



17 August 2021

THE RUGBY BOROUGH COUNCIL

An ordinary meeting of the Rugby Borough Council will be held in the Benn Hall, Newbold Road, Rugby at 7.00pm on Wednesday 25 August 2021.

Mannie Ketley
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. Minutes.

To approve the minutes of the ordinary meeting held on 20 July 2021.
3. Declaration of Interests.

To receive declarations of -

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors;
and

(c) notice under Section 106 Local Government Finance Act 1992 - non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.
5. Questions pursuant to Standing Order 10.

6. To receive and consider the Reports of Officers.

(a) Park Connector Network – report of the Chief Officer – Leisure and Wellbeing.

(b) Update to Councillor Code of Conduct - report of the Monitoring Officer/Chief Officer – Legal and Governance.

(c) Grievance and Appeals Committees – report of the Chief Officer – Legal and Governance.

(d) Urgent Decision under Delegated Powers – Welcome Back Fund – Planned Activities – report of the Executive Director.

(e) Additional Restrictions Grant – Business Recovery Support – report of the Executive Director (report to follow).

7. Notices of Motion pursuant to Standing Order 11.

(a) “This Council:

- is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels in England and notes the issue predominantly concerns goldfish
- is concerned for the welfare of those animals that are being given as prizes
- recognises that many cases of pets being as prizes may go unreported each year
- supports a move to ban the giving of live animals as prizes, in any form, on Rugby Borough Council land.

This Council, therefore, agrees to:

- (1) ban outright the giving of live animals as prizes, in any form, on Rugby Borough Council land; and
- (2) write to the UK Government urging an outright ban on the giving of live animals as prizes on both public and private land.”

Proposer: Councillor Ms Watson-Merret

8. Correspondence.

9. Common Seal.

To order the affixing of the Common Seal to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the Committees’ Reports adopted at this meeting.

10. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 2 and 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. To receive and consider the private Reports of Officers.
 - (a) Finance and Performance Services – proposed restructure – report of the Chief Officer – Finance and Performance.
 - (b) Legal and Governance Services – proposed restructure – report of the Chief Officer – Legal and Governance.
 - (c) Urgent Decision under Delegated Powers – Sale of land at Market Quarter - report of the Executive Director.

To: The Mayor and Members of Rugby Borough Council

QUESTIONS AT COUNCIL

A Councillor may ask a question at the meeting by giving notice in writing of the question to the Executive Director no later than midday on Thursday 19 August 2021. The rules relating to Questions are set out in Part 3a of the Council's Constitution.

AGENDA MANAGEMENT SHEET

Report Title:	Parks Connector Network - Whinfield Wood Pathway Improvements
Name of Committee:	Council
Date of Meeting:	25 August 2021
Report Director:	Chief Officer - Leisure and Wellbeing
Portfolio:	Leisure and Wellbeing
Ward Relevance:	All
Prior Consultation:	Climate Change Working Group, Legal services, Finance, Risk Management, Regulatory services, Planning, external partners.
Contact Officer:	Chris Worman,
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input checked="" type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input checked="" type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	The report requests approval to secure the capital financing in respect of the Parks Connector Network – Whinfield Pathways Improvements scheme.

Financial Implications:

The capital financing for the scheme can be met from:

- i) £0.075m conditional funding from the Veolia Environmental Trust, subject to;
- ii) £0.065m secured project funding from Rugby Borough Council, to be met from capital receipts.

The s151 officer has delegated authority to change the capital financing arrangements at the end of the financial year in light of prevailing conditions

The new footpaths have an expected life of plus 25 years so any on-going repair and maintenance costs are anticipated to be minimal and will be met from existing budgets.

Risk Management Implications:

The parks connector network encourages sustainable methods of transports and therefore supports the reduction in the risks associated with climate change.

Environmental Implications:

The Parks Connector Network supports the Council's Corporate Strategy priorities of:

- Look after our green spaces and create new ones in quality new developments
- Manage and use green spaces creatively to benefit biodiversity, health and wellbeing
- Involve our residents in caring for their green spaces

Support the Council's broader work relating to the declaration of a Climate Emergency

Legal Implications:

Where works are to be undertaken to the paths and connections that intersect with the public highway, appropriate consents will need to be sought from Warwickshire County Council as Highways Authority and any necessary works agreements put in place prior to work affecting the public highway commencing.

In addition, there will be a requirement to enter into any necessary grant agreements relating to the grants referred to within the body of this report.

Equality and Diversity:

By encouraging safe, alternative and sustainable travel routes across the town, it removes any

equality barriers that currently prevent residents from accessing areas.

Options:

a) That Council approves the supplementary capital budget request.

b) That Cabinet does not approve the supplementary capital budget request.

Recommendation:

(1) A supplementary capital budget request of £0.065m be approved for 2021/22, to be met from capital receipts, in order to secure the conditional grant offer of £0.075m from Veolia Environmental Trust, towards the pathway improvements at Whinfield Woods as part of the Park Connector Network; and

(2) delegated authority be granted to the Chief Officer for Legal & Governance to enter into any necessary agreements relating to the grant funding as detailed within the report.

Reasons for Recommendation:

To ensure the Whinfield Wood project can be delivered as part of the Park Connector Scheme and enable the Council to against its climate change and health and wellbeing priorities.

Council - 25 August 2021

**Parks Connector Network - Whinfield Wood Pathway
Improvements**

Public Report of the Chief Officer - Leisure and Wellbeing

Recommendation

1. A supplementary capital budget request of £0.065m be approved for 2021/22, to be met from capital receipts, in order to secure the conditional grant offer of £0.075m from Veolia Environmental Trust, towards the pathway improvements at Whinfield Woods as part of the Park Connector Network; and
2. delegated authority be granted to the Chief Officer for Legal & Governance to enter into any necessary agreements relating to the grant funding as detailed within the report.

1. Introduction

1.1 Rugby Borough Council declared a climate emergency and formed a cross party climate working group to lead on this work. The Council has committed through its Corporate Strategy to work with residents, businesses and partners to improve the environmental sustainability of the council and lead the Borough through a green recovery and into a greener future.

The Corporate Strategy aims to do this by:

- Rugby Borough Council as an organisation will have zero net carbon emissions by 2030.
- Work together to further improve the Borough's connectivity and encourage greener travel.
- Reduce resident's and businesses' impact on the environment and help them adapt to the consequences of climate change.
- Build environmentally sustainable homes, including within our own housing stock.
- Link places together with good quality Green Infrastructure and improve biodiversity across the Borough.
- Promote and encourage green and sustainable businesses within the Borough.
- Reduce the carbon footprint of our council housing stock by 2027.
- Establish a cross party working group to advise on the actions and timescales required to make the Council's activities carbon neutral by 2030. The working

group would report initial findings and recommendations back to Cabinet within 6 months;

- Engage with partner councils (specifically Warwickshire County Council and Warwickshire's 5 District and Borough Councils), local businesses, environmental groups and residents to inform our future actions; and
- Where required, call on Government to provide the powers and resources to enable Rugby Borough Council to help deliver the UK's carbon reduction targets.

2. Parks Connector Network (PCN)

2.1 In order to encourage more sustainable active transport via walking and as part of Rugby Borough Council's Climate Emergency Response, there is an opportunity to create new, improve existing, and to promote more strongly the path routes through our larger and connected parks and open spaces.

2.2 In turn these can offer residents and visitors attractive, alternative traffic free routes around the town. Such routes are likely to appeal to residents more so than attempts to solely encourage them to cycle on roads, more due to fear of collisions and air pollution, and the potential benefits apply to inclusivity, healthier lifestyles benefiting physical and mental health and reducing obesity, reducing air pollution and other environmental benefits, and promoting leisure and tourism, and reduce or spread out parking at hot spots such as near schools, and momentum could build quite significantly as awareness and use increases.

2.3 According to the 2019 UK greenhouse gas emissions report, transport accounted for around a third (34 per cent) of all carbon dioxide emissions. The large majority of emissions from transport are from road transport, therefore reductions of such journeys would provide a positive impact.

2.4 Due to the changing climate causing milder winters, increased rainfall and heavy downpours, this has made our green spaces boggy, so such paths and SUDS (Sustainable Drainage) would ensure our sites remain safe, accessible and form part of our Climate adaption.

2.4 The current Coronavirus pandemic has further increased attention for the urgent areas of concern touched on in the first paragraph, with air pollution levels linked to both higher mortality and transmission rates, obesity linked with more severe symptoms and outcomes, climate change and biodiversity loss making pandemics increasingly more likely, lockdown measures causing increased media reporting of the inequality of access to and quality of local public open space, and inequality in social economic and health outcomes, and some infrastructure making social distancing difficult. More positive trends have been an increase in use of parks and open spaces and much higher profile discussion of their importance, increased walking and a huge surge in cycling, and observing and engagement with nature (which is known to encourage other more environmentally sustainable actions).

2.5 58% of car journeys in 2018 were under 5 miles. In urban areas, more than 40% of journeys were under 2 miles in 2017–18. For many people, these journeys are perfectly suited to cycling and walking.

2.6 Creating and improving the path infrastructure through and between our parks and open spaces could be delivered relatively rapidly, would support the climate emergency response, and would be likely to prove popular with residents.

2.7 Consultation has already been undertaken with Warwickshire County Council who are keen to work in partnership on this initiative, ensuring that there is a joined-up approach to both strategic and local routes along with residents' feedback. Central Government have also committed Active Transport funding to the County Council to support such initiatives.

