ul style="list-style-type: none"> <li>• Residents living in the Rushcliffe Borough Area.</li> <li>• Projects or planning applications</li> </ul>
Plan for return and destruction of the data once processing is complete	All personal shared data must be disposed of securely once processing is no longer required.
Security Requirements	Electronic exchange - All information transmitted across public networks within the UK or across any networks overseas must be sent by secure email which meets UK central government's connection standards or be encrypted using appropriate software (e.g. Microsoft 365, Egress Switch, Cryptshare, etc.)

	<ul style="list-style-type: none"><li>• Passwords must be sent separately to the information exchanged and must provide the correct level of security taking all factors into account, including the nature of the data being shared. Passwords must be changed regularly, and Councillors respective password arrangements will include provisions to avoid the use of weak or predictable passwords.</li><li>• Personal exchange of materials for meetings - Information may be hand delivered or taken in hard copy providing it securely contained within a blue locked bag or similar locked bag or container.</li></ul>
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## Rushcliffe Borough Council Councillor Code of Conduct

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable, and all adopt the behaviors and responsibilities associated with the role. ~~The Our~~ conduct of as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of ~~them us~~ and entrust ~~them us~~ to represent ~~our~~ the local area, taking decisions fairly, openly, and transparently. Councillors We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, Councillors we should be able to undertake ~~theirour~~ role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect ~~our~~ the democratic role, encourage good conduct and safeguard the public's trust in local government.

### Introduction

All councils are required to have a local Councillor Code of Conduct. ~~The Standards Committee will undertake an annual review of this Code in line with the review undertaken by the Local Government Association~~ to ensure it continues to be fit- for purpose, incorporating advances in technology, social media and changes in legislation.

### The Seven Principles of Public Life

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

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

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

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

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

**Honesty:** Holders of public office should be truthful.

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

### Purpose of the Code of Conduct

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

### General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

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

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

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

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

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Council's Monitoring Officer on any matters that may relate to the Code of Conduct. **You must have regard to any relevant advice provided to you by the Council's Monitoring Officer, Section 151 Officer and/or Chief executive where they are acting in pursuant to their statutory duties.**

Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring **Officer and/or NALC.**

## Standards of councillor conduct

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

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

## General Conduct

### 1. Respect As a councillor:

1.1 I treat other councillors and members of the public with respect.

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

### 2. Bullying, harassment and discrimination.

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

Rushcliffe Borough Council supports the definition of the Advisory, Conciliation and Arbitration Service (ACAS) which characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

### 3. Impartiality of officers of the council

As a councillor:

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

### 4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

a. given to me in confidence by anyone

b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

i. I have received the consent of a person authorised to give it;

ii. I am required by law to do so;

iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

iv. the disclosure is:

1. reasonable and in the public interest; and
2. made in good faith and in compliance with the reasonable requirements of the local authority; and
3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

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

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is

required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations. **For guidance and support you should contact Rushcliffe Borough Council's Chief Information Officer.**

## 5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute. You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**\* see definition below**

## 6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else. Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## 7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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



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

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

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

## 8. Complying with the Code of Conduct

As a Councillor:

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

8.2 I cooperate with any Code of Conduct investigation and/or determination. **Failure by me to cooperate with the process will be noted but will not frustrate the process.**

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

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

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

**Rushcliffe Borough Councils arrangements can be accessed at:**

[Documents, strategies and policies - Rushcliffe Borough Council](#)

9. Interests As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority. You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early

on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix A sets out the detailed provisions on registering and disclosing interests.

If in doubt, you should always seek advice from your Monitoring Officer.

## 10. Gifts and hospitality

As a councillor:

10.1 **I do not accept** gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

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

10.3 I register with the Monitoring Officer **within 28 days of the said offer** any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept ~~significant~~ gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, contact your Monitoring Officer for guidance.

## Appendix A

### Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as

described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

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

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

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

#### Disclosure of Other Registerable Interests

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

#### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

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

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

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

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

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

10. Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Table 1: Disclosable Pecuniary Interests**

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

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

	councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where----</p> <p>(a) That body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) (b) either—</p> <p>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares or any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

- 'director' includes a member of the committee of management of an industrial and provided society
- 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2: Other Registerable interests

You must register as an Other Registerable Interest:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control. Or management and to which you are nominated or appointed by your authority
- c) Any body
  - (i) Exercising functions of a public nature
  - (ii) Directed to charitable purposes or

- (iii) One of whose principal 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.

## Definitions

For the purposes of this Code of Conduct,

a “**councillor**” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;

b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

“**local authority**” includes county councils, district councils, parish councils, town councils and economic prosperity boards.

“**disrepute**” means a member or co-opted member’s conduct could potentially damage the local authority’s reputation so as to bring the local authority into disrepute and could result in the public losing trust and respect for the authority.





**Council**

**Thursday, 7 July 2022**

**Public Space Protection Order - Dog Control**

## **Report of the Director - Neighbourhoods**

### **Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis**

#### **1. Purpose of report**

This report seeks approval for a proposed Public Space Protection Order (PSPO) for Dog Control in Rushcliffe and contains the required evidence.

#### **2. Recommendation**

It is RECOMMENDED that the proposed PSPO for the control of dog related anti-social behaviour as set out in Appendix One be approved.

#### **3. Reasons for Recommendation**

The Council has completed an extensive consultation exercise, which overwhelmingly supports the adoption of a PSPO for the control of dogs within the Borough and this action was endorsed by Cabinet on 8 March 2022

#### **4. Supporting Information**

- 4.1. The Dogs (Fouling of Land) Act 1996 enabled the Council to make designation orders to make dog fouling an offence on certain land. The Clean Neighbourhoods and Environment Act 2005 revoked the Dogs (Fouling of Land) Act 1996; however, the 1996 Act continues to apply to any land designated prior to that until such time as the designation is superseded by a dog control order made under the 2005 Act. Whilst these powers have been helpful, they importantly do not cover unadopted land such as that found on the many new housing estates across the Borough. The effect of this means that enforcement is not currently possible in these areas.
- 4.2. Other local arrangements exist for the control of dogs in certain areas, for example churchyards and the banning of dogs on playing fields etc. However, it is important to note that these are not enforceable.
- 4.3. At its meeting on 28 January 2021, the Communities Scrutiny Group requested that officers assess the feasibility of a PSPO for dog control.
- 4.4. The Anti-Social Behaviour, Crime and Policing Act 2014, provides powers for local authorities to introduce measures to address anti-social behaviour in

public places. PSPOs are flexible enforcement tools which apply to a broad range of issues and are designed to control individuals or groups from committing anti-social behaviour in a public space. To utilise the powers the Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:

- A detrimental effect on the quality of life of those in the locality
- Are persistent or continuing in nature
- Are unreasonable
- And justify the restrictions imposed.

4.5. A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

4.6. Failure to abide by the order may result in the issue of a fixed penalty of £100 with an early repayment reduction to £60, which if not paid may result in prosecution (maximum fine £1000 for most offences). It should be noted that revised statutory guidance was issued in 2018 which specifically states that:

*“PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour”.*

4.7 The Council undertook two consultations, the first involved a preliminary consultation with town and parish councils and took place in June 2021. A summary of the responses can be found in Appendix Two. The second was the formal consultation with all interested parties which ran from 1 November 2021 to 16 December 2021, and received 703 responses. A summary of the formal consultation responses can be found in Appendix Three but in essence the findings were overwhelmingly supportive of the additional controls proposed.

4.8 Responses from both the Police and Crime Commissioner’s office and the local neighbourhood Police Inspector are supportive.

4.9 A response from Tollerton Parish Council provided within Appendix Two requests that land under the parish councils ownership, that is to say the open space on Lothian Road, be excluded from the PSPO and the area exempt from the PSPO is provided in Appendix B of the draft Order and referenced as the “Tollerton Exemption Area”.

