Kenilworth Town Council

Jubilee House, Smalley Place, Kenilworth, CV8 1QG

Telephone: 01926 859155

E-mail: kentc@kenilworth-tc.gov.ukorg

Town Clerk: Miss M S Field

Field Code Changed

TRANSPARENCY

Date of Approval – 2219 October 20263

Date of Review – October 20296

Introduction

The Local Government Transparency Code 2015 (the code) came into effect on 1 April 2015. The code is issued by the Ministry of Housing, Communities and Local Government ~~Secretary of State for Communities and Local Government~~ in exercise of powers under section 2 of the Local Government, Planning and Land Act 1980, and replaces all previous codes issued in relation to authorities in England under those powers.

Kenilworth Town Council meets the definition of a local authority covered by the requirements of the code. The code requires local authorities in England to publish the following information to ensure local people can see and access data covering; how money is spent, use of assets, decision making and issues important to local people.

Publishing of Information

The following information is published at each Town Council meeting:

- Expenditure, including all that exceeding £500
- Procurement Information
- Minutes of the previous Town Council meeting and all Town Council Committee meetings since the last Town Council meeting

Additionally, the following is reviewed and published **annually**:

- Local Authority Land
- Grants to voluntary, community and social enterprise organisations
- Constitution (Policies)

The following are not applicable to the Council and there is therefore no information to be published:

- Government Procurement Card Transactions - *(not applicable as the Council has no Government Procurement Cards)*
- Social Housing Assets - *(not applicable as the Council does not hold any social housing stock)*
- Organisation Chart – *(not applicable as the Council employs three members of staff in the organisation)*
- Trade Union Facility Time - *(not applicable as the Council has no staff members who are union representatives)*
- Parking Accounts - *(not applicable as the Council has no chargeable parking)*
- Parking Spaces - *(not applicable as the Council has no controlled parking spaces)*
- Senior Salaries – *(not applicable as the Council does not pay above the threshold to any individual staff member)*
- Pay Multiple – *(not applicable due to the small staff numbers)*
- Fraud - *(not applicable as the Council has no staff members undertaking fraud investigation work)*

Kenilworth Town Council complies with the requirements of the code by publishing the information on its website. Hard copies are available from the Town Council office in line with the Council's Publication Scheme.

Full details of the code can be read here: Local Government Transparency Code 2015

Field Code Changed

Public attendance at Council meetings

Members of the public and press are encouraged to attend as non-speaking observers to the meetings of the Town Council and its Committees. Only in the event of commercial sensitivity, will members of the public and press be excluded from any part of a Council meeting.

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Field Code Changed

PRESS AND MEDIA POLICY

Date of Approval – 22~~19~~ October 2026~~3~~

Date of Review – October 2029~~6~~

Introduction

The purpose of this policy is to guide both Councillors and Officers of the Council in their relations with the Press and Media, in such a way as to ensure the smooth running of the Council.

This policy does not seek to be either prescriptive or comprehensive but sets out to provide guidance on how to deal with some of the practical issues that may arise when dealing with the Press and Media.

Above everything else, a Councillor must observe Kenilworth Town Council's Code of Conduct whenever they conduct the business of the authority, conduct the business of the office to which they have been elected/appointed or acts as a representative of the authority.

Town Clerk and Officers of the Council

The Town Clerk as the Proper Officer of the Council is authorised to receive all communications from the Press and Media and to issue Press Statements on behalf of the Council. In the absence of the Town Clerk, media communications will be handled by the Deputy Town Clerk. In the absence of both of these officers, enquirers will be referred to the Leader of the Council~~Majority Group~~ who will act as the spokesperson for the purposes of this element of the policy.

All communications made by the Town Clerk will relate to the stated business and day to day management of the activities or adopted policy of the Council. They are not expected or authorised to speculate on matters that have not been considered by the Council. Where such

questions are put to the Town Clerk, the Clerk should refer the enquirer to the Leader of the Council~~Majority Group~~, Mayor or a Committee Chairman as considered appropriate.

No other officer of the Council, unless authorised by the Town Clerk, is permitted to speak or communicate with the Press and Media on any matter affecting the Council or its business.

Members of the Council

A Councillor must not disclose information that is of a confidential nature. This includes any discussion with the press on any matter which has been discussed under confidential items on Council or Committee agendas or at any other private briefing.

A Councillor should act with integrity at all times when representing or acting on behalf of Kenilworth Town Council and in accordance with the adopted Code of Conduct.