3. Whinfield Woods and Fleet/Lansdowne/Lower Hillmorton Road Paths

3.1 The existing pathways (including Rights Of Way RB48 & RB49) suffer from poor condition with some simply worn compacted mud in turf, often with flowing or standing water blocking paths, making them boggy, slippery and unsafe, preventing many people from using them at all for much of the year & during wet spells. Despite this poor and often impassable condition, the routes are highly popular for walking, dog walking, jogging, cycling, enjoying nature, are used for Rugby Parkrun, and for local journeys to schools, allotments, shops, & routes to Rugby train station.

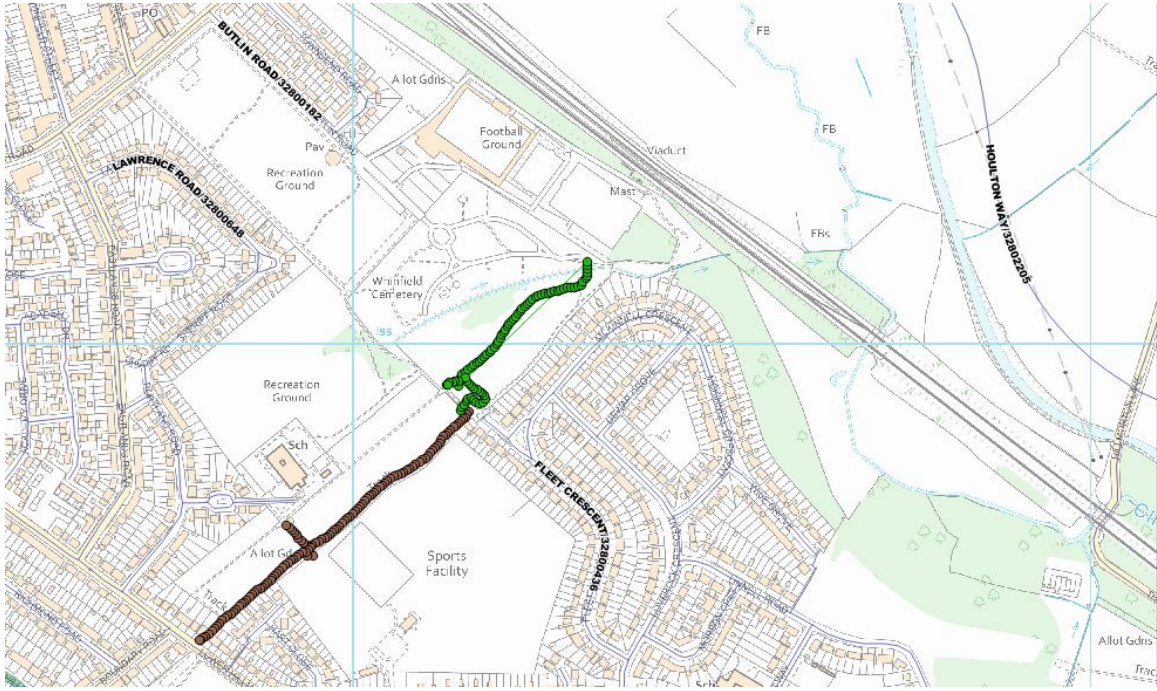
3.2 The improvements will further increase use, encourage more walking & cycling reducing CO2 and pollution, protect habitats from damage, and offer major environmental and health and well being benefits.

3.3 It sees the planned works to resolve the drainage and surface issues of the paths by installing new formal paths along the popular desire lines making them safe, inclusive and usable year round.

3.4 Public consultations have taken place with direct reference to improving these popular pathway networks. Strong support was expressed in both consultations from the public for improvements for their positive impact, and to address the clearly poor conditions which make the routes impassable/unsafe and deny many from being able to access the sites causing isolation, frustration and inactivity for those excluded. Consultation responses can be found at Appendix 1.

3.5 Residents also raise complaints or queries about these paths, and others have used items such as slabs and wood to form 'stepping stones' through water and mud. Letters of support have been provided by partner organisations including Rugby Parkrun, Rugby Cycle Forum, Rugby Disability Forum and Warwickshire CC.

3.6 The below photographs show the route and condition of the pathway:





4. Financial Implications

4.1 A conditional grant offer of £0.075m was received from the Veolia Environmental Trust on 20 June 2021 for the Whinfield pathway improvements as part of the Park Connector Network.

4.2 The conditional offer is subject to £0.065m secured project funding from Rugby Borough Council.

4.3 The new footpaths have an expected life of plus 25 years so any on-going repair and maintenance costs are anticipated to be minimal and will be met from existing budgets.

It is requested that a supplementary capital budget of £0.065m be approved for 2021/22, to be met from capital receipts.

4.4 The s151 officer has delegated authority to change the capital financing arrangements at the end of the financial year in light of prevailing conditions.

5. Economic Benefits

5.1 Research by the University of Oxford shows the carbon reductions that could be achieved if the proposed recommendation is approved. This includes individuals who may only occasionally use the path for walking and cycling instead of driving either for part or all of their journey - and for those who make significant shifts to more

walking and cycling the reductions in CO₂ will be huge. Given the very large total number of people who will benefit from this new route who live or travel to/through the area, the overall total of CO₂ reductions we can achieve with your support will make a substantial impact in our actions to address the climate emergency:

- people who cycle on a daily basis have 84% lower carbon emissions from all their daily travel than those who didn't.
- If the average person shifts from car to bike for just one day a week will cut their carbon footprint by 3.2kg of CO₂ – equivalent to the emissions from driving a car for 10km, eating a serving of lamb or chocolate, or sending 800 emails.
- urban residents who switched from driving to cycling for just one trip per day reduced their carbon footprint by about half a tonne of CO₂ over the course of a year, saving the equivalent emissions of a one-way flight from London to New York.
- If just one in five urban residents permanently changed their travel behaviour in this way over the next few years, it would cut emissions from all car travel in Europe by about 8%.
- When comparing the life cycle of each travel mode, emissions from cycling can be more than 30 times lower for each trip than driving a fossil fuel car, and about ten times lower than driving an electric one.
- Nearly half of the fall in daily carbon emissions during global lockdowns in 2020 came from reductions in transport emissions. The pandemic forced countries around the world to adapt to reduce the spread of the virus. In the UK, walking and cycling have been the big winners, with a 20% rise in people walking regularly, and cycling levels increasing by 9% on weekdays and 58% on weekends compared to pre-pandemic levels. This is despite cycle commuters being very likely to work from home. By improving walking and cycling infrastructure we can ensure these shifts in behaviour become permanent and encourage even bigger transitions.

Name of Meeting: Council

Date of Meeting: 25 August 2021

Subject Matter: Parks Connector Network - Whinfield Wood Pathway Improvements

Originating Department: Leisure and Wellbeing

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Whinfield Paths – consultation summary

Two lots of recent consultation have been carried out in relation to the proposals to improve the pathways and address the poor/impassable conditions which prevent many from accessing the sites.

The first consultation took place in March 2020 as part of the wider proposed improvements in the Whinfield area. Two of the three specific proposals consulted on related to the currently proposed Whinfield paths we hope you will support; a path through Whinfield Wood linking the bridge to Whinfield Cemetery to the Whinfield main path entrances, and linking the entrance to Whinfield Wood by Fleet crescent car park and the Whinfield main path (as well as improvements to the car park surface proposed at the time). The other proposal during this consultation were draft designs for the play area and MUGA refurbishment, which is currently taking place at the time of application and unrelated to the path proposals.

Recent consultation has been carried out in March 2021 in relation to Rugby's Park Connector Networks (RPCNs) concept, of which these Whinfield paths will hopefully eventually form part of the proposals for RPCN East. The general concept of the RPCNs is to improve paths and desire lines and promote more actively these existing routes through our larger and connected parks and open spaces to offer safe attractive away from traffic routes to encourage walking and cycling, improve inclusivity/accessibility for all, make sites more resilient to increased precipitation due to the changing climate, and protect them from wear etc, for all the benefits to health, wellbeing, environment, ecology etc. It is hoped the wider proposals will be part of Rugby Borough Council's response to the Climate change and Biodiversity loss emergencies, and help to address inequalities in access to and quality of open spaces.

Responses to both consultations have generated very strong evidence of the need and demand for these improvements, and the extent of the positive effect they would have on the local community.

The March 2020 consultation received 67 responses to both the proposals for a formal surfaced path through Whinfield Wood, and for the link paths by Fleet Crescent between Whinfield Wood entrance and the main path.

Very strong levels of support were received for both proposals with 95.5% approving the Whinfield Wood paths of which 76.1% indicated they strongly approved of the paths, and 92.5% approving of link paths in the Fleet Crescent area of which 67.2% indicated they strongly approved. A number of residents used the 'any other comments' sections to express themselves more fully on the proposals, and/or request other improvements with a number of these requesting improvement to the paths and public Rights of Way linking the entrances to Lower Hillmorton Road/Lansdowne Place/Fleet Crescent.

In March 2021, consultation was launched about Rugby's Park Connector Networks (RPCNs), with proposals and questions relating to the concept in general, four specific potential networks, and about solar powered eco friendly (light pollution reducing) marker lights recently installed at 3 trial sites (solar eye's 'bat hat' lights). RPCN East A is for the proposed improvements to the Whinfield pathways we hope you will support - Whinfield Wood and the Whinfield paths and Rights of Way linking the entrances to Lower Hillmorton Road/Lansdowne Place/Fleet Crescent.

Very strong levels of support were received, with 189 responses. The general principal of the RPCNs were supported by 93.1% of which 82.5% indicated they strongly supported the approach.

For the Whinfield Paths which form the majority of RPCN East A, 88.4% supported the path improvements of which 75.1% indicated they strongly supported the proposals. Again, a number of residents added specific reference to these routes in the 'any other comments' section when responding, and show their feelings on the impact the improvements will have.

The level of support and demand for these path routes shows their importance to the community, and with your support, the positive impact their improvement would have on their access and enjoyment of these treasured open spaces.