4.10 Following the consultation, it is proposed that the PSPO includes the following controls:

**a) Dog Fouling**

The proposed PSPO largely reinforces the previous dog fouling order but importantly covers all land in the Borough to which the public have access apart from the Tollerton exemption area.

The proposed PSPO creates a new offence requiring a person in charge of a dog on land (described above) to have with them an appropriate means to pick up dog faeces deposited by that dog (subject to certain exemptions).

**b) Dogs to be kept on leads in specified areas**

The proposed PSPO specifies certain areas in schedule 1 where dog(s) must be kept on a lead. The only area where this is to be mandated is designated and signed areas within Rushcliffe Country Park.

**c) Dog Exclusion Areas**

The proposed PSPO specifies certain areas where dogs are excluded (not permitted). Schedule 2 proposes that this applies to all children's play areas, multi-use games areas, skate parks and gym equipment zones which are either fenced or enclosed.

4.11 The overall feedback emerging from the consultation was very supportive. Some parish councils requested additional controls each of which have been considered in its own right. The Department for Environment, Food and Rural Affairs published specific guidance on the use of PSPOs for the control of dogs. It states that where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experienced by the local community. If the principal authority (the Council) is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO. In many cases it was considered that the legal test for additional controls was not met. Evidence of complying with that test would include the number of complaints received etc.

**4.12 Enforcement**

At its meeting on 28 January 2021, the Communities Scrutiny Group heard that the resources available to undertake enforcement of the dog fouling order were very limited. The Council employs two dog wardens who are also the Council's pest control officers. As a consequence, the time available for undertaking dog fouling patrols is limited. Councillors will be aware that capacity to undertake a range of enviro-crime has been increased through the extended enforcement trial with WISE (Waste Investigations Support and Enforcement Ltd). All

enforcement activities are closely monitored by officers to ensure action is proportionate and in the public interest.

4.13 Enforcement of the PSPO will be undertaken by following the four E's principles:

- i. Engage - Strong communications campaign
- ii. Explain
- iii. Encourage
- iv. Enforce.

4.14 Enforcement will be intelligence-led and proportionate and only undertaken as a last resort.

## **5. Alternative options considered and reasons for rejection**

5.1. The Council could decide not to approve a PSPO. The pre-existing dog fouling order would continue in force as would any pre-existing local arrangements.

## **6. Risks and Uncertainties**

6.1. The risk of proceeding with powers, which are beyond those which the public and key stakeholders consider are required, is that those powers are seen to be unfair or unreasonable, which could be to the detriment of the reputation and effectiveness of the Council.

## **7. Implications**

### **7.1. Financial Implications**

7.1.1. Implementation costs will be contained within existing budgets. This will include the requirement for additional signage which is expected to cost in the region of £1,500.

7.1.2. Enforcement will predominantly be undertaken by the Council's designated enforcement contractor (currently Waste Investigations Support Ltd) on a cost neutral basis.

### **7.2. Legal Implications**

This report supports the use of statutory powers to deal with dog related anti-social behaviour. If approved the order will need to be reviewed every three years and a duty to consult thereafter where an extension is proposed.

### **7.3. Equalities Implications**

An Equalities Impact Assessment has been undertaken which identified no major or adverse impact.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

The implications of the Crime and Disorder Act have been considered.

#### 8. Link to Corporate Priorities

Quality of Life	Ensuring that appropriate controls are in place to control dog related anti-social behaviour
Efficient Services	None
Sustainable Growth	None
The Environment	Helps to ensure an attractive and clean environment which has a positive impact on residents and business

#### 9. Recommendation

It is RECOMMENDED that the proposed PSPO for the control of dog related anti-social behaviour as set out in Appendix One be approved.

<b>For more information contact:</b>	Geoff Carpenter Service Manager - Neighbourhoods 0115 9148229 gcarpenter@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	Report to Community Scrutiny Group - 28 January 2021  Report to Cabinet 8 March 2022
<b>List of appendices:</b>	Appendix One – Draft PSPO Order 2022 Appendix Two – Summary of Parish Council responses to consultation 2021 Appendix Three – Summary of Public Consultation Responses 2021

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## The Anti-Social Behaviour Crime and Policing Act 2014

### Rushcliffe Borough Council Public Spaces Protection Order (Dog Control) 2022

Rushcliffe Borough Council (“the Council”) in exercise of its power under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers, being satisfied that the conditions set out in section 59 of the Act have been met, hereby makes the following Order:

This Order may be cited as the Rushcliffe Borough Council Public Spaces Protection Order (Dog Control) 2022 (“the Order”). This Order takes effect from **XX XX** 2022.

#### General Provisions

- A.** Unless stated otherwise in Annex B, this Order applies to all land in the administrative area of the Council, as shown on the plan in Annex A, to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- B.** A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine upon summary conviction. A person may be offered a Fixed Penalty Notice by way of discharging liability for the offence.

#### Specific obligations:

##### 1. Fouling

If a dog defecates at any time on land to which this Order applies, a person who is in charge of the dog at that time must remove the faeces from the land forthwith unless:

- (a) they have a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

##### 2. Means to pick up

A person in charge of a dog on land to which this Order applies must have with them an appropriate means to pick up dog faeces deposited by that dog unless:

- (a) they have a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

This obligation is complied with if, after a request from a constable or an Authorised Officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

### **3. Dog on lead in specified areas**

1. A person in charge of a dog on land to which Schedule 1 of this Order applies must ensure their dog(s) is kept on a lead unless:
  - (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.
2. A person in charge of a dog(s) on land to which this Order applies must comply with a direction from a constable or an Authorised Officer to put and keep the dog on a lead, unless:
  - (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.

### **4. Dog exclusion in specified areas**

A person in charge of a dog must not take it into or allow it to remain on any land to which Schedule 2 of this Order applies, unless:

- (a) they have a reasonable excuse to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their doing so.

### **5. Exemptions**

Nothing in this Order shall apply to:

- (a) a person who is registered as a blind person on a register compiled under section 29 of the National Assistance Act 1948; or
- (b) a person who is deaf and relies upon a dog trained by Hearing Dogs for Deaf People (registered charity 293358) for assistance.
- (c) a person who has as a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance.
- (d) dogs that are being used for work in connection with emergency search and rescue, herding or shepherding animals, law enforcement and the work of the armed forces.



**For the purposes of this Order:**

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) shall not be a reasonable excuse for failing to remove the faeces;
- An Authorised Officer shall mean a person who is authorised in writing by the Council for the purposes of giving directions under this Order

The COMMON SEAL of  
RUSHCLIFFE BOROUGH COUNCIL  
was affixed to this Order  
in the presence of:

.....  
Authorised Signatory

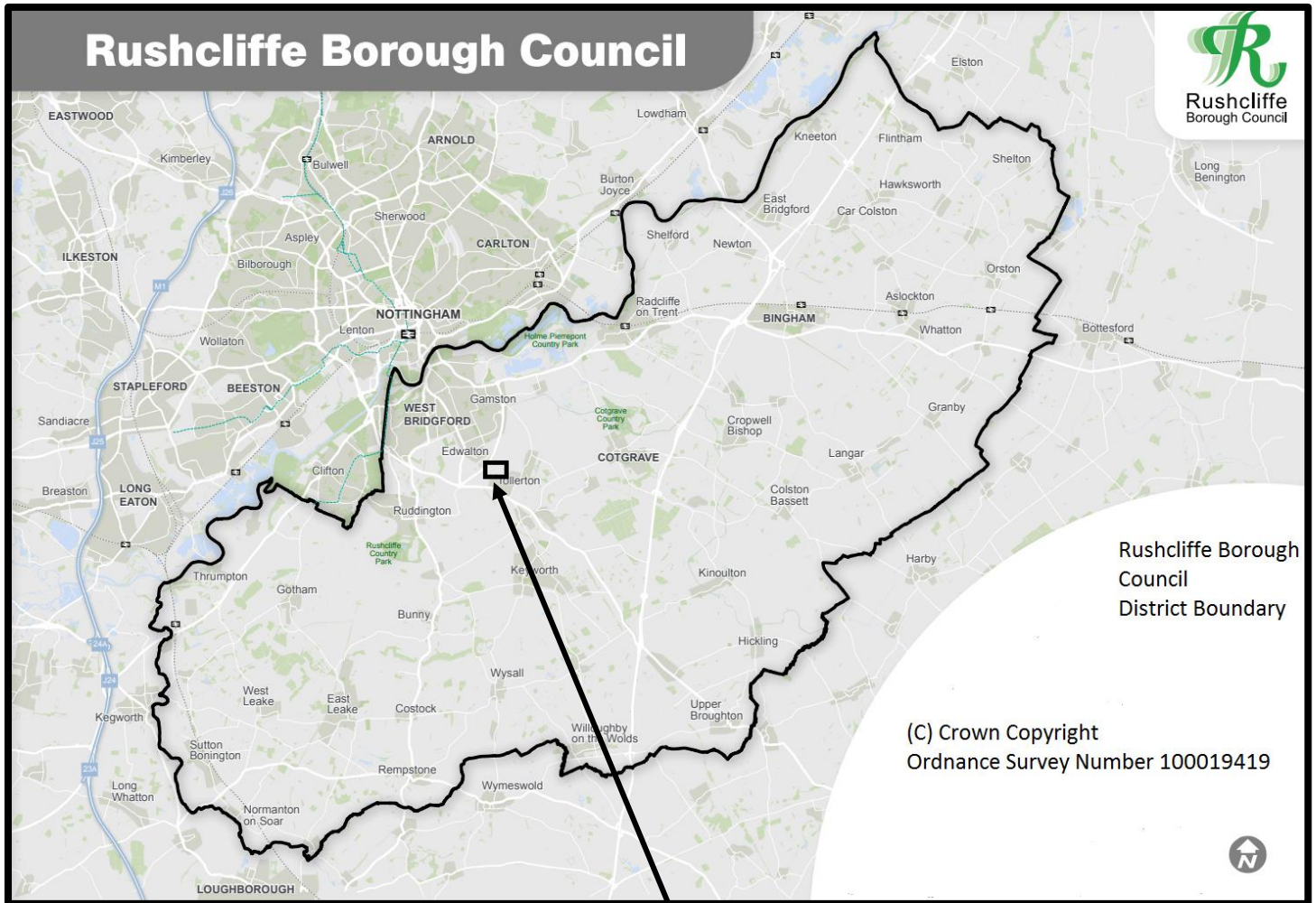
**Schedule 1**  
**Dog on Lead Specified Areas**

<b>Play Area/Recreation Ground</b>	<b>Post Code</b>	<b>Owner</b>
Specified areas (as signed) at Rushcliffe Country Park	NG11 6JS	Rushcliffe Borough Council

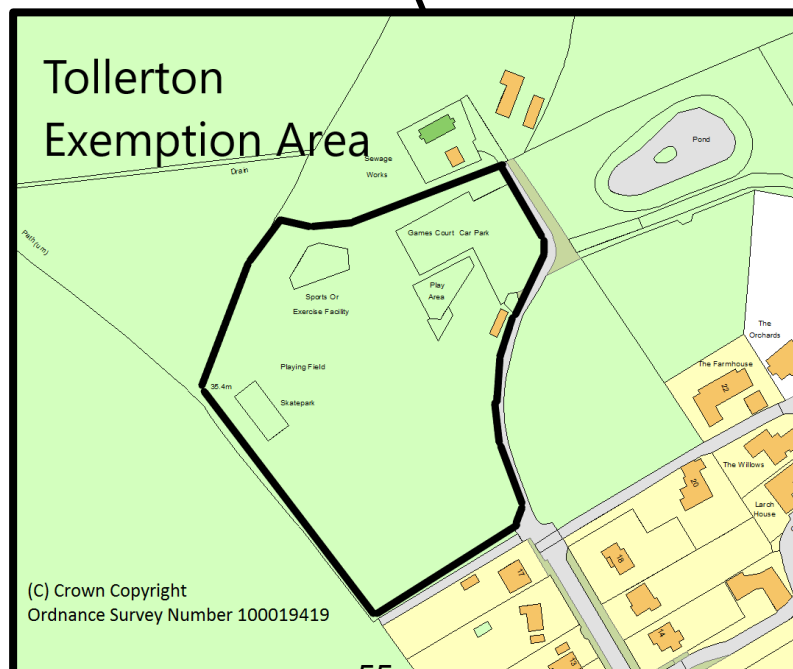
**Schedule 2**  
**Dog Exclusion Specified Areas**

1. The exclusion applies to:  
All children's play areas, multi-use games areas, skate parks and gym equipment zones which are either fenced or enclosed.

## Annex A - Area Covered by PSPO



## Annex B - Area Exempt from the PSPO



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## Parish Council Responses To PSPO (In general)

Parish/Owner	Area	Approved/ Rejected
Tollerton	<p>Further to the current consultation on a PSPO on dog control please be advised that the parish council objects to the inclusion of land within Tollerton that is in the ownership or management of Tollerton Parish Council.</p> <p>This order is viewed as unnecessary and excessive interference in the operation of facilities that are already successfully managed by the parish council whilst the proposed role for officers of the borough council over these facilities could be viewed as unwarranted centralisation of functions at a time when district and county authorities should be considering the reverse and devolving functions.</p> <p>To avoid our residents and rate payers paying for same service twice councillors have agreed that we should continue to manage our own facilities and we would be grateful if you could please confirm that this land has been removed from the proposed order.</p>	Approved. Tollerton will be exempted from the Order as requested

## Parish Council Responses To 'Dogs on Lead' Areas (Schedule 1)

Parish/Owner	Area	Approved/ Rejected
Car Colston	Dogs to be kept on leads on all public pathways and highways	Rejected, no evidence of harm and not proportionate (Refer to Statutory Guidance)
Colston Bassett	A range of areas were referred to individually for leash-use; these were areas of social-use, play areas or churchyard areas, but no Colston Bassett area(s) received any large volume of comment to suggest considering their classification as a leash or exclusion area at this time.	Already covered in schedules 1 & 2 (enclosed/fenced play areas only)
Cotgrave	<ol style="list-style-type: none"> <li>1. The shopping centre pedestrian area</li> <li>2. Arthur Ridley Sports Pitches located on Colliers Way.</li> </ol> <p>Please could I add some addition areas to be considered, please could I suggest that the play areas on Hollygate Park be placed in the Section Two category, this is different to the other play areas which all have higher fencing and the parks on Hollygate only have kneeling rail around the equipment.</p>	<p>Rejected, no evidence of harm provided (Refer to Statutory Guidance)</p> <p>Rejected, no evidence of harm provided (Refer to Statutory Guidance)</p>
Gotham	Our Recreation Ground is used for Cricket and Football plus a Children's play area. Our dog policy (well signed) is that dogs be kept on leads and to the perimeter of the grounds	local arrangements can continue

Radcliffe on Trent	Dogs on leads (Rockley Memorial Park, Churchyard & Grange Grounds)	Already covered schedule 1
Ruddington	Flawforth Churchyard	Already covered schedule 1
Saxondale	Farm paths being included within Schedule 2.	Rejected, No evidence of harm (Refer to statutory guidance)