When speaking or providing written material to the Press and Media (including digital media), Members should make clear the capacity, in which they are providing the information. For example: -

as Mayor
as Chairman of a Committee
as a Political Group Leader
as an individual (i.e. letter to press for publication)
as spokesperson or as Press Officer for a political party

Councillors should never use the prefix "Councillor" when writing to the press or on digital media as an individual. This implies Councillors are stating Council policy. A copy of any written material sent to the Press and Media by a Member, *as representing the Council*, must be forwarded to the Town Clerk.

Councillors should take particular care if the press or media approach them for comment on a controversial subject, and should not be led into stating something they did not really mean to say. If unsure about any particular policy, Councillors simply state "no comment" and ask the press to contact the Council Offices.

Councillors should be aware that case law states that the role of Councillor overrides the rights to act as an individual. This means that Councillors should be careful about expressing individual views to the press or media, whether or not they relate to matters of Council business.

Councillors also have an obligation to respect Council policy once made and, whilst it may be legitimate for a Councillor to make clear that he or she disagreed with a policy and voted against it (if this took place in an open session), they should not seek to undermine a decision through the press.

A Councillor should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press.

Dealing with the Press

When dealing with the Press verbally, members and officers should be aware of the following:

- To be informed and certain of all facts
- To ensure that when making comments on behalf of the Town Council that they are aware what Council Policy is and that their comments reflect that policy.
- To be calm
- To ensure that their comments and views will not bring the Council, its Councillors or its staff into disrepute and ensure that comments are neither libellous nor slanderous.

Whenever possible, any information given to the press shall be given in writing, so as not to leave interpretation open to misunderstanding and misreporting.

Issues to be Aware of

Councillors and officers not used to dealing with the press may be surprised when they see that statements made in all innocence look very different in print than they did when they were spoken. It is advantageous to write out a statement or position beforehand.

Meetings of Council and Committees

Copies of Agendas, Minutes and Reports sent to Members for meetings of the Council or its Committees will be published on the Town Councils website, for attention of the Press and Media, as well as residents and all interested parties.

Facilities will be provided at meetings for the Press to take notes of the proceedings.
As provided in the Council's Standing Orders both the Press and Public may be excluded from a meeting whilst certain confidential matters (as provided for in the relevant legislation) are under discussion.

Press Releases

All press releases made on behalf of the Town Council will be prepared or overseen by the Town Clerk following any meetings of Committees, Sub-Committees, Working and Steering Groups.

The Town Clerk, in consultation with the Town Mayor, is also authorised to publish press releases on any urgent matters where there is insufficient time for a Council meeting.

This document has been prepared as a guidance note for officers and elected members. It represents the policy of the Council in respect of its relationships with the Press and Media. The policy has been prepared to ensure consistency in the Council's dealing with the Press and Media and details who is authorised to speak on behalf of the Council. It has been drafted to ensure that the views and policy of the Council are presented accurately.
In providing information to the Press and Media, Members and Officers representing the Council will abide by the 2011 "*Code of Recommended Practice on Local Authority Publicity"* published by the then Department for Communities & Local Government.
http://www.communities.gov.uk/documents/localgovernment/pdf/1878324.pdf

The overriding principle of this policy is that all elements of the Press and Media will be treated equally.

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PROCEDURES FOR THE OPERATION OF BRIEFINGS AND CONSULTATIONS WITH THE COUNCIL

Date of Approval – 22~~19~~ October 2026~~3~~

Date of Review – October 2029~~6~~

This is a Procedural Guideline that has been applied (as updated) since 2010, and, whilst mainly orientated towards planning aspects, includes such matters as briefings to the Town Council, Committees and Working Groups.

Introduction

1. Summary. Briefing requests, when permitted by current Council policy and not subject to any temporary limitation(s), fall within two main categories:

   a. Developers and related agencies preparing development or associated schemes.

   b. Other requests and consultations, typically seeking support or agreement and perhaps funding support, for an event or proposed course of action or an update report by an activity supported or endorsed by this Council. These are usually straightforward, but may be of an interim nature and require subsequent action.

Issues to be aware of

2. Expression of Opinion or View. Particularly with developers' submissions, but also with other requests where legal and other constraints may not yet have been fully explored, Members must guard against acting in a manner which would indicate a pre-disposition either to support or be against any matter until such time as it is formally presented to Full Council. This can pose particular issues for 'dual' or 'triple-hatted' members. In certain cases, the matter may be considered as an agenda item later in the same meeting, but might involve a substantial waiting period of several months or more..

3. Possession of Full Facts. Those presenting a briefing may not be in possession of the full facts, slew the scope of their review or omit material that is later identified as pertinent, or elect only to insert such information as supports their case. Special care must be taken as legislative, legal or other factors and sensitivities may apply that Members are unaware of at the time of the presentation, but may be identified because of further study. Members must therefore guard against unintentionally causing offence or distress and inadvertently breaching regulation.