Full results, and comments received:

Whinfield March 2020

Whinfield Wood path creation/improvement

		%
Strongly Approve	51	76.1194
Approve	13	19.40299
Neutral	2	2.985075
Oppose	1	1.492537
Strongly Oppose		0
	67	

Fleet Crescent link path

		%
Strongly Approve	45	67.16418
Approve	17	25.37313
Neutral	4	5.970149
Oppose	1	1.492537
Strongly Oppose		0
	67	

I was pleased to receive the Whinfield Rec and Whinfield Wood Consultation document and applaud the measures you propose to take... The conditions this winter have been as bad as I can recall in the 12 years I have been walking through... They (Parkrun) must find it extremely difficult to keep their feet in the current conditions, running the risk of injury, ... the very poor condition of the area making it almost impassible in places for other regular users.
I would also like to see the path behind the allotments resurfaced leading to Lower Hillmorton Road.
Strong approval of improving footpath between Fleet Crescent + park as when flooded cannot get through to visit cemetery. Lighting would also be beneficial along this path (Multiple not just one) for personal safety.
making woods more accessible + less boggy + slippy
The pathways to Eastlands school should be improved as part of these works. At present they are discouraging walking access to the school.
Whinfield wood becomes so waterlogged that it is ruined by any footfall and inaccessible for most people. I feel that having access to the wood via a path during the winter months is a good compromise.
More paving is required in the area to improve the parkrun facilities
I love attending Rugby parkrun both as a participant and a regular volunteer. Anything that means we can continue to put on the event is very welcome!
It would be great if a couple of spots on the hill used for Parkrun where water pools could be have their drainage improved. The first is near the trees half way down, the second and main issue is between the pond and the bridge which has looked like a stream recently.
Great! Love parkrun Love Whinfield Rec
Improved paths will increase the number of people at the parkrun on Saturday. And we all know already the benefits it brings
Will make a massive improvement to use of the park throughout the year even in the wetter months. Hope this goes ahead!
Foot paths are a bonus instead of traipsing through the mud.
It's an excellent idea to make these improvements as they will benefit users of the REC and the Wood. Safety will be enhanced, as will accesibility. A very worthwhile all-round scheme. I'm definitely in favour of of paths from Whinfield Wood to link the bridge to Whinfield cemetery to the entrances from the main Whinfield Rec path (from Clifton Road to Fleet Crescent).
The pathways are essential...particularly those who feel less than stable in good conditions, have stopped using the area
Please ensure that all paths are suitable and available for sharing by cyclists and pedestrians
I think these plans are great - I walk through the woods to get to the train station and frequently have problems on the path (labelled 4) during wet weather. At times I have had to go a different route or drive due to difficult access via this path. it would certainly improve my access and mean I use the path more often... So many enjoy the park already and it would encourage more. Thank you for the opportunity to provide feedback on the plans. I hope this goes ahead.
The path that runs alongside my house (Lower Hillmorton Road to Fleet Crescent) runs like a river and into car park & down path in Fleet Crescent - the path is like a mudbath - needs surfacing somehow - a lot of dog walkers use this coming from Lower Hillmorton Road.

I'm a mobility scooter, powerchair, crutches or walking sticks user who takes my dogs up to Winfield Rec from McKinnell Crescent twice a day, every day. The flooded areas and mud have confined me to access via the cemetery where dogs are required to be on lead... included for improvement the flooded, muddy part at the junction of the footpath from Fleet Crescent and the footpath, which you propose to tarmac, up through the new wood between 4 and 5. Water torrents across here, rendering the narrow hard surface path, which runs behind the allotments, awash with mud and water at least 2 inches deep... As well as myself, I see many others walking with sticks and rollators etc.... A love to have would be an extension of the hard surface path to create an accessible circular walk around the woods rather than just a straight up and down. Much of Winfield Rec has been too flooded and boggy to take my scooter onto it, so I have been restricted to the hard path around the edge of the Clifton Road section...

Consultation March 2021

Do you support the RPCN in general

	Responses	% of responses
Strongly support	156	82.53968
Support	20	10.58201
Neither support or oppose	7	3.703704
Oppose	3	1.587302
Strongly oppose	3	1.587302
	189	

Do you support RPCN East a (Winfield – Winfield Wood and paths and entrances to Lower Hillmorton/Lansdowne/Fleet etc)

	Responses	% of responses
Strongly support	142	75.13228
Support	25	13.22751
Neither support or oppose	13	6.878307
Oppose	2	1.058201
Strongly oppose	7	3.703704
	189	

<p>As a registered ssi/blind resident of Rugby who likes to run I feel that it would be an opportunity missed not to improve all of the paths in Whinfield Woods that the Rugby Parkrun uses. I know that there are other VI runners who take part occasionally in Parkrun but I have avoided it having struggled with the surface and fallen on more than one occasion. Please give it serious consideration.</p>
<p>I support the improvement of the path behind Hart close that runs from lower hillmorton rd to landsdowne etc. It does get really flooded at times. It would be good if some of the grass either side of the path could be retained as there are wildflowers growing (it'd be even better if more were planted). This path is a corridor for nature too. I've seen deers and hedgehogs as well as loads of birds, brimstone butterflies and countless bees. So would be great if we can improve it for nature as well people too</p>
<p>Network East Lower Hillmorton to Fleet Crescent has been a major problem for years and will certainly be a benefit for Lansdowne Allotments holders and the general public who like this walk especially when its dry but not when its rained heavily.</p>
<p>I am pleased to support the improvements to the pedestrian and cycle pathways. In particular the 'network East' as the section from Lower Hillmorton Road to Fleet and Lansdowne has been very busy of late and is in very poor condition.</p>
<p>Great idea! Thank you</p>
<p>Will the paths be accessible as cycle routes and for wheelchair use? The solar lights are fantastic on the brownstone paths, can this be extended as well. Finally, will the paths connect to town to provide more suitable walking/cycling paths for commuters/people wishing visit town? I think these would be really valuable additions to improve rugby residents' ability to choose greener travel options.</p>
<p>Great for people and nature. Thank you</p>
<p>The path improvements in Brownsover in 2020 are excellent. More of the same elsewhere would be most welcome improvements.</p>
<p>Fantastic idea and long overdue</p>
<p>Great to see these plans</p>
<p>This is a fantastic initiative which should be given full backing by the council</p>
<p>I'm very happy to support this project. A positive of covid is the push of more people outside and this will help it further. I'm very pleased that Rugby could be more open and that can only support good health.</p>
<p>As a runner & walker, very happy to see these plans!</p>
<p>All Pathways should also be available for responsible cycling. This enables people who cannot walk long distances to enjoy these routes. I use a cycle when taking my dog for a walk and being 'off road' is much safer.</p>
<p>Being forced to walk along busy urban roads in the winter or after it's rained, does not give one any incentive to take simple exercise outside. The more 'rural' routes that you mention are completely off limits for me from about November to April, due to the quagmire-like paths, highly dangerous underfoot. ... there's no pleasure in walking there when you have to negotiate every single step.</p>
<p>Rugby Disability Forum supports any initiative which allows for greater access for those with disabilities. Initiatives which are "environmentally friendly" are also supported, which this one appears to be.</p>

<p>This is great and I love RBC's approach to connecting green spaces. The more you can do of this the better for mental and physical health. You could think about circular routes in the future. Going for a run etc is nicer when you can do a loop!</p>
<p>Thank you for providing more all-year paths for us to use and enjoy.</p>
<p>Please can you make sure these paths are cycle friendly</p>
<p>The pandemic has proved the need for more open space and links between them. I have done much more walking and have enjoyed getting to know Rugby better. I have met many other people who also appreciate this freedom.</p>
<p>It looks and sounds good - looking forward to using it.</p>
<p>I think developing park connectors is an excellent way to encourage more people to walk and cycle in Rugby. Providing links between park and recreation areas in the town creates numerous varied routes that people can use to enjoy green spaces and this can help to improve their health and well-being.</p>
<p>Great idea</p>
<p>Please do it as soon as possible</p>
<p>Brilliant idea, good news has come along at the right time.</p>
<p>Paths need to be hard enough to allow use by disabled people in buggies, not loose gravel. Paths should be sympathetic to the area.</p>
<p>As a keen walker, runner and cyclist I am keen to have good safe off road routes to use which I don't have to drive to. I support this initiative and hopefully it would encourage more use of the spaces by others in the Borough.</p>
<p>Great idea</p>
<p>Good scheme to encourage people to walk rather than drive and it should be expanded to as many areas that are suitable.</p>
<p>This is a priority.</p>
<p>That's a great project, I'm proud of this initiative.</p>
<p>We need to create and use links right across the whole area. The benefits to many are Huge.</p>
<p>I believe it is an excellent idea and it benefits myself and others.</p>
<p>Very much in favor of creating more safe paths for walking</p>
<p>In these times of Covid, outside exercise and nature has proved to be a tremendous boost to our mental health and well-being. We should do all that we can to encourage Rugby residents to enjoy the "great outdoors"</p>
<p>I am so pleased to hear of the Park Connector Network investment. I have always walked a lot, especially within Rugby itself and can't wait to use the new pathways and green links within the town. Very forward-thinking and proactive of RBC to invest in such a vital way.</p>
<p>I hope these can be achieved and that there is lots of support.</p>
<p>As a member of Rugby Ramblers I feel it most important to support this initiative for a green exercise corridor connecting various parts of the town.</p>
<p>A pathway will help to keep people from spreading out and making a wide muddy mess.</p>
<p>Any way the Council can provide connecting pathways for people to walk safely away from traffic is GOOD!</p>
<p>Thanks for planning the park connector networks. It's great for people, domestic pets and local wildlife. Children need these spaces to play safely, adults for exercise and dog walking. Keeping our green spaces wildlife friendly can only be good for our environment as well as the wildlife.</p>