## Parish Council Responses To 'Dog Exclusion Areas' (Schedule 2)

Parish/Owner	Area	Approved/ Rejected
Aslockton	Committee would like to add Aslockton Playing Field management - all of the Playing Fields to schedule 3	Rejected – No evidence, but local arrangements in place
Cotgrave	<ol style="list-style-type: none"> <li>1. Ringleas/Eastmoor play area</li> <li>2. Broadmeer play area</li> <li>3. Grassmere play area</li> <li>4. The play area located at the Cotgrave Shopping Area, inside the perimeter fence</li> <li>5. The MUGA, located next to Cotgrave Futures on Candleby Lane</li> <li>6. The football pitch located next to the dog walking field adjacent to Cotgrave Leisure Centre/Lingford. (This field is fenced and gated off from the dog walking field.)</li> </ol>	<p>Items 1-5 already covered in schedule 2 if play/sports areas are enclosed/fenced</p> <p>Item 6 - Rejected, no evidence of harm (refer to statutory guidance)</p>
Cropwell Bishop	<p>Cropwell Bishop Parish Council Playing Fields</p> <p>The Old School Gardens Area - fenced</p>	Rejected, no evidence of harm (Refer to statutory guidance)
East Bridgford	Fenced play area on Butt Close is schedule 3 I.e. no dogs permitted at all.	Already covered in schedule 2



Gotham		The children's play area	Already covered in schedule 2 if enclosed/ fenced
Granby Sutton	cum	The Cemetery, Sutton Lane, Granby,  The Playground, Village Hall, Sutton Lane, Granby,  The Churchyard, Sutton Lane, Granby,  As a point of interest, for an area to be considered under the proposed scheduled 3, such as a village green, would it be necessary to fence that area so that there is a clear barrier?	Rejected, schedule 1, dogs on lead  Already covered in schedule 2  Rejected, schedule 1, dog on lead  Not necessarily but unlikely this would be approved on the basis of lack of evidence and this would be considered a disproportionate approach
Langar		We have no dogs permitted on the Play Park and the Football Fields/Muga	Local arrangements in place
Radcliffe Trent	on	No dogs (Radcliffe Cemetery)  All Play Areas – Grange Grounds, Wharf Lane, Valley Road, Bingham Road, Upper Saxondale & also Wharf Lane football pitch	Covered for dog fouling but considered disproportionate to ban dogs without further evidence (Refer to Statutory Guidance)  Already covered within schedule 2 if an enclosed or fenced play area

Ruddington	Fenced play equipment areas added to Schedule 3, they are located on Sellars Field, Wilford Road, St Marys Close and Vicarage Lane	Fenced play areas are already covered within schedule 2
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# Consultation Results

Consultation ran from from 1/11/21 to 16/12/21 (6 weeks)  
Number of comments received = 703

	Yes	No
Do you agree that dog faeces should be removed immediately from all open land in the Borough of Rushcliffe that is accessible by the public?	98%	2%
Do you think that woodland, heathland and agricultural land should be covered by the order?	80%	20%
Do you agree that when walking a dog, the person in charge of the dog should have with them the means in which to pick up dog faeces and for it to be deposited in an appropriate receptacle?	99%	1%
Do you agree that dogs should be kept on leads in designated areas as directed by signage?	96%	4%
Do you agree that it should be an offence to not put an out of control dog on a lead when requested to do so by an authorised officer?	98%	2%
Do you agree that dogs should be excluded at all times from specific public spaces such as enclosed children's play areas and sport pitches, cemeteries and churchyards?	72%	18%

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**Council**

**Thursday, 7 July 2022**

**Bingham Improvement Board Report**

## **Report of the Chief Executive**

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,  
Councillor S J Robinson**

### **1. Purpose of report**

- 1.1. At the Council meeting of 30 September 2021, Council agreed to support the establishment of a Bingham Improvement Board. This was subsequently supported by Bingham Town Council, and the terms of reference were presented to the Council meeting of 2 December 2021. At this point, the Leader committed to bringing the report of the Bingham Improvement Board to a future Council meeting.
- 1.2. The Bingham Improvement Board has undertaken its review, and its report is therefore presented to Council for consideration.
- 1.3. The report was considered by Bingham Town Council at its Council meeting on 24 May 2022 and by Cabinet at its meeting on 14 June 2022.

### **2. Recommendation**

It is RECOMMENDED that

- a) Council considers the report of the Bingham Improvement Board and notes that the Town Council resolved to accept the report at its meeting of 24 May 2022 and that Cabinet endorsed the report at its meeting on 14 June 2022; and
- b) members receive an update on progress against the Action Plan in six months' time.

### **3. Reasons for recommendation**

To ensure transparency of the work undertaken by the Bingham Improvement Board and the Council's response to the petition presented by the Bingham Deserves Better group.

#### **4. Supporting information**

- 4.1. The attached report (Appendix One) contains all the relevant details for consideration and includes an Action Plan. At its meeting of 24 May 2022, Bingham Town Council discussed the report and resolved to accept the report and to move forward with implementing the Action Plan, adding the civility and respect poster to the Town Council's website, and supported writing a letter to the MP Robert Jenrick asking him to support Early Day Motion 691, which relates to the conduct of councillors toward town and parish council clerks.
- 4.2. There was a point of clarification noted by the Town Council that HR training had been undertaken after the Standards Committee recommendations were issued and later in the agenda, the Town Council's structure was altered slightly to take on board the comments that the Board had made, and this will be reviewed further by the Town Council in six months' time.
- 4.3. At the RBC Cabinet meeting of 14 June 2022, Cabinet members highlighted the importance of members adhering to the Nolan Principles and remembering that councils are in place to meet community requirements. Members commended the report and thanked the Improvement Board for producing a clear and frank report with a very useful and practical Action Plan.
- 4.4. There was also a request that an update be provided to members in six months' time to show progress against the accepted Action Plan.

#### **5. Alternative options considered and reasons for rejection**

There are no alternative options considered for this report.

#### **6. Risks and uncertainties**

The work of the Bingham Improvement Board was undertaken in a collaborative and positive manner. It was designed to support Bingham Town Council to avoid the risk of subsequent petitions requesting Community Governance Reviews.

#### **7. Implications**

##### **7.1. Financial implications**

The budget for the review was set at £10,000 to be jointly funded between Bingham Town Council and Rushcliffe Borough Council.

##### **7.2. Legal implications**

There are no legal implications arising from the report.

##### **7.3. Equalities implications**

There are no equalities implications arising from the report.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 implications

There are no S17 implications arising from the report.

#### 8. Link to corporate priorities

Quality of Life	N/A
Efficient Services	N/A
Sustainable Growth	N/A
The Environment	N/A

#### 9. Recommendation

It is RECOMMENDED that

- a) Council considers the report of the Bingham Improvement Board and notes that the Town Council resolved to accept the report at its meeting of 24 May 2022 and that Cabinet endorsed the report at its meeting on 14 June 2022; and
- b) members receive an update on progress against the Action Plan in six months' time.

<b>For more information contact:</b>	Katherine Marriott Chief Executive 0115 914 8291 <a href="mailto:kmarriott@rushcliffe.gov.uk">kmarriott@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Reports to Rushcliffe Borough Council, 30 September 2021 and 2 December 2021 Report to Rushcliffe Cabinet, 14 June 2022.
<b>List of appendices:</b>	Appendix One: Report of the Bingham Improvement Board

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**BINGHAM TOWN COUNCIL**  
**RUSHCLIFFE BOROUGH COUNCIL**

**24th May, 2022**

**REPORT OF THE BINGHAM TOWN COUNCIL IMPROVEMENT BOARD**

**1. Public Interest Test**

The Improvement Board has determined that the contents of this report are not of a confidential nature.

**2. Purpose of the Report**

2.1. In response to a significant local *Bingham Deserves Better* petition that was submitted to Rushcliffe Borough Council on the 5<sup>th</sup> April, 2021, Rushcliffe approved with Bingham Town Council to establish a local Improvement Board to:

- (i) Deliver an action plan responding to the issues raised in the petition presented by the Bingham Deserves Better Group
- (ii) Support improvement in the Council's wider governance arrangements
- (iii) Ensure that a range of voices, including those independent to the Council contribute to the development of governance at the Council
- (iv) Help the Council to develop a culture of respect between Councillors and between Councillors and employees.