Development Requests

4. Proposals. Developers' requests are potentially contentious, involve a number of pitfalls and require careful consideration before agreement to meet is given, especially where the request is in advance of any formal consultation or submission of planning application to the relevant authority (usually Warwick District Council WDC but may include Warwickshire County Council and other parties).

4.1. Particular caution must be exercised where the developer seeks to give a private brief and/or when the matter is not in the public domain, as an inappropriate perception of the Councils intentions or behaviour could occur. An instance might be where the developers subsequently state that a 'consultation' has taken place but the event from the Council's perspective was of a lower status, being heard purely as a statement of intent or interest without any feedback being provided. Great care must be taken to ensure that the Council is not perceived as giving precedence to any party or being partisan. Any briefing must also be considered against the legislative background and planning rules.

4.2. Applicants preparing major development schemes are encouraged by WDC to undertake a separate public consultation on their prospective application. The public consultation process is discussed as part of the usual pre-application discussions with District Planning Officers.

4.3. In addition, WDC operates a Development Review Forum, which examines any major proposed developments that are submitted for its consideration. The scheme is discretionary, as there are no requirements for applicants to put their scheme forward if they do not wish to do so, but will typically occur *after* the public consultation process. Typically, all interested parties will also be invited to the Forum~~., including statutory consultees such as this Council~~. Developers may well ~~therefore~~ include Kenilworth Town Council (KTC) as a consultee in their preliminary and public consultation processes.

4.4. Where the developer undertakes a pre-application consultation and approaches the Town Council with a view to holding a briefing or consultation, the procedures set out from paragraph 5 below are normally to be followed.

5. Scope. As with the WDC Forum, the informal briefing/consultation process is voluntary to assist Councillors to appreciate the scope and rationale of the intended application. There is currently no stipulation requiring applicants to place their pre-application scheme(s) before this Council if they do not wish to do so.

5.1. Where an approach is made to KTC, the following types of development schemes, which would normally be still at the pre-application stage, will be considered:

a. Proposed developments of 50 units or more of housing.

b. Proposed developments of 2,500 or more square metres of industrial, commercial, leisure or retail floor space.

c. Other proposed large-scale developments where early discussion of issues is considered beneficial.

d. Developments, which, whilst not falling within the above criteria, are deemed to be of special interest, for example, when employment land is sought for alternative usage, when substantial employment prospects (typically 50 or more posts) are suggested and if the application would fill a perceived need (such as educational and medical facilities), or of concern.

6. Consideration of Requests. When not debarred by current policy, the Chair of Planning and/or the Town Clerk will decide normally which schemes are suitable for the briefing/consultation process; the Mayor, Leaders and other Members then will be consulted where the nature of the proposal indicates such action to be required or where there is any question of compliance with Council policy.

7. Notification. Unless held in closed session, public notice will be issued advising of the briefing at least three clear working days prior to the event. Closed sessions will be notified to Members at least three clear working days prior to the event. No formal invitations to attend will be sent out routinely other than the foregoing.

8. Location and Start Time. The briefing/consultation meeting will normally be held in the Council Chamber. A start time of 7.00 pm is normally envisaged, but this will be adjusted depending on other meetings being held and when schemes come forward for consideration; **no public briefing will start before 6.00 pm**. Private briefing timings will be varied to suit the circumstances.

9. Attendance by Members. The briefing/consultation is intended to give Town Councillors early notice of a major development proposal so that they can be apprised of the scope of the scheme, raise issues, ask questions, and ascertain how planning policies and issues have been addressed by the developer in formulating their scheme. All KTC Councillors will therefore be notified although additional guidance will be issued as required.

10. Authority. The briefing/consultation process has no powers of decision.

11. Right to Speak. The right to speak at a public briefing/consultation covers KTC Members only. Exceptionally, the Chair may, subject to Standing Orders, invite other attendees to speak or ask questions where this will be of benefit to all parties present.

12. Operation of Briefing/Consultation Sessions. Unlike the WDC Development Review Forums, it is not envisaged that a District Planning officer will attend although, if time and circumstances permit, guidance may be obtained prior to the meeting regarding any specific policies and issues. Accordingly, except where linked to a Planning Committee meeting:

a. The briefing/consultation constitutes an informal meeting chaired by the Chair of the Planning Committee or designated representative.

b. In addition to the notification, an agenda/short briefing note or supporting papers may be issued if required by the circumstances; in the majority of cases it is expected that the bulk of the material will be furnished by the developer.

c. Normally, only one development proposal will be considered at a briefing/consultation meeting, with total length normally limited to 20 - 25 minutes unless exceptional factors apply. If the scope of the supporting papers so requires, additional time will normally be pre-agreed so an indication of the anticipated timescale can be advised as part of the calling notification. Where, exceptionally, two proposals are considered in one session there will be a break between each presentation to ensure that those involved are segregated.

d. The briefing/consultation will be directed at establishing an understanding of the developer's proposals and to establish how they address planning policies along with issues of local concern.

e. The standard modus operandi (with approximate timings for each element) will be as follows:

i. Introduction by Chair of Planning.