I am completing this form for my mother who is 83 and a Rambler. She really enjoys being able to walk across open spaces and between them. This has been especially important in lockdown. Thanks.
It's pleasing to see the council taking steps to improve accessibility and making travel by foot or cycle or wheelchair easier. All of the schemes are much needed and will give better access to these areas for people with less mobility and also improve freedom for those who choose not to drive or don't have access to motor vehicles...
I'm supportive of attempts that are made to make connections for pedestrians and cyclists across the town.
As a runner, walker and cyclist these link ups will be a gift to enable me to traverse areas without having to contend with heavy road traffic. It can't happen soon enough for me!
I think that any project that makes green spaces more accessible without the need to use roads is an excellent plan.
I think its a great idea! Would love for the paths to be wide enough for both pedestrians and cyclists
I would like to reply for the 10 members of Clifton upon Dunsmore WI walking group. Our members walk regularly once a week in and around Rugby throughout the year. Since the arrival of COVID we have been walking through the week individually or in pairs as allowed. We have enjoyed exploring the paths, parks and open spaces in Rugby. The increase in the number of other walkers during this period is high and we believe this will continue as work commitments allow when things return to normal. We have been thankful for the hard surfacing of paths during the wet winter allowing access to all so would be strongly in favour of this work continuing.
Hoping that this will done asap
I would like to have a sustainable network of routes right across Rugby.... I agree that improving the paths is good but would like the surfaces to have good drainage, be sustainable and if possible with materials sourced locally.
Ensure good drainage is a priority.
I am impressed with RBC and the way us daily walkers are being thought of and I know the less able will be absolutely delighted at being able to be out in the countryside again, not just in one area but all over the Rugby we love. We see major work going on in the borough but PCN I can not believe this might happen. Thankyou.
This is much needed green and exercise space away from busy, congested and polluted roads
Can only support plans to improve footways and connect public green spaces
We strongly support all proposed improvements
Great idea & will open up the space
Brilliant way to increase accessibility for pedestrians and encourage further use of walkways rather than roads!

AGENDA MANAGEMENT SHEET

Report Title:	Update to Councillor Code of Conduct
Name of Committee:	Council
Date of Meeting:	25 August 2021
Report Director:	Chief Officer - Legal and Governance
Portfolio:	Finance, Performance, Legal and Governance
Ward Relevance:	All
Prior Consultation:	All Members
Contact Officer:	Aftab Razzaq Chief Officer Legal & Governance
Public or Private:	Public
Report Subject to Call-In:	No
Report En-Bloc:	No
Forward Plan:	Yes
Corporate Priorities:	This report relates to the following priority(ies): <input type="checkbox"/> Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C) <input type="checkbox"/> Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E) <input type="checkbox"/> Residents live healthy, independent lives, with the most vulnerable protected. (HC) <input checked="" type="checkbox"/> Rugby Borough Council is a responsible, effective and efficient organisation. (O) Corporate Strategy 2021-2024 <input type="checkbox"/> This report does not specifically relate to any Council priorities but
(C) Climate (E) Economy (HC) Health and Communities (O) Organisation	
Summary:	This report seeks to note a proposed update to the Councillor Code of Conduct. The Code of Conduct is a statutory requirement and is incorporated into the Council Constitution. This update has arisen through the updated model code issued by the LGA.
Financial Implications:	None arising directly from this report.

Risk Management Implications:	None arising directly from this report
Environmental Implications:	None arising directly from this report.
Legal Implications:	The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of conduct that is consistent with the Nolan Principles.
Equality and Diversity:	Whilst there are no direct equality/public sector equality duties arising out of the report, the Council's existing Code and the Model Code include obligations on Members to comply with the public sector equality duty and the Council's equalities policies and procedures.
Options:	<ol style="list-style-type: none"> 1. Approve the recommendation 2. Reject the recommendation and continue with the present Member Code of Conduct
Recommendation:	Members note the contents of this report and refer this matter to the Audit and Ethics Committee for further consideration to put forward a future recommendation to Full Council.
Reasons for Recommendation:	The Model Code and accompanying guidance is comprehensive and has significant implications for all Members and the Council. A referral to the Audit and Ethics Committee will enable further analysis and input for further consideration by Full Council.

Council - 25 August 2021

Update to Councillor Code of Conduct

Public Report of the Chief Officer - Legal and Governance

Recommendation

Members note the contents of this report and refer this matter to the Audit and Ethics Committee for further consideration to put forward a future recommendation to Full Council.

1. PURPOSE OF THIS REPORT

1.1. This report aims to consider amendments to Rugby Borough Council's Code of Conduct for Members ("RBC Code of Conduct") based on the Local Government Association's Model Councillor Code of Conduct 2020 ("LGA Model Code").

2. BACKGROUND TO THE LGA MODEL CODE

2.1. In January 2019, the Committee on Standards in Public Life ("CoSPL") published a report which recommended creating an updated model code of conduct, by the Local Government Association ("LGA") in consultation with representative bodies of councillors and officers of all tiers of local government. The report can be found at the following link:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

2.2. In June 2020, LGA conducted a consultation to gather views on its draft LGA Model Code. Responses to the consultation were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA.

2.3. The final LGA Model Code was approved by the LGA and has been put forward to all Local Authorities to consider adopting.

2.4. This LGA Model Code is not mandatory and is able to be adopted in full or in part or to not be adopted at all.

2.5 The views of RBC Councillors were sought in respect of the LGA Model Code and accompanying guidance. The responses from Councillors contained the following key points;

- The LGA Code should be adopted in full, and this includes the wider definition as to when the Code is engaged. Councillors should be aware of their wide-ranging responsibilities whether they are on duty or not.
- Use of 'point of order' in Council meetings. This needs to be clarified and should not be used.

- Members should be entitled to a private life and being a councillor should not encompass every part of a councillor's life.
- The Code should not impact on freedom of speech.
- The Code should only apply when members are acting in their capacity as members.
- The Code does not adequately deal with social media.
- The Model Code offers a number of improvements and clarifications. This is particularly in the areas of confidentiality, bullying and harassment.

3. National Benchmarking of the LGA Code

3.1. There has been a mixed response to the LGA Model Code with some councils adopting in full, others in part and others not at all.

3.2. In a survey with Monitoring Officers and Deputy Monitoring Officers conducted by Lawyers in Local Government, the following findings were revealed from 82 responses:

- 20% have or intend to adopt the Model Code in full.
- 20% will adopt in parts of the Model Code.
- 55% have decided not to adopt the Model Code, of which:
 - 25% will not be adopting the model Code or changing their Code
 - 30% not adopted the Model Code in full or in part but are looking to make some changes to their own Code independently.
 - 5% are undecided at this time

4. RBC CODE OF CONDUCT

4.1. The current RBC Code of Conduct applies to all Councillors when acting in their official capacity.

4.2. The current RBC Code of Conduct is contained within the Council's constitution. This is attached at Appendix 1 for reference. The contents of the RBC Code of Conduct are relatively basic, and it can be construed that it lacks the required detail to provide clarity on its implementation to Councillors, officers and the public.

4.3. The CoSPL best practice recommendations require that any code of conduct is more focused on providing clear guidance as alongside any rules, for example on preventing bullying and harassment. In order to comply with the CoSPL best practice recommendations, a code of conduct must state more positively the commitment of elected Councillors as to the standards of behaviour that is expected from them.

5. THE LGA MODEL CODE

5.1. The new LGA Model Code is set out in Appendix 2.

5.2. The LGA Model Code is well set out and relatively straightforward to follow. The key observations are as follows:

5.2.1. It seeks to clarify when the code will apply.

5.2.2. A strengthening of the principle of treating other councillors, members of the public, officers and representatives of partner organisations with 'respect' whilst acknowledging the needed to be able to engage in debate in a civil manner.

5.2.3. Setting the threshold for registration of gifts and hospitality being set at £50.

- 5.2.4. Including a requirement to comply with any sanctions.
- 5.2.5. Rules and guidance around confidentiality and access to information.
- 5.2.6. A requirement to not bring the role or the local authority into disrepute.
- 5.2.7. Rules and guidance around the use of Local Authority resources and facilities.
- 5.2.8. Guidance around complying with the code of conduct.
- 5.2.9. Protection of the reputation of Councillors and the reputation of the Local Authority.
- 5.2.10. Clear guidance around the registration of various interests to comply with legal requirements.
- 5.2.11. There are references within the LGA Model Code to the Equality Act 2010 and the obligation on Local Authorities and Councillors to comply with that Act.
- 5.2.12. There are further details on how investigations should be conducted and a Councillor's obligation to cooperate with those investigations.
- 5.2.13. The LGA Model Code covers the grey area not addressed by the provisions of the Localism Act 2011, to ensure that the code of conduct applies when a Councillor is acting in their capacity as a councillor or when they could reasonably be perceived to be acting in their capacity as a councillor

6. LGA Guidance

6.1 In addition to the Model Code the LGA has also issued additional guidance; <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

6.2 The additional guidance does provide further clarity on certain parts of the Code which have caused concern both nationally and through the consultation responses from RBC members.

6.3 One of these areas relate to the application of the Code. This is detailed within paragraph 7 below and within the consultation responses there was a concern that the code would apply when a councillor is acting within their private capacity. This is addressed through the guidance which states the following;

Acting as a private individual

For something to fall within the code there must be a clear link to a local authority function or your role as a councillor. For example, an argument with a neighbour which does not relate to local authority business would not engage the code, even if your neighbour happens to know you are a councillor and therefore complains to the local authority about being treated disrespectfully.