2.2 This independent peer review approach and terms of reference was agreed at a meeting between the Leader of Rushcliffe Borough Council and the Chair, on behalf of Bingham Town Council, and ratified by all Members at Full Council on the 21st November, 2021.

**3. Introduction**

3.1. Following the adoption of the Improvement Board initiative the following were appointed to undertake the independent review work:

Jonathan Owen: Chief Executive, National Association of Local Councils

David Pye: Lead Analyst, Commissioning & Research Team for the Local Government Association, and parish councillor

Neil Taylor: retired District Council Chief Executive

Rowan Bird: Bingham Town Councillor

Gareth Williams: Bingham Town Councillor

The Independent Board members have written this report based on their findings and the representatives of Bingham Town Council assisted in facilitating access to information and with identifying stakeholders.

- 3.2 Open invitations were made to local councillors and residents to ensure as many people as possible who wanted to talk to the officers on the Board could do so. Some did so more than once. There were regular feedback sessions with the full Board on findings, issues and discussion points during the drafting of this report to you. In completing the review we spoke to over 25 different stakeholders, councillors and residents with a full spectrum of views, read numerous reports and documents, and attended Bingham Town Council meetings including an informal meeting with all Members before the formal publication of this report.
- 3.3 The Improvement Board's Action Plan is set out on Appendix 2 of this report. Some key messages for the Council are set out below:
- (i) Significantly, that Bingham has a vibrant community and local residents do want to do more, and local people are keen advocates for the development and promotion of their Town.
  - (ii) There needs to be a real sense of perspective/fitness for purpose of the Town Council itself - it is a third-tier authority with a limited set of functions; Members are responsible for a budget of £360,000; there are 7 posts on the establishment, it comprises 14 elected Members and yet has managed to exhaust itself with some protracted and very negative issues that have been well documented and tarnished the public image of the Bingham Town Council.
  - (iii) The Board seriously questions the appropriateness for a whipped political Group in these circumstances and the degree of political control exercised in such a small council of this size. This has been at the heart of the problems encountered, despite the fact that there are no substantial political decisions to be made. For example, there is no demonstrable divide on precept levels and expenditure, and there is also broad agreement on new facilities etc.
  - (iv) Whilst keen, residents who petition the Town Council to do A, B or C should not necessarily expect these things just to be carried out. Elected Members are responsible for the budget they democratically agree to set and are elected to do things within the statutory framework the Council operates. Some functions are outside the scope and capacity of Bingham Town Council and that clearly needs explaining to residents in a mature way so false expectations can be managed accordingly. If people are unhappy with what the Council is doing, or has done, that is a matter for the ballot box at local election(s). Nevertheless, returning to the first point above the Town Council can be a great advocate for Bingham, "the Place", in any forum.
  - (v) For the same reason if decisions are being made then written reports from, or via the Clerk, should be issued to all Members so they can have access to the facts behind the recommendations made and any decisions taken. Reports should be issued in advance and Members given the opportunity to ask questions in a democratic and transparent way. This contrasts with the practises that led to the situation with the previous Town Clerk. Had a more open and inclusive culture prevailed then other opinions could perhaps have led to a different outcome.

- (vi) There needs to be an understanding by officers that Members are elected and have a mandate to do what they feel best for the local area, and that is at the heart of this nation's democratic system. Similarly, Members need to have the emotional intelligence to take into account peoples' feelings, and their rights and responsibilities; in particular that officers are their employees and need to be treated accordingly, specifically:

*“you must have regard to any relevant advice provided to you by Bingham Town Council's Proper Officer, Responsible Financial Officer and Rushcliffe Borough Council's Monitoring Officer, Section 151 Officer and Chief Executive where they are acting pursuant to his or her statutory duties”*

Issues all stressed in Bingham Town Council's adopted Councillor Code of Conduct. There is simply no excuse for poor behaviour towards staff, and the degree of antagonism Members have encountered reflects the degree of injustice local people feel about the poor working culture of the Council and the arguments that ensue.

- (vii) A key part of this moving forward needs to be a common understanding of the term “Proper Officer” and the limits of this in a political context. Just because an officer has this designation does not mean they are there to run everything, Members are elected to set the strategy and direction of the Council, and this is why they put themselves forward for election. The Proper Officer is there to support Members in furthering their political aims. The National Association of Local Councils is very clear on agenda formation and the Proper Officer for example:

*“To prepare, in consultation with appropriate members, agendas for meetings of the Council and Committees. To attend such meetings and prepare minutes for approval other than where such duties have been delegated to another Officer”.*

Importantly, Members' roles are separate from officers, and they are not employees of the Council, and should not attempt to act in that capacity. It is for the Clerk, as the Proper Officer to publish the meetings' agendas and ensure the reports are there for the published agenda items. Members should not be tempted to do it themselves, duplicate officer's work, and in effect short circuit the process. This leads to confusion and has contributed to the unfortunate circumstances that Bingham has encountered. Hence the Board's firm recommendation about training. Similarly Members should not overload their officer team with too much work, email traffic or matters of trivia.

- (viii) The people the Board spoke to on all sides want to draw a line under this situation and move on. The continuing arguments have been time consuming, with significant opportunity costs in time and money for the Town Council, and the subsequent reputational damage has been significant. As a result, there is a feeling that the Council has lost its way and needs to reset what it wants to do, and how it goes about its objectives with significantly lower levels of animosity. A consequence of that behaviour is the concentration on process and procedural matters, instead of outcomes for the public. The most prominent example of this is the lack of progress of the new car park given the outdated parking capacity in the Town which has added to local frustration about the Council's fitness for purpose.

- (ix) The Council is also significantly over structured. Reducing the number of meetings will significantly help the current workload of the Clerk, and potentially save the Town Council time and staffing resources. The Council has two/three vacant posts - would they be needed if the Council streamlines itself to:

Full Council  
Planning, and  
Policy & Resources (“everything else”)

or

Monthly meetings of Full Council, with Planning or other meetings called as necessary.

With regard to HR, with seven posts on the establishment a formal HR subcommittee should meet as required. For example, two Members representative of both sides of the Council can easily conduct any appraisal of the clerk once a year with appropriate support from NALC or Rushcliffe Borough Council. (The Clerk as the Proper Officer is responsible for all staffing matters.)

## Politics

- 3.4 The previous difficult situation will only resolve itself if Members want this to happen. The firm suggestion to Members is to step back from any potential flash points, and pause before either complaining or making adverse comments. Members are all mature people, their actions are continually in the public eye and far greater sense of give and take needs to be established; and more equity can be reached.
- (i) More than anything else Members’ attitudes and behaviours are the overriding issue to the resolution of the problems the Council has encountered.
- (ii) Fundamentally therefore this is up to everyone who wants to stand for election and succeeds on getting onto the Town Council.

This could be in a wider context of the political power balance on the Council (a matter for the electorate) and then if there is a majority Group how that works (any ruling Group’s dynamics after the election - power rests with the majority of Members in any majority grouping); or the establishment of some local standards for Member behaviour (good practice).

- 3.5 To emphasise the point - would one Group’s solution to the one-way traffic system be any different than another set of Members? If not, a more inclusive attitude would go a long way to moving the culture of the Town Council forward and restoring it as a functional and effective organisation which would in turn assist in regaining public trust.

- 3.6 It is important to note in the Town Council’s Self-Assessment prepared as part of this process:

*“The Council wish to be the best for Bingham and manage its responsibilities for the Town. The Council agree that even with differing views, that Councillors are all working for Bingham.”*

The Board considers this, and the positive achievements set out in the Council’s Self Assessment section in Appendix 1 of this report, is a significant piece of self-

awareness and all Members need to keep that aim uppermost in their minds about behaviour and actions. It should also be a touchstone for the future if there are any significantly differing views. Members are there to serve the public. The Chair also needs to take charge of meetings, and if all comments are addressed “through the Chair” then there will be a far more effective filter for any comments that are made.