(a). **The Chair is to formally remind Members that they may only ask questions of fact relating to the proposals and the presentation, and no discussion by the Town Council of the proposals will take place at the briefing session.**

(b). Following the personal introductions, and *if required*, a short introductory brief will take place. If included, it would typically encompass a short summary of any relevant planning history of the site, outline details of planning policies and guidance relevant to the proposal, plus key physical characteristics of the site and its surroundings: 2 - 5 minutes.

ii. Presentation by the applicant/agent: 10 - 15 minutes (normally supplementing the pre-circulated briefing papers).

iii. Questions and views from KTC Members: 5 - 10 minutes.

iv. Chair concludes with final comments: up to 2 minutes.

The average session will therefore be expected to be of 20 minutes duration.

13. Consultations Post the Submission of a Planning Application (Including Outline Applications) Should the following situations arise, the principles and procedures outlined above are to be followed, varied as required to suit the circumstances:

a. Formal Consultation with KTC. On those occasions where an applicant is required by WDC or other authority to consult formally with this Council, as a condition of processing the prescribed application processes.

b. Post Application Briefings. Exceptionally, post application briefings may be considered if demanded by the situation.

In a Working Party Meeting of 6 December 2018 (P.711 refers), ratified by the Planning Committee on 18 December 2018, Members agreed the following protocol for meetings with developers:

- Any such Meeting should be held with the Planning Committee (not Kenilworth Town Council)
- At least one Officer should be present, to make any appropriate written public record.
- Any such Meeting should take place as part of the normal Planning Meeting cycle.
- No such Meeting will take place after any relevant live Planning Application has been submitted.
- Members will express no opinion. They will ask questions as appropriate.
- The Kenilworth Neighbourhood Plan will form the basis of any discussion, with developers invited to seek any clarification.

Other Requests for Briefings and Consultations

14. Where a briefing/consultation is offered on aspects outside of the planning area, or where the Council seeks a briefing/consultation or like gathering, the principles and procedures outlined in the paragraphs above are to be followed, varied as required to suit the specific circumstances.

15. The introduction by the Chair may be varied as required, notably where the briefing is by the County or District Councils, or made by a support/community group and of a nature that would not otherwise be formally presented to the Council or otherwise be considered as an agenda item. Otherwise, the formal reminder to Members that they may only ask questions of fact relating to the proposals and the presentation, and no discussion by the Town Council of the proposals will take place at the briefing session, is to be incorporated.

16. Usually such briefings will be of a nature such that they will go before the Town Council (including as a stand-alone item where required by constraints), although briefings specifically orientated at the Planning~~, or~~ Finance or~~and~~ General Services Committees may arise. Such gatherings will be chaired by the Mayor or Chair of the relevant Committee as appropriate, with the related procedures detailed in paragraphs 4 - 13 above, amended accordingly.

17. Exceptionally, where a specialist group or working party is undertaking a delegated task on behalf of either the Town Council or the Planning Committees, the briefing or presentation may be given to such a group or working party; normally, all Town Council Members will be invited to be in attendance if they so desire.

Record of Events and Post Briefing Action.

18. Where the briefing forms part of a public meeting, a note, or minute of record will be kept, normally including the briefing documents that were circulated and/or issued/supplemented at the venue. It will also be presented for approval if part of a formal Committee meeting for permanent record purposes and subsequent consultation. Material from other meetings, especially non-development orientated matters of an informal nature, will be retained subject to space and any constraints that apply, but will not be subject to long-term retention (over 6 months) unless so designated.

19. The extent and scope of the record made will vary upon the type of brief and whether

the matter was handled separately or as an agenda item. Any informal or private briefing will not normally be serviced by the Council staff and the record will vary according to the circumstances, but will typically include the briefing note/papers and a record by the Chair of the main points stated at the meeting and any course(s) of future action that were concurred (agreement to a further meeting for example). Some records may only be kept in electronic format, with hardcopies available upon request. All material will normally be available for public scrutiny unless caveated. See also paragraph 21 below.