It is not always immediately apparent in which capacity you are acting, therefore in situations where there may be ambiguity it may be helpful if you can make clear to people in which capacity you are engaging with them

6.4 Although the above extract provides clarity there remains an inevitability that there will be a degree of uncertainty both among members and the public as to when the code is engaged. For example, the reference to 'make clear to people in which capacity you are engaging' is in theory clear but in many situations not practical.

6.5 The guidance also refers to social media and again this was an area of concern that was raised among members within the consultation responses. The guidance states the following on this issue;

Social media postings

Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business. However, even if you do not describe yourself as a councillor you may fall within the scope of the code if you are discussing local authority business.

6.6. The above extract continues with the principle that the Code is only engaged whereby there is a clear link with both the local authority and the role of a councillor.

6.7. Another area that arose through the consultation responses was ‘freedom of expression’. It is duly recognised that members should be entitled to express their views; however as with many other areas the correct balance must be maintained, and this is reflected within the Code;

However, Article 10 is not an absolute but a qualified right which means that the rights of the individual must be balanced against the interests of society. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech and its purpose, as well as the actual words spoken or written. Democracy depends on people being free to express, debate and criticise opposing viewpoints. The courts have generally held that the right to free expression should not be curtailed simply because other people may find it offensive or insulting. A balance must still be struck between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination.

6.8. The area of ‘freedom of expression’ will also have an impact on another section of the code which states that members will not bring the local authority into disrepute. The guidance seeks to define and provide guidance on disrepute and states the following;

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor’s behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- 1. reducing the public’s confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.*

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.

For example, circulating highly inappropriate, vexatious or malicious e-mails to constituents, making demonstrably dishonest posts about your authority on social media or using abusive and threatening behaviour might well bring the role of councillor into disrepute. Making grossly unfair or patently untrue or unreasonable criticism of your authority in a public arena might well be regarded as bringing your local authority into disrepute

6.9. Overall, the additional guidance is a useful tool when seeking to define various elements of the Code. However there remains areas of the Code that remain difficult to apply and conflict with existing legislation. These are detailed below.

7. KEY AREAS OF CODE

Application of the Code

7.1. Within the LGA Model Code it sets out a wide definition as to when the code applies:

“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...”

7.2. The above definition would give rise to a wider application of the code compared to its present form. It also creates potential uncertainty that does not directly conform with both past case law and legislation. There is specific case law that addresses the principle that there is a clear separation whereby a Councillor is acting in their official capacity and their private capacity. This is further strengthened by s.27(2) of the Localism Act which states the following;

“In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity”

7.3 As highlighted above the additional guidance issued by the LGA does provide further clarity; however, this remains a key issue which will require further analysis and consideration.

Declaration of Interests

7.4. The LGA Model Code departs from the requirements set out within the Localism Act 2011 (which relate to Disclosable Pecuniary Interests) and introduces a distinction between things that "directly relate" to an interest and things that "affect" an interest.

7.5 This originates from the recommendation within the CoSPL's report to repeal s 31 of the Localism Act 2011.

7.6. Appendix B of the LGA Model Code addresses the principle in relation to registration and declaration of interests. Although there is an objective to simplify the rules of the code, this is expected to cause uncertainty as it introduces the concept of "Other Registrable Interests" and "Non-Registrable Interests". These other interests are not robustly defined and could potentially cover a wide range of circumstances that would have potentially unintended consequences on the ability of a Councillor to participate in meetings or decision making. The lack of certainty would also cause difficulties for both Councillors and members of the public in interpreting these provisions.

7.7. The Council already operates an effective procedure during meetings to enable Councillors to declare non-pecuniary interests and to seek advice from the Monitoring Officer on whether such non-pecuniary interest would affect their ability to participate in a decision. This matter will require further analysis and consideration.

Use of Council Resources

7.8. The use of Council resources is also dealt with in the LGA Model Code, and it states (paragraph 7.2) the following:

“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.”

7.9. This provision needs to be considered alongside the statutory provision within Section 2(3) of the Local Government Act 1986 which sets out the following:

“A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves”

7.10. The relevant section in the legislation makes clear that there is a restriction upon Local Authorities from providing financial support for political purposes. The provision of the LGA Model Code does not sit comfortably with the provisions of the Local Government Act 1986 and introduces a grey area that would be open to interpretation. Again, this may lead to lack of clarity for both Councillors and the public. This is another area that requires further analysis and consideration.

8. Referral to Audit and Ethics Committee

8.1. The LGA Model Code of Conduct and accompanying guidance is welcomed. However, there remains various matters that require further consideration and overall analysis.

8.2 The consultation responses from Members also highlighted the various views in respect of the application of the Model Code. Due to the paramount importance of the Councillor Code of conduct it is proposed that further analysis is undertaken by the Audit and Ethics Committee. This accords with the Council’s Constitution which outlines the ability for the committee to advise the Council on the adoption or revision of the Member Code of Conduct.

9. CONCLUSION

9.1. Overall, the LGA Model Code puts forward numerous areas which strengthen the current RBC Code of Conduct. This includes a requirement to comply with sanctions, training, and not bringing the Council into disrepute. In the past these are areas which have caused difficulty for officers, Councillors and the wider public.

9.2. The recommendation to refer this matter to Audit and Ethics Committee will ensure a comprehensive analysis with a future recommendation to Full Council.

Name of Meeting: Council

Date of Meeting: 25 August 2021

Subject Matter: Update to Councillor Code of Conduct

Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Part 4A

Code of Conduct for Members

	Page
1 General provisions	2
2 Disclosure of pecuniary interests	2
3 Disclosable pecuniary interests	3
4 Dispensations	4
Appendix – Member Code of Conduct	5

1. General provisions

- 1.1 This part of the constitution is addressed to all members of the council and co-opted members of any committee, sub-committee or joint committee of the council.
- 1.2 The Council has adopted a code of conduct as required by Section 27 of the Localism Act 2011. The code is appended. The council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members, and the code sets out the standards that the council expects you to observe.
- 1.3 You must sign the code before you begin your duties as a member or co-opted member.
- 1.4 The code is not an exhaustive list of the obligations placed on members and you are responsible for ensuring that that you act lawfully.
- 1.5 In this part of the constitution “your partner” means your spouse or civil partner or someone you are living with as husband or wife or as civil partner.

2. Disclosure of pecuniary interests

- 2.1 The pecuniary interests to which this section refers are listed in Section 3.
- 2.2 Within 28 days of the day of your election or appointment to the Council, you must sign and complete a declaration form of your pecuniary interests, which include those of your partner of which you are aware.
- 2.3 When attending meetings of the Council, Cabinet, committees, sub-committees or joint committees and joint sub-committees and a matter arises in which you have a disclosable pecuniary interest, unless you have been granted a dispensation, you must:
 - (i) declare the interest if you have not already registered it
 - (ii) not participate in any discussion or vote
 - (iii) leave the meeting room until the matter has been dealt with
 - (iv) give written notice of any unregistered interest to the Monitoring Officer within 28 days of election
- 2.4 If you are the Leader or a portfolio holder, you may not exercise any of your delegated powers as a single member in relation to a matter in which you have a disclosable pecuniary interest or take any other step except to:
 - (i) give written notice of any unregistered interest to the Monitoring Officer within 28 days of your becoming aware of the interest, and
 - (ii) arrange for another person or body to deal with the matter.

3. Disclosable pecuniary interests

Subject	Prescribed Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain by you or your partner.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Borough Council) made or provided within 12 months of your declaration of interests in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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>
Contracts	<p>Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest)) and the Borough Council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> <p>“Director” includes a member of the committee of management of an industrial and provident society.</p>
Land	Any beneficial interest in land which is within the area of the Borough Council and which gives you or your partner a right to occupy the land or receive income.
Licences	Any licence held by you or your partner (alone or jointly with others) to occupy land in the area of the Borough Council for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is the Borough Council; and</p> <p>(b) the tenant is a body in which you or your partner has a beneficial interest, i.e. a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest.</p>
Securities	<p>Any beneficial interest held by you or your partner in securities of a body where—</p> <p>(a) that body (to your knowledge) has a place of business or land in the area of the Borough Council; and</p> <p>(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 of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Subject	Prescribed Description
	<p>“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.</p>

4. Dispensations

You may make an application for a dispensation allowing you to speak and/or vote in relation to a matter in which you have a disclosable pecuniary interest by writing to the Executive Director. You should set out your disclosable pecuniary interest and the reasons why you believe you should be allowed to speak and/or vote in relation to the matter. The Executive Director will refer your application to the Dispensation Sub-Committee for consideration.

Appendix

Member Code of Conduct Rugby Borough Council

I.....of.....
being a duly elected Councillor/Co-opted Member for Rugby Borough Council
hereby declare that I will undertake my duties as follows:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. As a holder of public office and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the Council, any other body to which I am appointed by the Council and the office of councillor:
 - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
 - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits.
 - d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **HONESTY:** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
3. As a Member of the Council I will act in accordance with the principles in paragraph 2 and, in particular, I will
 - a) Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.
 - b) Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

- c) Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council or the good governance of the Council in a proper manner.
 - d) Exercise independent judgement and not compromise my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of the Council.
 - e) Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
 - f) Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
 - g) Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other Members to account.
 - h) Behave in accordance with all my legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources. I will not disclose confidential information without authority or unless the law requires it.
 - i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
 - j) Always treat people with respect, including the organisations and public I engage with, fellow members and those I work alongside.
 - k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the Monitoring Officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.
5. I will comply with any code of conduct for members that is properly established by the Council

Signed:

Full name:

Date:



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

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. Our conduct 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 us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. 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, we should be able to undertake our 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 democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

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”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

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 LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of 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 your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

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.

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

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. Appendix 2

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 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.

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.

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.

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.