### **“Bingham Deserves Better” Petition**

- 3.7 Any change of control is potentially challenging for officers in any council context, but it is primarily the professional officer’s responsibility to make this relationship work. In a parish council like Bingham’s this is more acute as the Clerk is also the Proper Officer. However, the Clerk is an unelected position and Members do have a mandate from local voters to conduct the Council’s business. This is an important point that may have been lost in recent months and it is the Clerk’s responsibility to ensure they have the “trust and confidence” of the Members they are there to support. By the same token staff are not there to be abused or belittled, and are entitled to the respect all employees deserve.
- 3.8 Should Members be unhappy with an officer’s performance then there are appropriate frameworks like appraisals and structured meetings before entering either a dispassionate disciplinary route; or a mediated and agreed exit. This would be the optimum and appropriate method to deal with any issues. Once matters become heated and working relationships break down moves to restructure a small team of seven posts and to create redundancy situations are going to be difficult. This lack of experience, or attempts at any mediation, meant that this pivotal point was missed and the subsequent costs to local taxpayers have been highlighted. Such behaviour also generates a significant push back in terms of process and procedures, complaints, and accusations of poor transparency.
- 3.9 From our discussions it is quite clear that this has been personally costly to all sides, and also underlines the Improvement Board’s salient point about the proportionality of this happening in a small local town council. Some of the reports about the associated social media comments etc have been quite disturbing and the Police have been involved. The Board therefore strongly recommends that all Members desist from any negative commentary and behaviour about other Members on social media. It is already part of the Town Council’s Code of Conduct which it adopted from the Rushcliffe model code.

### **Governance**

- 3.10 The Improvement Board’s report provides everyone with the opportunity to think about how Members want things to progress from this point. Dispassionately this is a quite straightforward process, but it is a fundamental question of attitude. The Improvement Board can make many recommendations, but it is the spirit of any adoption of them that is crucial. Do Members want to change and do so in a positive manner or continue to argue so extensively amongst themselves?
- 3.11 Our specific recommendations on this are:
- (i) The Council should agree and publish a medium-term plan about what it wants to achieve.
  - (ii) Within this there should be timescales and costings of what the resources are to meet them. Officer expertise (or gaps, such as project management for

example) and capacity need to be taken into account, but it should be clear to everyone what is sought to be achieved.

- (iii) The Council should consult the community on this draft plan and adopt an inclusive dialogue with local residents so there is sound two way communications with an interested and clearly engaged electorate.
- (iv) Once that exercise is completed then yearly milestones should be established and reports to Members flow throughout the year to make sure they happen, including any corrective action.
- (v) Reports should be produced by the Clerk, not Members, to comply with Forward Plan and Agenda publication timetables, with sufficient notice; and all Members should be provided with the reports by the publication date, without exception.

All Members are elected and are entitled to see reports setting out the reasons for any recommended course of action on their agenda. What Members subsequently vote on is a matter for the established democratic process. But, just because there may be a majority group (operating either formally or informally) there is no excuse to short circuit the decision making process, to exclude other Members who are not part of any such grouping from reports or decision making; or close down input from them with reliance on verbal updates.

This is a salient accountability issue under the Nolan Principles.

Similarly, if there are legitimate confidential items they should be considered in the confidential section of the agenda. Again, there should be reports for other Members to see and comment on in this confidential section.

(The fact that this could not happen with some HR advice recently is no excuse to deviate from this process. Hopefully with more public sector experience from the Council's new HR advisors all new HR advice from will be in a written form. If not, it should be requested, and if necessary, insisted upon).

- 3.12 In terms of culture, perhaps as a response to recent events, there is a significant concentration on process and debates about the application of standing orders rather than outcomes. In the midst of all the resultant procedural wrangling the object of serving the public seems to have been overlooked, and relationships strained:

- internally between Members
- between Members and staff; and then
- externally with the community.

The Board returns to the point about the proportionality of managing a small town council with limited resources; and the spirit of co-operation and respect for the common aim of public service, not any individual's aggrandisement.

- 3.13 At this point the Principles of Public Life, established by Lord Nolan, are set out for reference here. All of them still hold valid and are important for re-establishing the Town Council's public reputation.

**Selflessness** – Holders of public office should act solely in terms of the public interest. Not themselves.

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

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

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

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

**Honesty** – Holders of public office should be truthful.

**Leadership** – Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

- 3.14 Bingham Town Council has signed up for the Local Council Award Scheme and will benefit from the peer challenge and endorsement that correct procedures are being followed. This process will also provide some reassurance for residents that their Town Council is being run effectively with independent evidence and assessment. Bingham also has embraced such innovations as online meetings, and also support packages for local people in need during the pandemic.
- 3.15 Tribute also needs to be paid to the current town clerk, the only remaining fulltime member of the Council's office staff. She brings a wide perspective to the post, is knowledgeable and is efficient with all the Council's procedures. Another positive is the current Clerk's networking with other local councils and Nottinghamshire Association of Local Councils. Members need to look after her welfare.

### **Training**

- 3.16 From our discussions views on this have been mixed - that there is a training programme in place, but Members were either unaware of it or do not seem to take it up. Therefore, by the time the Improvement Board's report is formally submitted to you the Council should report back to the Council's Annual Meeting what training modules it has; what they cover; and what Members have been on them. Four salient points need to be covered:
- (i) Member code of conduct. The previous situation would not have happened as Members would have been aware of how they should treat their staff and each other. Importantly this needs to cover social media activity.
  - (ii) Decision making and greater awareness of the respective roles of the clerk and councillors.

- (iii) Make it clear to the Clerk that mentoring from the Society of Local Council Clerks is available if she wishes to take it up (we do not make this a firm recommendation given her current significant workload).
- (iv) The political leadership should engage with NALC about ongoing political mentoring support from another similar council.

### **Structure**

- 3.17 The Council has established six committees as well as Full Council. This means that different combinations of the same 14 Members are meeting in a variety of different settings with a minimal amount of business to transact. County councils and district councils have a similar structure to the Town Council's with significantly more functions and resources.
- 3.18 Linking what has been set out in in Paragraph 3.11 will assist Members in coming to an optimum outcome for them. This is very important as what needs to be considered is the staffing structure that underpins the Committee structure and the cost of the bureaucracy required to service such a wide range of committees.
- 3.19 The Town Council is serving a population of just c10,500 (2020 mid year estimate) but seems to be mirroring county council style norms. If the Town Council wishes to persist with the rigid party/group discipline that has been experienced in the last three years, then another key debate needs to take place. That is, some clarity between the role of the Mayor and the leading member of any ruling group, as in any balanced situation the Mayor has a vote, and then also a casting vote.
- 3.20 If the Leading Member is also the Mayor there can be no ambiguity about the leadership of the Council and where the power lies, rather than what is a traditionally ceremonial role and a separate political leadership. The convention elsewhere throughout Rushcliffe is that the Chairman is the leading town/parish member that they liaise with.

### **Human Resources Matters**

- 3.21 The Council has recently retendered for its HR support and may now have a firm which has more public sector experience. The Council has changed its Member leadership on HR matters and needs to adhere to processes which cannot be criticised in any external forum.
- 3.22 The previous clerk may pursue a claim against the Council, which is a significant reference point that underlies this report and underlines the issues about Members' relationships with council staff.

### **Complaints**

- 3.23 Part of the problem that Bingham Town Council has encountered is that it seems unable to manage its own conduct.
- 3.24 It should be for the Chair to manage poor behaviour and any disagreements or arguments at meetings in the first instance. For example, about seating arrangements or any disparaging comments. The Chair's function is to help the meeting to run smoothly and efficiently and oversee the proceedings in an impartial manner, with some firmness if order is not maintained.