20. Unless the subject of a formal motion subsequent to the briefing, no formal note will be sent to the presenter(s) after the meeting unless specifically requested and then normally only in a neutral tone.

Freedom of Information Act and Open and Accountable Local Government Procedures

21. Freedom of Information Act. Those seeking to give presentations should be reminded that the Freedom of Information Act will apply to the material unless one of the exemptions applies. *Material will normally be treated by the Authorizing officers as being open to the public.* If material is commercially or otherwise sensitive then it should be so endorsed and any validity period, condition or other caveat included. This Council does not hold material subject to any of the national security marking standards or caveats but is registered under the Data Protection Act.

22. Open and Accountable Local Government Procedures. Since 2014 the Open and Accountable Local Government rules have, with specified constraints, permitted the media to record meetings in most formats. Those seeking to give presentations should also be reminded of this situation, which are detailed in Part 4.

Exclusions.

23. This procedure cannot cater for every eventuality, but kindred matters will normally function using these standards and procedures as a guide.

24. This policy is not intended to cover major public briefings or consultation with electors under the Localism provisions, which will operate as agreed by the Council to suit the nature of the session, venue, subject matter and the relevant statutory provision.

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TOWN ASSEMBLY PROCEDURE ~~ASSEMBLY OF THE TOWN MEETING~~

Date of Approval – 22 October 2026~~18/06/2020~~

Date of Review – October 2029

MEMBERSHIP

1.0 The Town Assembly or Meeting of the Town Assembly is a meeting of Local Government Electors of the wards that comprise the Town. Non-electors attending the meeting may not speak unless invited to by the Chairman.

DATE AND TIME OF MEETING

2.0 **The Meeting shall be held annually between 1st March and 1st June, both inclusive.** In the case of Kenilworth Town Council, it shall normally be held on the second or third Thursday in May, on a day prior to the Annual Meeting. The Meeting shall normally be at 7.00 p.m. on a Thursday in the Council Chamber or alternative community venue as determined by the Clerk. If it is unavoidable that the date coincides with that of a Planning Committee Meeting, then the Town Assembly shall take place first.

NOTIFICATION OF MEETING

~~3.0~~ The Meeting is convened by the Clerk on behalf of the Mayor. ~~An initial Notice of Meeting is displayed on the Public Noticeboards and in the Press four clear weeks before the Meeting asking Electors to submit to the Clerk fourteen clear working days before the Meeting, any Motion they wish to propose. The Motions are then considered by the Mayor and Deputy Mayor who may, on the grounds of number, duplication or inappropriate content, eliminate motions at their discretion.~~

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3.0 Not less than seven~~Five~~ clear days before the Meeting a ~~further~~ N~~n~~otice is displayed on the Public Noticeboards and on the Kenilworth Town Council website, specifying the time and place of the intended meeting and the business to be transacted at the meeting~~in the Press listing Motions to be proposed and~~ This Notice will also state ~~asking~~ that any questions electors wish to raise should be

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in writing to be in the Clerk's hands before the start of the meeting. (In accordance with a resolution made on the 6th February 1992, Minute TC.88).

~~writing to be in the Clerk's hands before the start of the meeting. (In accordance with a resolution made on the 6th February 1992, Minute TC.88).~~

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4. Additional Meetings shall be held during the year if six electors or two Members request in writing, detailing the subject matter to be discussed. In this event, the Mayor shall convene a Town Meeting within 20 days of the receipt of such notice. Not less than 7 days' clear notice of the Meeting shall be given ~~in the Press and~~ on the Notice boards and website.~~.~~

AGENDA

5. The format of the Agenda shall be:

1. To receive Minutes of the previous Meeting
2. Matters arising from those Minutes
3. Report by the Town Mayor on the work and achievements of the previous year, 'comparing these achievements with what was planned and also setting out the Council's priorities for the next council year~~if they so wish~~
~~4. To receive the unaudited accounts for the year~~
~~5. Motions to be moved by members of the Electorate~~

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~~6.~~4. Questions (preference will be given to those made in writing in advance)
~~7.~~5. Additional matters if so required and accepted by the Mayor as a matter of urgency.

QUORUM

6. A quorum of the Town Assembly shall be ten persons (Local Government Electors).

CHAIRMANSHIP

7. The Chairman shall be as for a Town Council Meeting

CONDUCT OF ASSEMBLY

8. The conduct shall be as for a Town Council meeting, the Chair using their discretion where necessary.

POLL

9. A poll may be demanded not later than the end of the meeting on any question arising from it provided the request is made by at least ten electors or one third of the meeting, whichever is less, or if the Chairman consents. The Clerk must immediately inform the District Council if a poll is required to be held.