Protecting your reputation and the reputation of the local authority

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 B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

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.

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 Registerable 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 Registerable Interest or Non-Registerable 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
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>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 is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘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.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<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 with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<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) 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 of 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</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident 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 Registrable Interests

You must register as an Other Registrable 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 purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

AGENDA MANAGEMENT SHEET

Report Title: Grievance and Appeals Committees

Name of Committee: Council

Date of Meeting: 25 August 2021

Report Director: Chief Officer - Legal and Governance

Portfolio: Finance, Performance, Legal and Governance

Ward Relevance: All Wards

Prior Consultation: All Group Leaders

Contact Officer: Sarah Chapman
Legal Services Team Leader
sarah.chapman@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

(C) Climate
(E) Economy
(HC) Health and Communities
(O) Organisation

Summary: Further to advice from the Joint Negotiating Committee for Chief Executives of local authorities (**JNC**) regarding model grievance procedures for matters concerning Chief Executives, this report recommends the establishment of a Grievance Committee and appointments to both the Grievance Committee and the Appeals Committee.

Financial Implications:	No financial implications.
Risk Management Implications:	There are no significant risks arising from this decision.
Environmental Implications:	No environmental implications.
Legal Implications:	<p>Introducing the JNC's model grievance procedure provides the Council with a robust framework within which to deal with grievances that may be raised against the Executive Director.</p> <p>This is critical to ensure the Council complies with its duties and responsibilities under employment legislation and provides a fair and reasonable process for aggrieved employees to utilise if necessary.</p>
Equality and Diversity:	Equality and diversity considerations have been taken into account in developing the model Grievance procedure. By ensuring the process is clear and consistent it will promote fairness and transparency in dealing with grievance situations involving the Executive Director.
Options:	<ol style="list-style-type: none"> 1. Not to update the Council's grievance procedures for matters involving the Executive Director. 2. To update the Council's grievance procedures for matters involving the Executive Director into line with the JNC's model grievance procedure.
Recommendation:	<ol style="list-style-type: none"> (1) Paragraph 7 of Part 2A of Rugby Borough Council's Constitution be amended as detailed in this report; (2) an additional appendix be included in Part 3H (Officer Employment Standing Orders) of Rugby Borough Council's Constitution as detailed in this report; (3) appointments to the Grievance Committee and the Appeals Committee be made in accordance with the arrangements set out in this report; and (4) delegated authority be given to the Chief Officer, Legal & Governance (in consultation with the relevant Group Leader) to appoint

substitute members to the Grievance Committee and the Appeals Committee.

**Reasons for
Recommendation:**

To bring the Council's grievance procedures for matters involving the Executive Director into line with the JNC's model grievance procedure.

Council - 25 August 2021

Grievance and Appeals Committees

Public Report of the Chief Officer - Legal and Governance

Recommendation

- (1) Paragraph 7 of Part 2A of Rugby Borough Council's Constitution be amended as detailed in this report;
- (2) an additional appendix be included in Part 3H (Officer Employment Standing Orders) of Rugby Borough Council's Constitution as detailed in this report;
- (3) appointments to the Grievance Committee and the Appeals Committee be made in accordance with the arrangements set out in this report; and
- (4) delegated authority be given to the Chief Officer, Legal & Governance (in consultation with the relevant Group Leader) to appoint substitute members to the Grievance Committee and the Appeals Committee.

1. Introduction

In April 2021 the Joint Negotiating Committee for Chief Executives of local authorities (**JNC**) wrote to all Chief Executives in England to highlight the requirements set out in the Model Disciplinary Procedure and Guidance in the JNC Conditions of Service Handbook (a copy of the letter is included at Appendix 1 to this report).

In particular, the Council has reviewed the advice relating to grievance procedures. The ACAS code recommends that any grievance procedure should comprise of at least two formal stages and there is a model grievance procedure for grievances where the Chief Executive is involved set out in Appendix 7 of the JNC Conditions of Service Handbook.

The JNC goes on to advise that there should be two committees in place to form the formal stages of any grievance process where the Chief Executive is involved and that those committees should be appointed to each year, irrespective of how often they are utilised, to ensure that they are established and available when required.

The two committees in question are the Grievance Committee and the Appeals Committee.

Rugby Borough Council's Constitution currently provides for an Appeals Committee although no appointments have been made to it for this municipal year. There is currently no provision for a Grievance Committee.

This report therefore recommends an amendment to the Constitution to establish a Grievance Committee (see paragraph 2 below), an additional appendix to be included in the Officer Employment Standing Orders setting out the grievance procedure where the Executive Director is involved (see paragraph 3 below) and to make appointments to the Grievance Committee (see paragraph 4 below) and the Appeals Committee (see paragraph 5 below).

2. Amendments to Rugby Borough Council's Constitution to establish the Grievance Committee

Paragraph 7 of Part 2A of Rugby Borough Council's Constitution currently reads:

7. Appeals Committee

The Appeals Committee shall have the following functions:

7.1 Personnel Appeals

The hearing and determination of appeals to the council, except where such appeals have been delegated to officers, in connection with:

- (a) the grading of posts*
- (b) grievances*
- (c) disciplinary action, including dismissal*
- (d) claims for industrial injury*

7.2 Other appeals

The hearing and determination of any appeal against a determination of the authority except where such appeals have been delegated to officers or to another body.

It is proposed that Paragraph 7 of Part 2A of Rugby Borough Council's Constitution is amended to read (amended text shown underlined):

7. Grievance and Appeals Committees

The Grievance Committee shall have the following functions:

7.1 Personnel Claims

The hearing and determination of claims to the council, except where such claims have been delegated to officers, in connection with:

- (a) the grading of posts*

(b) grievances

(c) disciplinary action, including dismissal

(d) claims for industrial injury

The Appeals Committee shall have the following functions:

7.2 Personnel Appeals

The hearing and determination of appeals to the council, except where such appeals have been delegated to officers, in connection with:

(a) the grading of posts

(b) grievances

(c) disciplinary action, including dismissal

(d) claims for industrial injury

7.3 Other appeals

The hearing and determination of any appeal against a determination of the authority except where such appeals have been delegated to officers or to another body.

3. Amendments to Rugby Borough Council's Constitution to include the grievance procedure where the Executive Director is involved.

Part 3H of Rugby Borough Council's Constitution already includes an appendix detailing the procedure for disciplinary action where the Executive Director is involved, but there is no analogous appendix containing the procedure for grievances where the Executive Director is involved. It is therefore proposed that an additional appendix is added to Part 3H of Rugby Borough Council's Constitution that sets out the procedure for grievances where the Executive Director is involved, based on the model procedure in the JNC Conditions of Service Handbook. The proposed appendix is attached to this report as Appendix 2.

4. Appointments to the Grievance Committee

The Grievance Committee consists of five members – three Councillors from the Conservative Group, one Councillor from the Liberal Democrats Group and one Councillor from the Labour Group.

It is proposed that the five Councillors to be appointed to the Grievance Committee are:

- Councillor Adam Daly
- Councillor Tim Willis
- Councillor Carolyn Watson-Merret
- Councillor Glenda Allanach
- Councillor Ish Mistry

It is further proposed that the Chair and Vice Chair are elected at the first meeting of the Grievance Committee.

5. Appointments to the Appeals Committee

The Appeals Committee consists of five members – three Councillors from the Conservative Group, one Councillor from the Liberal Democrats Group and one Councillor from the Labour Group.

It is proposed that the five Councillors to be appointed to the Appeals Committee are:

- Councillor Tony Gillias
- Councillor Andrew Bearne
- Councillor Heather Timms
- Councillor Tim Douglas
- Councillor Tom Mahoney

It is further proposed that the Chair and Vice Chair are elected at the first meeting of the Appeals Committee.

Name of Meeting: Council
Date of Meeting: 25 August 2021
Subject Matter: Grievance and Appeals Committee
Originating Department: Legal and Governance

DO ANY BACKGROUND PAPERS APPLY **YES** **NO**

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink
1	Joint Negotiating Committee for Chief Executives of local authorities Conditions of Service Handbook https://www.local.gov.uk/sites/default/files/documents/Chf%20Exec%20Handbook%2013Oct16.pdf

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

Joint Negotiating Committee for Chief Executives of local authorities

**To: Chief Executives in England (Wales and N Ireland for information)
(copies for Monitoring Officer and HR Director)
Members of the Joint Negotiating Committee**

15 April 2021

Dear Chief Executive,

Structures required to manage model disciplinary procedure

As Councils prepare to enter a new civic year and will soon be making appointments to various committees, we write to remind colleagues of the requirements set out in the *Model Disciplinary Procedure and Guidance* in the JNC [Conditions of Service Handbook](#).

There have been instances in the past of some councils not having the appropriate structures and standing committees in place in order that potential disciplinary issues can be quickly considered.

It is imperative that all councils in England should establish:

- An Investigating and Disciplinary Committee (IDC) (see JNC Handbook para 1.2.2)
- An Appeals Committee (see para 1.2.3)
- An Independent Panel (see para 1.2.4)

The JNC provides training for elected members and for members of the independent panel. For further details please contact adam.barker@local.gov.uk

In England, the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) and in Wales, the Local Authorities Standing Orders (Wales) Regulations 2006 provide a degree of protection for chief executives against unwarranted political interference in their role as heads of paid service of local authorities.

In England, the Regulations require that the council takes into account any advice, views or recommendations of an independent panel before a chief executive can be dismissed, for any reason other than redundancy, permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract.

In Wales, the regulations require that a Designated Independent Person is required to investigate and make a recommendation in the event of disciplinary action being taken against the chief executive on the grounds of misconduct or if there is any other proposal to dismiss the chief executive for any reason other than redundancy,

permanent ill-health or the expiry of a fixed term contract unless the authority has undertaken to renew that fixed term contract.