- 3.25 Regular informal meetings between group leaders with the Clerk about forthcoming council business would also assist reduce the number of snagging points.
- 3.26 Since September 2019 Rushcliffe Borough Council has received over 25 complaints from various Bingham Town Council members, ex-Town Council members and residents about Bingham Town Council's activities. This is six times more than all the complaints from all the other 38 town and parish councils in Rushcliffe's area put together.
- 3.27 The majority of these complaints were considered in conjunction with Rushcliffe's designated Independent Person. One set of complaints against the Town Council was investigated by Rushcliffe's Standards Board which involved the engagement of an independent barrister (a further significant cost of public money).
- 3.28 The decision notice of that Standards Board exercise was to:
- (i) *Invite the Subject Members to apologise to the Town Clerk in writing.*
  - (ii) *The committee invites the Subject Members to reflect on the appropriateness of their membership of the HR committee.*
  - (iii) *The committee recommends that Bingham Town Council arrange HR performance management training for the subject members and all members of Bingham Town Council.*

At the time of writing the invitation to apologise to the previous Town Clerk has not been provided by two Town Council Members. In addition, these two individuals have been subsequently expelled from their political party. The recommendation to arrange HR performance management training to ensure that Members can manage the staff they have a duty of care to appropriately needs to happen as part of the Board's requirement in para 3.16.

### **Vision**

- 3.29 Bingham is changing significantly with an additional 1,050 new homes in progress of being built in the decade between 2018 and 2028. The Town Council is an important local stakeholder, but if it wants a more prominent voice it needs to be far more open to partnership working and advocacy with other local players such as Rushcliffe Borough Council, Nottinghamshire County Council, parish council groups and local service providers.
- 3.30 Engaging with the community is also significant, but people are not going to want to do this is if their foremost impression of the Town Council concerns dysfunctionality and headlines about poor staff relations etc. Therefore, there needs to be an understanding about organisational reputation management and the implications for maintaining this.
- 3.31 However some people may want to portray it, the events of the last two years have been damaging, expensive and have stained the Council's reputation. Upholding good standards of behaviour is a continuous responsibility of all Members, which they need to undertake if they wish to serve residents effectively.
- 3.32 If this does not happen it needs challenging in any debates and not be supported in any subsequent votes.

#### **4. Conclusions**

- 4.1 The Town Council has signed up to this improvement process and this is a positive important step. The problems faced by the Council have been protracted and expensive - not just in terms of reputation and time, but also cost (c£4.35 has been spent by Bingham Town Council for each of their local electors on the staffing reviews, HR advice and legal advice incurred as a result of the problems encountered. Rushcliffe Borough Council has also incurred a further c£2.20 on a similar basis.) This is a before any potential settlement expenditure with the previous Clerk. None of which has improved local services for local people. But the time, stress to both Members and officers, and the sheer opportunity cost of the resources that could have been deployed to improve local services has been significant. It should never have come to this.
- 4.2 A striking comment that was made to the Board was *“the arguments consume everything, and nothing happens”*. A by-product of this episode is that the Council had lost its way in meeting community needs and there have been a lot of Members who have served and resigned before their term of office ended. This is also a poor indicator of organisation health, which is costly in terms of the requirement for bye elections at a cost of c£6,000 per election.
- 4.3 There is much to do if the Town Council wants to more fully develop its community leadership role. Bingham as a town is set to expand significantly with lots of development and a transport infrastructure that is also under existing strain.
- 4.4 In the spirit of this the report tries to plug into enabling concept and the aim is, in one’s contributor’s view, *“if we stop fighting and start cooperating the future is rosy and we could become a beacon “*. This potential is in Members’ hands.
- 4.5 Whilst the Board can make recommendations it is only through Members adopting the report’s findings in both letter and spirit that will make the actual difference. As well as behaviour and Members’ attitudes, to some extent this comes down to numbers - the number that any political groupings’ various candidates secure, and then how members of any majority grouping behave. If there are instances of poor behaviour it needs to be challenged, during debates and discussions as well as when votes are cast. It is every Member’s responsibility to do this, and the Chair’s specifically to ensure proper conduct during Council proceedings.

#### **5. Options, Risks and Reasons for Recommendations**

- 5.1 Bingham Town Council has voluntarily signed up to the Bingham Improvement Board proposals in conjunction with Rushcliffe Borough Council, following the receipt of the *Bingham Deserves Better* petition delivered to it in 2021. It has also committed its own resources to this project. The Council now needs to embrace that change, reset the culture and strengthen its procedures so that any local concerns cannot continue. The Board has concerns that this may not be case, and the current Clerk could also face uncomfortable situations.
- 5.2 The Action Plan recommendations are voluntary, and whilst firm points have been made, the key ones that matter concern those of maturity, attitude, and perspective. The questions that need to be consistently asked are:
- Is what has been happening appropriate for a small town council?; and
  - Are the public being served?

Hopefully this report will provide a degree of closure for the events that have occurred, as will at some stage, the conclusion of any action by the previous clerk against the Council.

- 5.3 So, it is to the future that the Council needs to look and all the concomitant opportunities that brings in a burgeoning town with some issues that do need addressing. Codifying what is recommended on para 3.11 will provide a good basis for this, and the expectation is that other parts of the Action Plan will follow those as there will be a transparent, agreed and mutually owned way forward which will showcase Members' achievements for the benefit of local residents.
- 5.4 The Town Council's Self-Assessment on Appendix 1 of this report has provided an opportunity to do just that, and the Council needs to build on the work that is included in the Council Tax Precept Summary which is an example of good practice and something to build on in terms of service planning.

**6. Recommendations**

- 6.1 Bingham Town Council needs to re-establish its public reputation and should therefore sign up to the Action Plan on Appendix 2 without equivocation.

## **Bingham Town Council Improvement Board Self Assessment**

As part of the Improvement Plan process, the Board will be talking to residents, stakeholders and individual councillors. What would also be helpful would be the Council's view of how it sees itself and what it wants to do for local people. To that end the Town Council is invited to set out some key points about its plans for the future by answering the questions below. Where this can be backed up with examples and evidence by such things as reports, minutes, strategies etc so much the better.

It needs to be stressed that what is sought here is self awareness, rather than something akin to a public relations exercise. Whilst it is an opportunity to showcase what the Council is/has achieved some appreciation of the challenges the Town Council faces will demonstrate it is self aware and also has a strategy plus the tools to achieve it to enable successful outcomes for its residents.

What is looked for is say up to 2 sides of A4/1,500 words on each of the following sections. The suggestion is that this exercise is completed by a cross party group, supported by the Town Clerk.

### **1) What is the Council trying to achieve?**

Some useful points in this section would include:

- What does the Council want to achieve for Bingham?
- What are the challenges the area faces and how do Members want the Council to respond to them?
- How does the Council interact with partner organisations to achieve the maximum benefit for local people?
- Evidence of plans and strategies would be useful to support in this section.

*"The Council publishes its statement of activity yearly when submitting the precept requirement to Rushcliffe Borough Council. This is included in the March edition of the Buttercross and is also available on the Town Council's website. Along with the maintenance responsibilities that the Town Council manage, the Council includes its list of plans and objectives for the forthcoming year.*

*The three-year reserves plan shows how the Council plan to manage its reserves when planning the projects and activities they have agreed. The Council collaborates successfully with many partner organisations including; The Friends of Bingham Linear Park, Bingham Community Events and Rushcliffe Borough Council led Growth Board.*

*(attached – three year reserves plan, statement of activity, programme of events supported for 2021 with Bingham Community Events)"*

### **2) How has the Council set about delivering its priorities?**

Some useful points in this section would include:

- How robust are the Council's finances and what considerations do Members take into account when allocating resources?
- Does the Council have the right policies, procedures and democratic structures in place to ensure effective and transparent governance?
- What community consultation exercises does the Council undertake?