The considerations and the management of these different types of disciplinary action and potential dismissal therefore will vary.

Yours faithfully,

Naomi Cooke

Ian Miller

Joint Secretaries

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: Ian Miller Hon Secretary ALACE alacehonsec@yahoo.co.uk
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Grievance Procedure where the Head of Paid Service is involved

1. Introduction

1.1 These procedures cover the following circumstances:

- where an employee raises a grievance against the Head of Paid Service
- where the Head of Paid Service raises a grievance – by definition this will be against an individual elected member(s) or the employing council generally.

2. Procedure for dealing with a grievance raised by an employee against the Head of Paid Service

2.1 An employee raising a grievance against the Head of Paid Service should do so using the grievance procedure provided for in his or her contract of employment. However, while operating within the context of the employee's grievance procedure, it is only the mandatory stages of a grievance procedure (i.e. the formal stages, as referred to in **paragraph 2.2**) that can resolve the grievance when the person complained of is the Head of Paid Service.

2.2 Under the ACAS code the internal procedure to be followed by an aggrieved employee should comprise at least two formal stages. After the initial filtering and any attempt at informal resolution, if the matter remains unresolved, then a panel of elected members (the Grievance Committee) will hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the Head of Paid Service. The panel can either **uphold** or **dismiss** the grievance. If the outcome of the Stage 1 investigation is that the grievance is not upheld, then the complainant has the right to appeal (Formal Stage 2) to a panel of elected members (the Appeals Committee).

2.3 Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

2.4 There is a statutory right for the aggrieved employee to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union at any meeting that deals with the grievance.

Initial filtering of grievances

- 2.5 Where an employee raises a grievance against the Head of Paid Service it would be appropriate for an initial filtering to take place, as procedures need to be in place which can filter out and deal with 'allegations' against the Head of Paid Service which are clearly unfounded or trivial or can best be dealt with under some other procedure. For example, allegations and complaints that are directed at the Head of Paid Service, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If the matter is a serious complaint against the Head of Paid Service's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.
- 2.6 To enable this process to happen the Council should nominate an officer who would be the recipient of any grievance raised against the Head of Paid Service (referred to below as the Receiving Officer). This would most appropriately be the Council's Monitoring Officer. If the Monitoring Officer is the person bringing the grievance against the Head of Paid Service or is otherwise involved in the grievance, then another appropriate chief officer and/or a Monitoring Officer from a neighbouring authority should be commissioned to act as the Receiving Officer.
- 2.7 A meeting should be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.
- 2.8 The Receiving Officer is responsible for the filtering process, the outcome of which could include the following:
- i. the Receiving Officer decides that the grievance is actually about a council service, rather than a complaint against the Head of Paid Service personally. In this case the Receiving Officer would refer the matter back to the aggrieved employee, or their line manager, and indicate that the matter is one that they could raise under the appropriate complaints process for the council.
 - ii. the Receiving Officer decides that there are other formal appeal procedures that apply rather than the grievance procedure eg, in cases of redundancy.
 - iii. the Receiving Officer decides that the grievance should not be directed at the Head of Paid Service as it does not relate to a specific action of the Head of Paid Service or a specific omission of the Head of Paid Service and so should be directed to an intermediate manager.

- iv. the Receiving Officer decides that the grievance is either patently frivolous or clearly unfounded. Individual grievances can be deeply held so a decision that it is frivolous or unfounded and will not be taken any further should not be taken lightly. To some extent this judgement may be informed by whether the individual employee has a history of submitting frivolous or unfounded grievances. The Receiving Officer will also consider whether the submission of patently frivolous or clearly unfounded grievances should be referred for investigation under the Council's disciplinary procedures. Where that is not the case then the Receiving Officer may want to err on the side of caution, particularly if the substance of the grievance is something that could be pursued to an Employment Tribunal. This would probably require the Receiving Officer to check whether other procedures were more apt, but that does not necessarily compromise the Receiving Officer from dealing with the case as suggested below.

Resolving grievances informally

- 2.9 Where the Receiving Officer is satisfied that the grievance is neither procedurally flawed nor patently frivolous or clearly unfounded (such as a complaint about the organisation, process, provision of facilities, inadequate IT equipment, failure of consultation between departments etc) then there may be some value in an attempt being made to resolve the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.

3. Resolving grievances formally

Formal Stage 1

The Grievance Investigation

- 3.1 Where informal attempts at resolution are considered inappropriate or have been tried and failed, then the Receiving Officer should manage the Stage 1 investigation. In most cases it will be appropriate for an independent investigator to be commissioned to carry out the investigation.
- 3.2 If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the Head of Paid Service is unwilling to accept these proposals, the matter will be referred to the Grievance Committee for it to resolve.
- 3.3 It is necessary for the Council annually to establish a Grievance Committee of 3 to 5 members with political proportionality, who are not members of the Appeals Committee.

The Grievance Committee hearing

3.4 The Grievance Committee will hear the case and reach its conclusion.

The Committee upholds the grievance

3.5 Where the Committee **upholds** the grievance this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.6 Where the Committee **upholds** the grievance and also decides that it is a matter of a serious nature then it may decide to refer the matter for separate disciplinary action too.

3.7 The Committee dismisses the grievance – the right to appeal

Formal Stage 2

3.8 If the Committee finds against the complainant then that person has a right of appeal to a member Appeals Committee, and the Head of Paid Service should be immediately informed that this has happened. The Appeals Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer.

3.9 Where the Appeals Committee **upholds** the appeal, this may include a decision or recommendation on how the issue can best be resolved to the satisfaction of the aggrieved employee.

3.10 Where the Appeals Committee **upholds** the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter for separate disciplinary action too.

3.11 Where the Appeals Committee **dismisses** the appeal, then the matter would be regarded as having been concluded.

4 Procedure for dealing with grievances raised by the Head of Paid Service

4.1 Where the Head of Paid Service raises a grievance, then similar principles need to apply, namely:

- Informal attempts at resolution should be regarded as preferable to immediate recourse to formal procedures

- There should be two stages available to the aggrieved employee, in this case the Head of Paid Service.
- 4.2 A Head of Paid Service cannot take out a grievance against another member of staff, as any cause for such concern would constitute grounds for disciplinary action and the Head of Paid Service could initiate such action against any other employee. A Head of Paid Service grievance has to be against one or more member(s) and the Council's Monitoring Officer should act as Receiving Officer.
- 4.3 Where the Head of Paid Service raises a grievance, then this should be referred to the Receiving Officer in the first instance who should establish, through discussions with the appropriate parties, whether there is any prospect of resolving the matter informally. This might be through internally-facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator.
- 4.4 In the event that informal resolution is neither appropriate nor successful, the Receiving Officer should refer the matter to the Council's Grievance Committee. If the Grievance Committee considers it appropriate, having come to its conclusions, it might refer a matter about the conduct or behaviour of an elected member to the Audit and Ethics Committee or other appropriate arrangements.
- 4.5 An appeal by the Head of Paid Service against the outcome of the Grievance Committee's deliberations should be to Full Council.

5 Grievances raised by the Head of Paid Service during disciplinary proceedings

- 5.1 Where a Head of Paid Service is the subject of a disciplinary / capability investigation and raises a grievance relating to the case, the Audit and Ethics Committee will decide how to deal with the grievance. This will depend on the facts of the case, the stage of the disciplinary procedure reached and the nature of the grievance raised. In some cases it may be appropriate to hear the grievance before continuing with the disciplinary / capability investigation. In other cases it will be appropriate to deal with the issues raised in the grievance as part of the wider disciplinary / capability investigation.

AGENDA MANAGEMENT SHEET

Report Title: Urgent Decision under Delegated Powers - Welcome Back Fund - Planned Activities

Name of Committee: Council

Date of Meeting: 25 August 2021

Report Director: Executive Director

Portfolio: Growth and Investment

Ward Relevance: Benn and Eastlands

Prior Consultation: The Executive Director, in consultation with Councillors Mrs Brojomohun-Roberts (Mayor), Lowe (Leader of the Council), Mrs Simpson-Vince (Growth and Investment Portfolio Holder) and Eccleson (Chair of Scrutiny Committee), agrees with the recommendation below. Councillor Roodhouse was also consulted as Leader of the main opposition Group but did not respond to the consultation.

Contact Officer: David Moore, Economic Development Manager
david.moore@rugby.gov.uk

Public or Private: Public

Report Subject to Call-In: No

Report En-Bloc: No

Forward Plan: No

Corporate Priorities: This report relates to the following priority(ies):
 Rugby is an environmentally sustainable place, where we work together to reduce and mitigate the effects of climate change. (C)
 Rugby has a diverse and resilient economy that benefits and enables opportunities for all residents. (E)
 Residents live healthy, independent lives, with the most vulnerable protected. (HC)
 Rugby Borough Council is a responsible, effective and efficient organisation. (O)
[Corporate Strategy 2021-2024](#)
 This report does not specifically relate to any Council priorities but

Summary:	An urgent decision was taken under delegated powers to approve proposed activities to ensure that the allocation of the full Welcome Back Fund could be utilised to attract people back into the town centre in a safe way and enable the recovery of town centre businesses through increased footfall and to establish a budget of £173,710 for 2021/22 to be funded through the grant allocation of the Welcome Back Fund. A copy of the urgent decision taken is attached at Appendix 1 to the report.
Financial Implications:	All financial implications are detailed in Appendix 1 to the report.
Risk Management Implications:	All risk management implications are detailed in Appendix 1 to the report.
Environmental Implications:	There are no environmental implications arising from the report.
Legal Implications:	Pursuant to Rugby Borough Council's constitution, the urgent decision that has been taken (as detailed in the report) is being reported to the next appropriate meeting of Full Council for noting.
Equality and Diversity:	There are no equality and diversity implications arising from the report.
Options:	N/A
Recommendation:	The report be noted.
Reasons for Recommendation:	To comply with the Council's Constitution.