*"The Council have no concerns over the finances of the Council and agree that they are in a strong position to deliver its ambitious plans. The regular financial reports to the Policy, Resources and Major Projects Committee show the Council's commitment to transparency and that the Council scrutinise the finances at very meeting of the committee.*

*The three-year reserves plan assists in forward planning for all projects outside of the budgeted expenditure of Council. The yearly internal auditors' reports are published and are considered at Full Council and the Council receive unqualified audits, showing their accounting procedures are fully compliant.*

*The Council adopts model documents provided from the National Association of Local Councils and from the Borough Council. Policies are reviewed annually and are prepared by the Proper Officer of Council.*

*Many consultations have taken place in recent years with residents to include; play area consultation resulting in the refurbishment of two play areas, community facilities at the new Bingham Arena and Wynhill and smaller consultations with benches at Shelford Drive to engage with the residents directly affected in that area."*

### **3) What has the Council achieved to date?**

Some useful points in this section would include:

- Cross this referencing with the first section, what milestones or achievements have the Council secured for residents?
- Are there any awards etc or external feedback that could be referenced here?

*"The Council considered numerous achievements in recent years to include;*

*Replacement of two play areas  
New Linear Park Sign – Toot Hill School Students collaborated  
Securing the future of Warners Paddock with a long-term lease  
Yearly grant aid scheme for Community Organisations to access  
Programme of Market Place events by working collaboratively with Bingham  
Community Events  
Support of a No Food Waste Shop at the Council premises  
Humanitarian Grant Aid during the pandemic  
Members of the Armed Forces Covenant  
Ukrainian support statement"*

### **4) In the light of what the Council has learnt, what does it plan to do next?**

Some useful points in this section would include:

- To what extent do Members think that the Council currently has effective policies, procedures in place?
- What are the key targets the Town Council wants to hit to achieve its aims?

*“The Council wish to be the best for Bingham and manage its responsibilities for the Town. The Council agree that even with differing views, that Councillors are all working for Bingham.”*

## **Bingham Town Council Improvement Board Action Plan**

### **1) Governance:**

- (i) All agendas should be drawn up by the Clerk on behalf of Members with sufficient notice to meet set publication deadlines.
- (ii) Reports for agenda items should be written by the Clerk, with appropriate input from Members so they can be circulated with the agendas.
- (iii) Reports should be produced by the Clerk, not Members, to comply with Forward Plan and Agenda publication timetables, with sufficient notice; and all Members should be provided with the reports by the publication date, without exception.
- (iv) Where verbal advice is given, then this needs to be codified in a report for the agenda to which it is linked and verbal updates, as occurred with the advice provided by the Council's previous HR firm avoided.
- (v) If there are legitimate confidential items, and HR matters are confidential items, they should be considered in the confidential section of the agenda. Again, there should be reports for other Members to see and comment on in this confidential section.
- (vi) All Members are elected and are entitled to see reports setting out the reasons for any recommended course of action on their agenda.
- (vii) What Members subsequently vote on is a matter for the established democratic process, but just because there may be a majority group there is no excuse to exclude other Members who are not part of any such grouping from access to reports, their background information or to undermine their position in the decision making process.

### **2) Structure**

- (i) The Council can save money and streamline its decision making processes. The Improvement Board's independent view is that the Council is significantly over structured and could reduce the amount of bureaucracy to four main areas:
  - Full Council
  - An official HR Sub Committee reporting to Full Council on staffing matters
  - Planning
  - Policy & Resources which will incorporate all the other functions not reserved for Full Council or Planning

Or

  - Monthly meetings of Full Council, with Planning or other meetings called as necessary.

- (ii) Consideration be given to amalgamating the position of Chairman and the role of leading the majority group

### **3) Training**

- (i) The Board have requested the Council's training programme be published at the evening's meeting so there can be no ambiguity to any Member about what training modules are available to them and who has been on what modules.
- (ii) All Members should receive social media training.
- (iii) New Members joining the Council should be required to undertake training sessions in planning, finance, and council administration.
- (iv) New Mayors, if they are to Chair Council meetings, should go on a suitable management of meetings training course and ensure that any behavioural problems are sorted out at the meetings they preside over.
- (v) NALC training be put in place about the roles and responsibilities of the Proper Officer so that everyone understands how this role should operate in a political environment like the Town Council. It is a unique role unlike many other jobs.
- (vi) Leading Members engage with NALC regarding peer reviews and political mentoring.
- (vii) The Improvement Board will review the progress the Council has made in June 2023.

### **4) Conduct**

- (i) Members need to ensure they comply with the highest standards of behaviour when interacting with each other in formal settings (the Board did see this at the Council meeting its members attended).
- (ii) Any future unacceptable behaviour patterns by any Member with staff should be challenged and not supported by other Members in subsequent votes. (This includes with group discussions, If Members are unhappy with reports they should simply vote against reports or defer them until they are.)
- (iii) Importantly high standards of behaviour includes comments on social media which can be quite pernicious and lead to residents forming a poor impression of the Council.
- (iv) Complaints - tit for tat complaints about behaviour to the Monitoring Officer should be avoided, and any issue warranting a formal complaint only be made in extremis about substantive issues or potential illegality if they cannot be resolved locally by the Mayor or the Clerk in the first instance. If there are patterns of behaviour, recording separate instances of it, rather than any complaints about individual episodes, will assist.
- (v) The Chair also needs to take firmer control of meetings and rule out any poor behaviour or comments. Similarly at formal meetings Members should address all their comments through the Chair, thereby avoiding any charged personal exchanges.
- (vi) To demonstrate its commitment to improving standards Bingham Town Council should sign up to the national pledge on civility and respect promoted by the society of local council clerks and National Association of Local Councils:



To treat other councillors, Clerks and all employees, members of the public and representative of partner organisations and volunteers with civility and respecting their role.

<https://www.nalc.gov.uk/library/our-work/civility/3657-bullying-and-harrassment-statement-poster/file>

## 5) **Service Delivery and Community Engagement**

- (i) The Council should build on the “Statement of Activity” included in its council tax precept and agree and publish a Community Plan about what it wants to achieve in the short, medium and longer term. This will help manage local expectations.

It should be noted that Bingham have now approved a *Communicating Council Strategy 2022-2027* at Full Council on the 19<sup>th</sup> April, 2022.

- (ii) Within this there should be timescales and costings of what the resources are to meet them. Officer expertise (or gaps, such as project management for example) and capacity need to be taken into account, but it will be clear to everyone what is sought to be achieved.
- (iii) The Council should consult the community on this draft plan and adopt an inclusive dialogue with local residents so there is sound two way communications with an interested and engaged electorate.
- (iv) Once that exercise is completed then yearly milestones should be established and reports to Members flow throughout the year to make sure they happen, including any corrective action that may be required.

## 6) **Advocacy For Bingham:**

- (i) The Town Council cannot afford to complete all the things it aspires to with the resources it has either in reserves or through its current precept. The Council adopted a Bingham Strategy Report in 2015, almost all the issues in it have not changed. Sometimes these major tasks are beyond a lower tier council’s capacity and therefore the only way they are going to happen is through the work with others, as the Bingham Leisure Centre experience demonstrates.
- (ii) By assembling a coherent and linked Community Plan (see “Ambition & Community Involvement” above) Bingham will be able to engage with other stakeholders and lever in far more resources than it will be able to do so by itself with the limited capacity and expertise it has.
- (iii) This is a major opportunity for the Council and provides the ways and means to respond to such local demand as the *Brilliant Bingham* report, without increasing the local precept substantially.
- (iv) There is support of community through the giving of grants, but there could be a more active approach though co-production of developments - something akin to the development of the CLP or the Neighbourhood Plan but with the Town Council working with, and alongside residents. This would both develop and encourage greater engagement and meaningful discussion that goes beyond public attendance and engagement through, for example, the full council meetings.

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