Council - 25 August 2021

**Urgent Decision under Delegated Powers - Welcome Back Fund -
Planned Activities**

Public Report of the Executive Director

Recommendation

The report be noted.

1. INTRODUCTION

In accordance with the Council's urgent decision procedure under delegated powers, the following item was determined.

2. ITEM DETERMINED UNDER EMERGENCY POWERS – JULY 2021

2.1 Welcome Back Fund – Planned Activities

An urgent decision was taken on 23 July 2021 with regard to planned activities as part of the Welcome Back Fund. This urgent decision was required to ensure activities planned for August can be held. Delaying a decision would have meant that some activities would not have been able to go ahead.

A copy of the urgent decision is attached at Appendix 1.

2.2 Consultation

The Executive Director, in consultation with Councillors Mrs Brojomohun-Roberts (Mayor), Lowe (Leader of the Council), Mrs Simpson-Vince (Growth and Investment Portfolio Holder) and Eccleson (Chair of Scrutiny Committee), agreed that -

(1) the proposed activities be approved to ensure that the allocation of the full Welcome Back Fund can be utilised to attract people back into the town centre in a safe way and enable the recovery of town centre businesses through increased footfall; and

(2) a budget of £173,710 be established for 2021/22 to be funded through the grant allocation of the Welcome Back Fund.

Councillor Roodhouse was also consulted as Leader of the main opposition Group but did not respond to the consultation.

Name of Meeting: Council

Date of Meeting: 25 August 2021

Subject Matter: Urgent Decision under Delegated Powers - Welcome Back Fund - Planned Activities

Originating Department: Growth and Investment

DO ANY BACKGROUND PAPERS APPLY YES NO

LIST OF BACKGROUND PAPERS

Doc No	Title of Document and Hyperlink

The background papers relating to reports on planning applications and which are open to public inspection under Section 100D of the Local Government Act 1972, consist of the planning applications, referred to in the reports, and all written responses to consultations made by the Local Planning Authority, in connection with those applications.

Exempt information is contained in the following documents:

Doc No	Relevant Paragraph of Schedule 12A

DELEGATED POWERS: URGENT DECISION

Welcome Back Fund – Planned Activities

1. Decision Required

To approve proposed activities to ensure that the allocation of the full Welcome Back Fund can be utilised to attract people back into the town centre in a safe way and enable the recovery of town centre businesses through increased footfall and to establish a budget of £173,710 be established for 2021/22 to be funded through the grant allocation of the Welcome Back Fund.

2. Reason For Urgency Decision

A decision is required as a matter of urgency to ensure activities planned for August can be held. Delaying a decision would mean that some activities would not be able to go ahead.

3. Background

3.1 In April 2021, the Government announced that there would be an additional fund of money allocated to Local Governments now called the Welcome Back Fund (WBF) which for Rugby amounts to £192,630. This comprises the former Reopening High Streets Safely Fund of £96,315 and the recent further allocation to this now- renamed fund of £96,315. This funding can only be used for revenue spend.

3.2 This is an extension of the Reopening High Streets Safely Fund and utilises European Regional Development Funding (EDRF). This has specific procurement processes and guidance on how the funding can be utilised. The Government have also stipulated guidance on how the allocation can be utilised for eligible activities.

3.3 The Council was advised that funding not spent under the RHSSF Fund should be carried forward and utilised within this WBF for eligible activities. The Council had taken all the necessary safety measures planned under RHSSF and the communications associated with these measures cost-effectively, had only spent £18,922 and had not required the full amount of this allocation leaving an unspent balance of £77,393 which we can now carry forward and utilise as part of the WBF which totals £173,708 now available for eligible activities.

The RHSSF fund had proved difficult to fully utilise and it is very welcome that the balance of this fund can now be used as part of the combined WBF allocation for specific activities now that lockdown arrangements are easing.

3.4 The Council is advised that the Grant Funding Agreement concluded for the RHSSF remains in place and covers activity under the WBF

3.5 In June 2021 a WBF Activity Form was submitted to the Cites and Local Growth Unit in relation to how the funding will be allocated around the six areas of scope for funding set out in the funding guidance

3.6 On 1 July 2021 the Council received full approval for the activities proposed and confirmed that they are eligible for funding from the WBF funding allocation.

3.7 Following the announcement of the ending of legal COVID restrictions on 19 July, the Council will closely adhere to the published Step 4 guidance on keeping visitors to the town centre safe and ensuring the key notified protections are in place for all activities. This guidance will be included in all communications to the public and businesses. All the activities proposed take place outside in venues fully open to fresh air.

3.8 It is envisaged that the main legacy of these proposed activities will arise from increased footfall back into the town centre following the end of legal restrictions on July 19 and it is hoped that this will help boost the recovery of town centre businesses through the rest of the year.

4. Six areas of scope for funding allocations for further initiatives

4.1 The Grant Fund Guidance provided six areas where the fund can be utilised. These are set out below a brief description of how Rugby will utilise the fund within these areas. This is not an exhaustive list of how the fund will be utilised but gives an overview of planned spend areas.

4.2 Support to develop an action plan for how the local authority may begin to safely reopen their local economies.

4.3 The Council will continue to develop its plan in collaboration with partners Rugby First to ensure that the town centre re-opens in a safe way as lockdown restrictions ease.

4.4 Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely

4.5 The Council will undertake a series of communications campaigns to announce activities and how visitors to the town centre can enjoy them in a safe way. This will include the appropriate COVID safety messaging within all media published.

4.6 Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely

4.7 Undertake direct-to-business marketing campaigns to inform them of the new activities and how we plan to engage them and the public in a safe and secure way.

4.8 Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely

4.9 The Council will develop a Lego Town Trail in winter to aim to drive footfall during the Christmas period.

4.10 The Council will engage a contractor to temporarily decorate a number of empty shop window fronts, where landlords provide consent, with art or photography designs make them attractive and convey proposed activity and COVID safe messaging.

4.11 The Council will engage local artists to redesign display rugby balls to celebrate the town's heritage and the Commonwealth Games.

4.12 The Council will work with a specialist contractor to provide a temporary beach in the town centre with real sand and deck chairs during the summer.

4.13 The Council will site temporary hanging baskets to provide Autumn and Spring flowering.

4.14 Support and promote a safe public environment for a local area's visitor economy

4.15 The Council will work with a specialist contractor to provide a synthetic skating rink and winter decorations in Caldecott Park during the festive winter period.

4.16 The Council will engage various town centre performance artists for the entertainment of visitors.

4.17 The Council will enable arts, makers and catering businesses to have pop-up facilities in a town centre shop, in collaboration with a landlord.

4.18 The Council will commission a specialist cinema contractor to provide an outdoor seated cinema.

4.19 Support local authorities to develop plans for responding to the medium-term impact of CV-19 including trialling new ideas particularly where these relate to the High Street

4.20 The Council will continue to develop plans for medium-term impact of COVID as part of our town centre spatial strategy and masterplan development.

4.21 The spend on the proposed activities described above and now approved as the WBF as eligible spend on these activities can be summarised as follows:

Paragraph Reference	Summary of Activity Proposed	Proposed Spend from the Welcome Back Fund
3.3	Extend planning to ensure town centre re-opens safely	No additional spend proposed
3.5	Activity marketing campaigns incorporating COVID safety messaging including administration costs	£27,108
3.7	Communications with businesses on new activities and safety measures	£2,000
3.9	Lego Town Trail	£30,000
3.10	Shop-front window decoration	£6,500
3.11	Display rugby ball redecoration	£4,000
3.12	Install a temporary summer beach in the town centre	£10,000
3.13	Installation of flowering hanging baskets	£13,000
3.15	Install synthetic skating rink in Caldecott Park	£36,000
3.15	Install winter decorations in Caldecott Park	£24,000
3.16	Performance artists in centre	£6,500
3.17	Pop-up facilities for artists and makers	£2,100
3.18	Outdoor cinema	£12,500
3.20	Develop plans for medium-term impact of COVID	No additional spend proposed
	Total Proposed Spend under WBF	£173,708

5. Financial Implications

5.1 This WBF will provision these additional activities. The Council will comply with ERDF procurement procedures and the existing Grant Funding Agreement which has now been extended to cover the WBF fund and these activities.

6. Options available

6.1 Taking the above into account, two options were proposed for the consideration of Members, namely:

Option 1

To approve spend of the Welcome Back Fund allocation on the proposed activities

Option 2

To not approve spend of the Welcome Back Fund allocation on the proposed activities

7. Consultation

The Executive Director, in consultation with Councillors Mrs Brojomohun-Roberts (Mayor), Lowe (Leader of the Council), Mrs Simpson-Vince (Growth and Investment Portfolio Holder) and Eccleson (Chair of Scrutiny Committee), agrees with the recommendation below. Councillor Roodhouse was also consulted as Leader of the main opposition Group but did not respond to the consultation.

8. Recommendation

- (1) The proposed activities be approved to ensure that the allocation of the full Welcome Back Fund can be utilised to attract people back into the town centre in a safe way and enable the recovery of town centre businesses through increased footfall; and
- (2) a budget of £173,710 be established for 2021/22 to be funded through the grant allocation of the Welcome Back Fund.

Signed

Sarah Chapman

Legal Services Team Leader and
Deputy Monitoring Officer (in the
absence of the Chief Officer – Legal
and Governance)

Date

23/7/21

RECOMMENDATION APPROVED

Signed

Mannie Ketley

Executive Director

Date

23/7/21